

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, July 17, 2024 – 7:00 pm

Stokes Assembly Hall – Township Administration Building
1039 Wilmington Pike, West Chester, PA

For general inquiries or questions about any of the items on this agenda, please contact the Township office either by phone (610) 692-1930 or via e-mail at administration@westtown.org.

Call to Order and Pledge of Allegiance

Adoption of Agenda

Approval of Minutes

Planning Commission Meeting June 19, 2024

Announcements

Public Comment – Non-Agenda Items

New Business

Old Business

1. Ordinance Amendments – Fences

In 2023, the Township staff conducted an evaluation of the existing fence regulations and requested the Commission's feedback on potential changes, including their applicability, regulated setbacks, maximum height, use of barbed wire and/or other anti-trespassing materials.

2. Official Map – Continued Discussion

The Planning Commission will continue its discussion on considerations for the development of an Official Map and its potential features.

Public Comment

Reports

1. Board of Supervisors Meeting July 15, 2024 – Tom Sennett/Jim Lees

Adjournment

Next PC Meeting:

- **August 7, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday August 5, 2024, 7:30 PM** – Joe Frisco/Kevin Flynn

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, June 19, 2024 – 7:00 PM

Present

Commissioners Jack Embick (JE), Jim Lees (JL), Brian Knaub (BK), Kevin Flynn (KF) and Joseph Frisco (JF). Russ Hatton (RH) and Tom Sennett (TS) were absent. Also present was Township Manager and Director of Planning & Zoning Mila Carter.

Call to Order and Pledge of Allegiance

Mr. Embick called the meeting to order at 7:01 PM.

Adoption of Agenda (BK/JF) 5-0

Mr. Knaub made a motion to adopt the agenda. Mr. Frisco seconded. All were in favor of the motion.

Approval of Minutes (BK/JL) 4-0-1

Mr. Knaub made a motion to adopt the meeting minutes from June 5, 2024. Mr. Lees seconded. With modification on page two, wording from relative to relevant. Mr. Flynn abstained. All were in favor of the motion.

Announcements

1. Ms. Carter announced a sketch plan for the funeral home at 1115 Wilmington Pike with an access to 12 E Pleasant Grove Road was presented to the Board on Monday, June 17 at the workshop. She recapped that the applicant seeks to acquire an easement from the Township to access the site from E Pleasant Grove Road. She expected the applicant to present to the Commission at some point in the future.
2. Ms. Carter announced that the Conditional Use Hearing for the proposed Visual Arts Center at 1632 West Chester Pike scheduled for June 24 has been cancelled and the applicant withdrew the application.

Public Comment – Non Agenda Items

1. Mr. Raman Patel, 811 E. Sage Road, asked the Commission to consider amendments to current fence requirements. Mr. Patel referred to a memo dated September 27, 2023 prepared by Ms. Carter summarizing her research into fence provisions. Mr. Patel pointed out that a Commission's list of potential amendments included fences as a top priority. He highlighted that the Commission's mission is to promote public health, safety, and general well-being of the community and accommodation of the constantly changing needs and demands. Mr. Patel argued that deer population was less prevalent in Westtown when fence ordinance was developed in 2003, and he thought that the Zoning Hearing Board's (ZHB) decision is a strict interpretation of the 2003 fence ordinance. Mr. Patel felt that since then deer population has significantly increased causing a health hazard and property damage in the community. He asked to consider reviewing Ms. Carter's memo again and to not let that effort to be wasted. Mr. Patel also asked to consider the feedback he provided from the neighborhood during the Zoning Hearing Board process, which he felt was overwhelmingly supportive of an 8-foot deer fence. He recapped Centers for Disease Control and Prevention (CDC) guidance recommending at least 8 feet high fence to mitigate property damage, reduce risk of Lyme disease and to be consistent with the spirit of the Commission's mission. Mr. Patel concluded by asking to support his proposal by making ordinance amendments that will allow him to maintain the existing 8-foot fence with a 6 inch setback from property lines, removal of barbed wire and painting of white posts to black and to support his health and

property.

Mr. Embick summarized the facts and timeline of Mr. Patel's ZHB application and request for ordinance amendments and asked the Commission's feedback on the proposal. Mr. Lees asked to confirm the height of current fence and whether it was successful at keeping deer out of his yard. Mr. Patel stated that the current 8-foot fence has a barbed wire on top and since it was installed there is no problem with deer in his yard. Mr. Patel expressed willingness to remove the barbed wire. Mr. Flynn suggested to discuss amendments to the fence ordinance at the next meeting. Mr. Embick thought it was a good idea.

