

FENCES AND WALLS

Excerpted from the *2001 Lower Nazareth Township Zoning Ordinance, Article XV, ADDITIONAL REQUIREMENTS FOR SPECIFIC USES, Section 1503.F.5, Additional Requirements for Accessory Uses, Fences and Walls*

5. Fences and Walls.

- a. Unless otherwise stated, these uses shall be allowed in all Districts.
- b. Sight Distance. No fence or wall shall obstruct the sight distance requirements of Section 1404.C., nor obstruct safe sight distance within an alley.
- c. Fences
 - (1) Any fence located in the front yard of a use in the residential districts shall have a minimum ratio of 3:1 of open to structural areas, shall not exceed 5 feet in height and shall be constructed entirely of wood (and any required fasteners).
 - (2) Fences shall not be required to comply with the rear and side yard setbacks for accessory structures, unless the fence would abut a public street.
 - (3) A fence located in a residential district in a location other than a front yard shall have a maximum height of 6 feet. This restriction shall not apply to a fence of up to 10 feet which may be used to enclose a tennis or racquet sport court provided that such fence is not within a required setback area for an accessory structure.
 - (4) A fence shall not be required to comply with accessory structure setbacks, except that no fence shall be built within 10 feet of the future right-of-way line of a street and a fence in a residential district shall be setback from the property line the following distances:
 - i. Single Family Dwelling – 1.5 feet
 - ii. Townhouses, common side lot line – no setback
Townhouses, other side yard – 1.5 feet
 - iii. Semi-detached dwellings, common side lot line – no setback
Semi-detached dwellings, other side yard – 1.5 feet
 - (5) No fence shall be located within the paved area setback required under Section 1703.
 - (6) Any fence that has one side that is smoother and/or more finished than a second side shall place that smoother and/or more finished side so that it faces away from the area that is enclosed.

- (7) No fence shall be located in an access, drainage or utility easement unless approved by the Board of Supervisors. The permittee must agree to be responsible for all legal costs incurred by the creation and approval of an Easement Agreement with the Township and recorded in the Office for the Recording of Deeds in and for Northampton County, if approved.
 - (8) No part of this Ordinance shall prohibit a developer from establishing Deed restrictions or homeowner association regulations that further restrict the height, location and material of fences in addition to those set forth herein.
- d. Walls -
- (1) Engineering retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section and are permitted by right as needed in all Districts.
 - (2) No wall shall be located in the required front yard in a residential district, except as a backing for a permitted sign at an entrance to a development and except for a decorative wall with a maximum height of 3 feet.
 - (3) A wall in a residential district shall have a maximum height of 1 foot for every 2 feet if it is setback from a lot line, up to a maximum height of 6 feet.
 - (4) Walls that are attached to a building shall be regulated as a part of that building, and the regulations of this Section shall not apply.
- e. Gates. All fences, walls or continuous hedges more than 4 feet in height shall be equipped with gates or other suitable passageways at intervals of not more than 250 feet.

Article II, DEFINITIONS

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal or aluminum and/or plastic inserts. Man-made barriers constructed principally of brick, concrete, cinder block or similar materials shall be considered "walls." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. The terms "fence" and "wall" do not include barriers of trees or shrubs. Fences shall not contain materials such as barbed wire or have potentially dangerous features such as spikes.

Wall. See "Fence".