

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2012-2**

**AN ORDINANCE CONCERNING ZONING REGULATIONS  
GOVERNING FENCES ON CORNER LOTS IN THE R-80 AND  
R-100 ZONING DISTRICTS, AND AMENDING CHAPTER 215  
OF THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, the Planning Board of the Borough of Pennington has recommended an amendment of zoning regulations pertaining to fences on corner lots in the R-80 and R-100 zoning districts;

**WHEREAS**, the purpose of the amendment is to permit fencing on corner lots that would provide greater privacy in the rear yard;

**WHEREAS**, for purposes of zoning regulation, corner lots are regarded as having two front yards, in the sense that both sides of the property fronting on a street are subject to requirements for front yards;

**WHEREAS**, zoning regulations governing fences, found in Section 215-24 of the Borough Code, prohibit fences in a front yard exceeding three feet (3') in height;

**WHEREAS**, the proposed amendment, subject to conditions, permits a fence of up to five feet (5') in height for that portion of the corner lot in which the street line is parallel to the rear yard;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, as follows:

1. Subsection C of Section 215-24 of Chapter 215 of the Code of the Borough of Pennington is hereby amended, as follows (with additions underlined and deletions [bracketed]):

“C. Any fence, wall or retaining wall located within the front yard or within the minimum required front yard, whichever is greater, shall not be erected, altered or reconstructed to a height in excess of three feet above ground level except as provided in Subsection F with respect to corner lots in the R-80 and R-100 zoning districts. A fence or wall located elsewhere shall not be erected, altered or reconstructed to a height in excess of six feet above ground level or in violation of Chapter 185, Swimming Pools. A retaining wall which is located in other than the front yard or minimum required front yard and exceeds three feet in height shall be subject to Subsection D.

(1) The height of a fence or wall shall be determined from the lower grade at the ground level on each side of the fence or wall, as measured within six inches of the fence or wall.

(2) An additional four inches of clearance from grade is permitted under a fence or wall to allow for adequate drainage and to prevent rot.

(3) Posts for a fence or pillars for a wall may protrude an additional three inches above the maximum permitted height.”

2. Section 215-24 is further amended by the addition of a NEW Subsection F, which shall read as follows:

“F. In the R-80 and R-100 zone districts, a fence or wall of up to but not exceeding five feet (5') in height shall be permitted for single-family detached dwellings on corner lots within that portion of the front yard of the corner lot abutting the rear yard, subject to the following conditions:

(1) The fence or wall as permitted in this subsection shall be parallel to the street line and set back from the street line no less than one-half the front-yard setback distance required for a single-family dwelling in the zone district, except in the R-80 zone district, the fence or wall shall be set back no less than one-half the front yard setback distance required for a single-family dwelling in that zone district or one-half the distance between the dwelling and the street line, whichever is less.

(2) The permitted fence or wall shall not extend along any portion of the front yard between the dwelling and the street exclusive of any rear porch.

(3) The permitted fence or wall shall have a finished side facing the street line.

(4) The side of the permitted fence or wall facing the street line shall have shrubs planted in front of it spaced no more than 6 feet apart.”

3. This ordinance shall be effective upon passage and publication as required by law.

Introduced: February 6, 2012

Advertised: February 9, 2012

Public Hearing March 5, 2012

Adoption: March 5, 2012

Published: March 15, 2012

ATTEST:

APPROVED:

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Elizabeth Sterling, Borough Clerk

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Anthony Persichilli, Mayor