New Business

1. Rescinding Ordinance Provisions – Visual Arts Center

Mr. Embick recapped that an ordinance amending Chapter 170, Zoning, Article VIII, R-3 Residence-Office District regulations and Article XVII, Off-street parking and loading regarding a Visual Arts Center use and shared parking has been adopted by the Township in 2013. He referred to the proposed language amending these regulations aimed to repeal those provisions. Mr. Flynn asked that once repealed and if there is a proposal for a visual arts center, where it will be permitted in the Township. Mr. Embick responded that the M-U Multi-Use zoning district will be the only option.

Mr. Flynn made a motion to recommend to the Board of Supervisors amending Chapter 170, Zoning, Article VIII, R-3 Residence-Office District regulations and Article XVII, Off-street parking and loading regarding a Visual Arts Center use and shared parking as drafted. Mr. Flynn made a comment that he did not agree with having provisions for the visual arts center since it provided no benefit to the Township. Mr. Lees seconded. There was no public comment. All were in favor of the motion. KF/JL (5-0)

Old Business

1. Official Map – Continued Discussion

Mr. Embick recapped that the Commission continues its discussion on considerations for the development of an Official Map and its potential features. He recapped that adoption of an official map is optional, however doing so will provide protections for specific areas and give a notice to the public and potential developers about the Township's future plans for public improvements. Mr. Embick expressed interest in establishing a pathway and/or trail and bike lanes that would connect Oakbourne Park with Crebilly Farm. Mr. Flynn thought that crossing Route 202 was a huge obstacle from financial and safety standpoints.

Mr. Frisco provided several ideas. He was supportive of creating a safe pedestrian connection between the eastern portions of Oakbourne Park with the western portion (Cope Tract). Mr. Frisco also suggested to look into the pathway available off Dogwood Lane that connects to Oakbourne, which he felt was unusable and overgrown. He asked whether it was owned by the Township. He also suggested to consider evaluating any feasible option for connecting a pathway along the eastern most portion of Cope Tract towards Goose Creek at Street Road. Ms. Carter referred to the map of trails and stated that the Goose Creek connection might be challenging due to a number of private properties but noted that there is Township owned lands as well as the West Chester Area School District (WCASD). Mr. Frisco advocated for connection between eastern and western portion of the park as the main focus.

Mr. Embick noted that such connection was proposed in the Master Park Plan for Oakbourne. He was supportive of Mr. Frisco's idea of Goose Creek connection along the railroad line. There was a discussion on whether or not conceptually such connection will be possible. Mr. Embick wondered whether there is a possibility of connection between Oakbourne Park and Rustin High School. Mr. Flynn provided that school kids walk from the school to Goose Creek

Park. Mr. Embick asked Ms. Carter to do further research on the possibilities of easements to connect the Cope Tract with the other Township-owned open space towards Westbourne Road. Ms. Carter asked if there was interest besides the trails for additional open space.

Mr. Embick asked whether Stratton Farm shall be considered for an official map and whether there is any communication with the property owners.

Public Comment

There was none.

Reports

1. Mr. Embick made the BOS report from the June 17, 2024 meeting.

Adjournment (KF/JL) 5-0

The meeting was adjourned at 8:22 PM.

Next PC Meeting:

- **July 3 2024, 7:00 PM - CANCELLED**

PC Representative at next Board of Supervisors Meeting:

- **Monday July 15, 2024, 7:30 PM** – Kevin Flynn/Brian Knaub

Respectfully submitted,
Mila Carter
Planning Commission Secretary

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§170-201 **Definitions**

FENCE

Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, or masonry, singly or in combination with other materials, 2 1/2 feet high or higher, erected to secure or divide one property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined, or to enclose all or part of the property; a freestanding masonry wall is considered a fence.

