BOROUGH OF BUENA

COUNTY OF ATLANTIC

STATE OF NEW JERSEY

ORDINANCE NO. 781

AN ORDINANCE AMENDING PART II, CHAPTER 150, SECTION 150-104 OF THE CODE OF THE BOROUGH OF BUENA, ENTITLED "FENCES," TO REQUIRE A PRIVACY FENCE FOR COMMERCIAL PROPERTIES CONTIGUOUS TO RESIDENTIAL PROPERTIES.

WHEREAS, the Mayor and Council of the Borough of Buena find that commercial properties located adjacent to residential properties may create visual, noise, and activity impacts on nearby homes; and

WHEREAS, the Borough Code currently regulates fence height and placement but does not expressly require screening when commercial uses abut residential uses; and

WHEREAS, the Mayor and Council determine that a minimum privacy fence standard is a reasonable land use regulation to protect residential neighborhoods while allowing continued commercial use of property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Buena, County of Atlantic, State of New Jersey, as follows:

Section 1. Amendment
Section 150-104, subsection D, of the Code of the Borough of Buena is hereby amended by adding a new subsection **D(2)** to read as follows:

(2) Privacy Fence Requirement for Commercial Properties Adjacent to Residential Properties

a. Where a commercial property is contiguous to a residential property, the owner of the commercial property shall install and maintain a privacy fence along the length of the common property line.
b. The privacy fence shall be constructed of wood, vinyl, or other solid material designed to provide visual screening and shall have a minimum height of six (6) feet.
c. The fence shall be installed on the commercial property side of the common property line and shall comply with all applicable zoning, construction, and permit requirements of the Borough.
d. This requirement shall apply to new commercial construction, site plan approval, redevelopment approval, or any change of use requiring zoning or land use approval.
e. This requirement shall not apply retroactively to existing lawful commercial uses unless triggered by site plan approval, redevelopment, expansion, or a change in use requiring land use approval.
f. The Land Use Board may grant reasonable relief from this requirement where an existing buffer, building placement, or physical condition provides equivalent screening and protection to the adjoining residential property.

Section 2. Severability
If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect.

Section 3. Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date

This ordinance shall take effect upon final adoption and publication in accordance with law.

ATTEST:

MARYANN CORALUZZO
BOROUGH CLERK

DOUGLAS ADAMS
PRESIDENT OF COUNCIL

APPROVED on this 9th day of March 2026:

MARYANN CORALUZZO
BOROUGH CLERK

JOSEPH BARUFFI
MAYOR

FIRST READING: February 23, 2026
PUBLICATION: March 7, 2026
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