

**ORDINANCE 2023-17**

*Borough of Metuchen  
County of Middlesex  
State of New Jersey*

**ORDINANCE AMENDING SECTION 110-101 (CORNER LOTS), SECTION 110-112.2 (FENCES AND WALLS), 110-112.3 (DRIVEWAYS), 110-112.4 (PATIOS AND WALKWAYS), 110-112.6 (ACCESSORY STRUCTURES) AND 110-112.7 (DESIGN AND LANDSCAPE PROVISIONS) IN CHAPTER 110 (LAND DEVELOPMENT) CONCERNING CERTAIN SUPPLEMENTARY REGULATIONS PERTAINING TO SINGLE- AND TWO-FAMILY DWELLINGS**

**BE IT ORDAINED** by the Borough Council of the Borough of Metuchen as follows (additions are indicated by underlining; deletions are indicated by ~~striketroughs~~):

**SECTION 1.** Section 110-101 (Corner lots) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-101 Corner lots and through lots.

Whenever a lot shall be bounded by more than one street line, the following provisions shall apply:

- A. All provisions of this chapter with respect to setbacks and all other restrictions and regulations relating to street lines and front yards shall apply to each street line as a front yard.
- B. For the purposes of determining the rear yard on a corner lot, the interior lot line opposite the street line with the shortest frontage shall be considered to be the rear lot line, and any remaining interior lot lines shall be considered side lot lines for the purposes of determining side yards. Additionally, on corner lots and through lots, the reviewing agency or the Zoning Officer shall have the ability to determine which streets shall be treated as the primary and secondary streets for the purposes of applicable subsections in this chapter.
- C. No provision of this chapter shall permit the erection of any structure or other vision-obstructing object with a height greater than 2 1/2 feet, as measured from the elevation of the existing grade, including landscaping, within a triangular area formed by measuring 25 feet along each street line of the property from the point of intersecting lot lines at such corner and connecting such points to form a triangle.

**SECTION 2.** Section 110-112.2 (Fences and walls) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.2 Fences and walls.

Fences and walls shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Materials.

- (1) Fences shall be constructed of wood, vinyl, aluminum, metal, wrought iron and mesh netting, except chain-link and chicken wire.
- (2) Walls shall be constructed of stone or brick with a stone or cast stone cap. Corners and entrances shall be defined with articulated piers.
- (3) In no case shall a fence or wall be constructed of any material harmful to humans or animals, such as barbed wire, metal spikes, or electrified conductors.

B. Location.

- (1) Front yards.
  - (a) Fences shall be permitted to be located in front yards, provided that such fence shall not exceed a height of four feet above grade. Fences shall be constructed so that at least 50% thereof is nonsolid and open.
  - (b) Walls shall be permitted to be located in front yards, provided that such wall shall not exceed a height of two feet above grade.
- (2) Side and rear yards.
  - (a) Both solid and nonsolid fences shall be permitted to be located in side and rear yards, provided that such fence shall not exceed a height of six feet above grade and be no closer than 10 feet to any front lot line.
  - (b) For properties abutting an active or former rail right-of-way, both solid and nonsolid fences shall be permitted to be located in side and rear yards, provided that such fence shall not exceed a height of eight feet above grade and be no closer than 40 feet to any front lot line. Additionally, the portion of the fence above a height of six feet above grade shall be constructed so that at least 50% thereof is nonsolid and open.

- (c) Walls shall be permitted to be located in side and rear yards, provided that such wall shall not exceed a height of four feet above grade.
  - (3) Corner lots and through lots.
    - (a) For permitted fences not exceeding a height of six feet above grade and walls not exceeding a height of four feet above grade, such fence or wall shall be permitted to be located in the front yard along the secondary street, provided that such fence or wall shall be no closer than 10 feet to any front lot line.
    - (b) For permitted fences not exceeding a height of eight feet above grade, such fence shall be permitted to be located in the front yard along the secondary street, provided that such fence shall be no closer than 25 feet to any front lot line.
  - (4) Fenceposts, corners and piers may be articulated to a height not to exceed one additional foot above a permitted fence height. Piers may be articulated to a height not to exceed two additional feet above a permitted wall height, provided that such pier does not exceed 30 inches in width or depth. Pergolas, trellises or arbor entryways may be articulated to a height not to exceed 10 feet above grade, provided that such structure does not exceed 10 feet in width.
  - (5) In no case shall a permitted fence or wall be placed so as to constitute a traffic or safety hazard. No fence or wall shall be located in the public right-of-way. The fence or wall shall be located entirely within the property upon which it is located.
- C. Orientation. (No changes)
  - D. Drainage. (No changes)
  - E. Buffering and screening. (No changes)
  - F. Retaining walls. (No changes)
  - G. Clear sight triangles. Fences and walls shall comply with the provisions for clear sight triangles pursuant to §110-101.C at street intersections and §110-151.H at locations where driveways approach sidewalks and streets in the public right-of-way.