§ 170-1505 **Fences and walls.**

[Amended 3-3-2003 by Ord. No. 2003-2; 2-6-2012 by Ord. No. 2012-1]

- A. A permit is not required for a fence in the Township District.
- B. A permit is required for the installation of all other fences exceeding 40 feet in length and within the front, rear or side setback areas, except fences enclosing agricultural uses, or those constructed in conjunction with a permit for the installation of a swimming pool. A plot plan locating the proposed fence shall be submitted with the permit application. The plot plan may be an informal sketch plan, not necessarily to exact scale, showing the property boundaries and accurately locating the proposed fence. The property owner or contractor shall notify the PA One Call System before beginning construction of the fence.
- C. In a residential district or a residential or agricultural lot in another zoning district:
 - (1) A fence located within the required front building setback area of any yard shall have a maximum height of five feet and shall have a ratio of open to structural areas of at least 1:1 (such as a split-rail or picket fence).
 - (2) A wall within the required front building setback area shall not exceed a height of three feet.
 - (3) A fence or wall located within a minimum principal building setback area, other than the minimum front building setback, shall have a maximum height of six feet (decorative post tops may extend above six feet).
 - (4) If one side of a fence is smoother or more finished than the other side of the fence, the smoother or more finished side shall face onto any abutting lot or public road.
 - (5) A fence higher than six feet is permitted to enclose a recreation facility such as a tennis court if the fence is integral to the recreational use and complies with the required building setbacks applicable to the zoning district.
- D. On any nonresidential lot, a fence or wall shall not exceed a height of five feet within the minimum front building setback area and eight feet in any other minimum principal building setback area.
- E. Where landscaping is required as a buffer around a use, all fencing shall be located on the inside of the landscaping, except for fencing that is mostly open (such as split-rail or picket fencing) and is constructed of wood or materials with a similar appearance.
- F. This section shall not restrict retaining walls that are necessary to hold back slopes, nor walls of a building that are permitted by this chapter.

- G. No fence or wall shall be constructed on a property within the existing or future right-of-way of a street, nor in any location that would obstruct a permanent easement.
- H. Fences and their support materials shall be placed entirely within the boundaries of the property being fenced. If the fence is to be located on or near the property line and the property owner cannot demonstrate that the property line location is known and identified in the field, as well as on the permit plan, the Township may require a survey of the property.
- I. The repair or replacement of any fence that currently exists as of the date of the adoption of this chapter shall not require a permit.
- J. Regulations for fencing associated with wireless communications facilities are set forth in Article **XXV**, Wireless Communications Facilities, and those provisions are the applicable standards to apply to such fencing. **[Added 6-15-2015 by Ord. No. 2015-6; amended 4-4-2022 by Ord. No. 2022-04]**
- K. Regulations applicable to fencing associated with surface land uses affiliated with transmission pipelines are set forth in § **170-1612A(3)(b)**. **[Added 7-17-2017 by Ord. No. 2017-2]**

LOCAL FENCE REGULATIONS – SUMMARY¹

Municipality	Summarized details	Barbed wire	Deer Fence	Reference
Atglen	2 ft. from property lines Front yard < 3.5 ft. Side and rear yards <6 ft. Calls for appropriate materials; Chain link and stockdale is prohibited. Plastic and vinyl is discouraged; fencing for kennels (150 ft. from any lot line)	No	No	https://atglen.org/images/pdf/zoningordmap51314.pdf
Avondale	18 in. from front lot line Side and rear yard is 3 in. Front yard < 4 ft. Side and rear yard < 6 ft. No differentiation between type of fencing	No	No	https://ecode360.com/37862161
Birmingham	No fence over 5 ft. Front yard < 5 ft.; 4 to 1 open ratio. Side and rear yards < 5ft.; solid Provisions to address existing nonconforming fences.	No	No	https://ecode360.com/9026274
Caln	Front yard < 5ft. and 1 to 1 open ratio Side and rear yard < 6 ft. No razor, barb wire or glass shards; Barb wire only for security in nonresidential; Specific materials for fencing; Fence exemptions	Yes	No	https://ecode360.com/9321342
East Brandywine	Required yard area < 6ft. H except portion above that to be 4 to 1 open ratio	No	No	https://ecode360.com/11883153
East Goshen	Required front yard < 4 ft.; 1 to 1 ratio. Side and rear yards < 6 ft. res. and < 8ft. com; court fences < 10 ft.; solid. Chicken coop definition and regulations	No	No	https://ecode360.com/7255049
East Whiteland	No fence within 10 ft. of front lot line Max. height 6 ft. (except Ind. District), except front yard < 4 ft. H and 50% open to view Provisions for anti-trespass materials	Yes (only in Ind. D)	No	https://ecode360.com/6758637

¹ Zoning regulations for all 73 municipalities in Chester County (and 2 neighboring Westtown in Del. Co.) have been reviewed for any requirements pertaining to deer fencing, fencing with barb wire and/or addressing garden enclosures. Due to repetitions among regulatory provisions, only municipalities with variety in requirements are included in the table.

