

FENCES AND WALLS

Excerpted from the 2023 Lower Nazareth Township Zoning Ordinance, Article 6, Supplemental Regulations, Section 605.3, Fences and Walls

3. 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 604.2., 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 five (5) feet in height and shall be constructed entirely of wood, PVC, or aluminum (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 on a residential lot shall have a maximum height of six (6) feet. Any other fence in a residential district shall not exceed ten (10) feet.
 - (4) A fence shall not be required to comply with accessory structure setbacks, except that no fence shall be built within ten (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:
 - (a) Single-Family Detached Dwelling – minimum 1.5 feet
 - (b) Townhouse Dwellings
 - 1) along the common side lot line: no minimum setback
 - 2) any side yard not adjacent to a common side lot line: minimum 1.5 feet
 - (c) Semi-detached dwellings, common side lot line - no setback Semi-detached dwellings, other side yard – minimum 1.5 feet
 - (5) No fence shall be located within the paved area setback required under Section 1003.
 - (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 three (3) feet.
- (3) A wall in a residential district shall have a maximum height of one (1) foot for every two (2) feet if it is setback from a lot line, up to a maximum height of six (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 four (4) feet in height shall be equipped with gates or other suitable passageways at intervals of not more than 250 feet.

Excerpted from the 2023 Lower Nazareth Township Zoning Ordinance, Article 12, Definitions, Section 1202, Terms Defined.

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.”