**SECTION 3.** Section 110-112.3 (Driveways) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.3 Driveways.

Driveways shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Lot access.

- (1) Every lot shall have a maximum of one driveway opening providing access to a street.
- (2) On lots a minimum of 100 feet in lot width, an additional driveway opening shall be permitted for the purpose of creating a connected or U-shaped driveway in the front yard. In no case shall the two driveway openings be located closer than 25 feet to each other.

B. Setbacks.

- (1) A driveway on a corner lot shall be set back a minimum of 40 feet from the intersecting lot lines at the corner.
- (2) A driveway shall be set back a minimum of three feet from a side or rear lot line, unless such driveway is a common or shared driveway for dwelling units on adjacent lots.
- (3) On lots 50 feet or less in lot width, a driveway shall be set back a minimum of one foot from a side or rear lot line, unless such driveway is a common or shared driveway for dwelling units on adjacent lots.

C. Width.

- (1) A driveway shall maintain a maximum width of 12 feet at the front lot line, after which the driveway may flare out to a maximum width of 20 feet in the front yard.
- (2) On lots a minimum of 62.5 feet in lot width, a driveway shall maintain a maximum width of 16 feet at the front lot line, after which the driveway may flare out to a maximum width of 20 feet in the front yard.
- (3) On lots a minimum of 75 feet in in lot width, a driveway shall maintain a maximum width of 20 feet at the front lot line, after which the driveway may flare out to a maximum width of 24 feet in the front yard.

- (4) On corner lots and through lots, where the driveway opening provides access from the secondary street and the driveway is 18 feet or less in length, a driveway shall maintain a maximum width of 20 feet at the front lot line.
- D. Coverage. The area of a driveway shall not exceed 30% impervious coverage of the front yard.
- E. Design specifications. A driveway shall comply with the provisions for construction specifications, grading, aprons, side slopes and clear sight triangles, pursuant to Article 35 of this chapter.

**SECTION 4.** Section 110-112.4 (Patios and walkways) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.4 Patios and walkways.

Patios and walkways shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

- A. Materials. Patios and walkways shall be constructed of slate, stone, brick or concrete.
- B. Location. No patio shall be located in the front yard. On corner lots and through lots, a patio shall be permitted to be located in the front yard along the secondary street, provided that such shall be no closer than 10 feet to any front lot line.
- C. Setbacks.
  - (1) A patio or walkway shall be set back a minimum of three feet from a side or rear lot line, exclusive of the private walkway providing access to the lot.
  - (2) On lots 50 feet or less in lot width, a patio or walkway shall be set back a minimum of one foot from a side or rear lot line, exclusive of the private walkway providing access to the lot.
  - (3) Raised patios greater than 30 inches above grade shall be set back a minimum of three feet from a side or rear lot line.
  - (4) Raised patios greater than 5 feet above grade shall be set back a minimum of five feet from a side or rear lot line.
- D. Drainage. Patios and walkways shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked

or dammed to create ponding, either on the property upon which such is located or on any adjacent lot or public right-of-way.

**SECTION 5.** Section 110-112.6 (Accessory structures) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.6 Accessory Structures.

Accessory structures, inclusive of air-conditioner (A/C) condenser units, generators, transformers and other mechanical equipment, shall be permitted in all districts and shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Location.

- (1) No accessory structure shall be located in a front yard. On corner lots and through lots, an accessory structure shall be permitted to be located in the front yard along the secondary street, provided that such shall be no closer than 15 feet to any front lot line.
- (2) Nonenclosed outdoor dining structures within the B-1 and D-1 Districts shall be permitted to be located in a front yard without a minimum setback requirement from the front lot line, provided that such structures do not exceed a height of 15 feet above grade.

B. Setbacks.

- (1) Accessory structures not exceeding 100 square feet in area and a height of 10 feet above grade shall be set back a minimum of three feet from a side or rear lot line.
- (2) Accessory structures exceeding 100 square feet in area and/or a height of 10 feet above grade shall be set back a minimum of five feet from a side or rear lot line.
- (3) On lots 50 feet or less in lot width, accessory structures, including detached garages, not exceeding 300 square feet in area and a height of 15 feet above grade shall be set back a minimum of three feet from a side or rear lot line.
- (4) On lots in the LI Light Industrial District, accessory structures shall be set back a minimum of 10 feet from a side or rear lot line.
- (5) Nonenclosed outdoor dining structures within the B-1 and D-1 Districts shall not have minimum setback requirements from side or rear lot lines, provided that such structures do not exceed a height of 15 feet above grade.

- C. Height. No accessory structure shall be greater than 1 1/2 stories or a height of 20 feet above grade.
- D. Screening. Ground-mounted mechanical equipment shall be properly screened from the street by planting of evergreen trees, shrubs or a berm and/or a permitted fence or wall to provide an opaque visual barrier, provided that such shall be 100% visually impervious at all times of the year.

**SECTION 6.** Section 110-112.7 (Design and landscape provisions) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.7 Design and landscape provisions.

- A. Orientation. (No changes)
- B. Facade width. The width of any façade facing a street shall not extend greater than 40 feet. Such facade may extend beyond 40 feet by stepping inward or outward with offsets of a minimum of eight feet. The width of any façade facing a street to achieve the required stepping shall extend no less than eight feet. For the purposes of this subsection, a covered porch at least four feet in depth, 10 feet in width and located not greater than four feet from the garage shall meet the intent of being a portion of the facade facing the street. These provisions shall apply to pre-existing dwellings that currently conform to these provisions and new dwellings only.
- C. Garage locations and design. A one- or two-car garage facing the street shall be recessed behind the nearest portion of the facade facing the street with an offset of a minimum of eight feet. Any three-car garage shall be located to face the side or rear of the property and not the street. Any garage facing the side or rear of the property shall be recessed behind the nearest portion of the façade facing the street with an offset of a minimum of four feet. For the purposes of this subsection, a covered porch at least four feet in depth, 10 feet in width and located not greater than four feet from the garage shall meet the intent of being a portion of the facade facing the street. The width of the portion of the façade facing the street containing the garage shall not exceed 40% of the overall façade facing the street or 30 feet, whichever is less. In no case shall the garage door(s) be closer to the street than the main entry door. These provisions shall apply to pre-existing dwellings that currently conform to these provisions and new dwellings only.
- D. Repetition of building design. (No changes)
- E. Existing vegetation. (No changes)
- F. Foundation plantings. (No changes)

- G. Front yard tree plantings. (No changes)
- H. Street trees. (No changes)
- I. Public sidewalks and private walkways. (No changes).

**SECTION 7.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 8.** If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

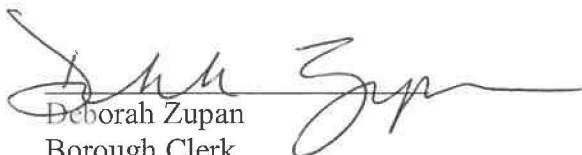
**SECTION 9.** This ordinance shall ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Introduction: June 12, 2023

Date of Publication: June 16, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH				X	RASMUSSEN	X			
MOTION	DELIA				SECOND	RASMUSSEN			
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 12, 2023.

  
Deborah Zupan  
Borough Clerk

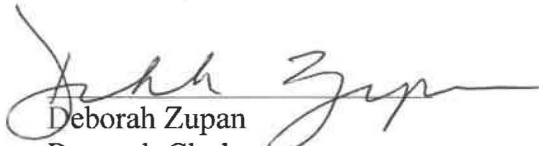




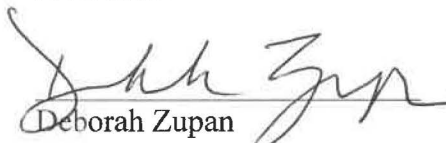
Adopted: June 26, 2023  
Date of Publication: June 30, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	<b>X</b>				HYMAN	<b>X</b>			
DELIA	<b>X</b>				KANDEL				<b>X</b>
HIRSCH	<b>X</b>				RASMUSSEN	<b>X</b>			
MOTION	<b>DELIA</b>				SECOND	<b>RASMUSSEN</b>			

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 26, 2023.

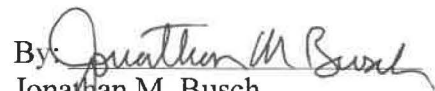
  
Deborah Zupan  
Borough Clerk

ATTEST:

  
Deborah Zupan  
Borough Clerk



BOROUGH OF METUCHEN

By:   
Jonathan M. Busch  
Mayor