Easttown	Side or rear setbacks < 6 ft. H Front yard setback < 4 ft. or < 5ft. with 1 ft. top 50% open Regulations for gate width within front yard setback	No	No	https://ecode360.com/15296646
Elverson	Front yard < 4 ft. and 1 to 1 open ratio Side and rear yards < 6 ft. (res.) and < 8 ft. (nonres.) Use of razor and barbed for security; Req. for property survey ; Req. to remove the dangerous fence as determined by the ZO.	No	No	https://ecode360.com/34089913
Pennsbury	Use of metal or chain link fence is prohibited.	No	No	https://ecode360.com/40607820
Pocopson	Deer Fence regulations: specific material, < 10 ft. high, not encircle entire property, setback as for accessory structures (height based). Deer and plan protection fence regulations in R and Ag zoning districts; No chain link or barb wire.	Yes	Yes	https://ecode360.com/6539627
Sadsbury	Based on specific use of the property Front yard < 4 ft. and 1 to 1 open ratio Side and rear yards < 6 ft. Min. 2 ft. setback for less 1 acre lots Chain link fence of 10 ft. with barbed wire for stone quarries.	Yes	No	https://sadsburytwp.org/wp-content/uploads/2022/09/Sadsbury-Township-Zoning-Ordinance-combined.pdf
Thornbury	No fence >3 ft. within the sight triangle for corner lots. Gates open to owner's property Front, side and rear yards in R districts < 6ft. Specific materials noted Setback of 6 inches from adjacent property Provisions for temporary fences ; prohibited barbed wire and electrical above ground fences; provisions for preexisting fences.	Yes	No	https://ecode360.com/9333372
Tredyffrin	Required yard areas < 4ft. Required side and rear yards < 6ft. and solid Security fence within specified zoning district Definition of security fence with barbed wire	Yes	No	https://ecode360.com/7117345
Upper Uwchlan	Required yard < 6 ft. H Portion above 6 ft. H 4 to 1 open ratio Front yard < 6 ft. H Side and rear yards < 8 ft.	No	No	https://ecode360.com/8343839

Uwchlan	Required front yard < 36 in. H Required front yard ornamental fences > 36 in. and not more than 6 ft. H and 75% open ratio Privacy fence 5 ft. H for garden lot structures.	No	No	https://ecode360.com/9403338
Valley	Specific materials; no barb wire in R district; cyclone or chain link is permitted w/conditions	Yes	No	https://ecode360.com/34335668
West Goshen	Required front yard < 4 ft.; 1 to 1 ratio. Required side and rear yards < 6 ft. R and < 10 ft. all others; solid. All fences require permits.	No	No	https://ecode360.com/10797371
West Whiteland	No fence over 12 ft. Required yards < 6 ft. unless 50% of the vertical plane of the fence exceeding 6 ft. is not opaque.	No	No	https://ecode360.com/11703068
Willistown	No fence over 6 ft. in height 50% or more open fence at 90 degree viewing angle along or within the limits of the property lines of the lot.	No	No	https://ecode360.com/11715723
Thornbury, Delaware Co.	No fence over 6 ft.	No	No	https://ecode360.com/30949784
Edgemont, Delaware Co.	If over 6 ft., that portion to be 4 to 1 open ratio. Sports courts and control deer up to 12 ft. No fence over 8 ft. Provisions to control deer fence	No	Yes	https://ecode360.com/34066392

Montgomery County, MD

- Zoning Ordinance Amendment (2003)
 - Definition of Deer Fence: A fence that is up to 8 feet high and constructed of an open mesh ranging in size from 1.5" x 1.5" to 2" x 2.75" made of heavy weight, plastic, or similar material (not chain link) that allows a clear view through the fence and may be constructed with wood, metal, or fiberglass posts.
 - Permitted in any side or back yard as long as there are no community or Homeowner Association restrictions or covenants. On corner lots in residential zones, the side yard fence may not extend farther forward than the front of the house. In addition, an 8-foot fence of any material may be used on lands zoned for agriculture.

Memo

To: Westtown Township Planning Commission
From: Liudmila Carter, Director of Planning & Zoning
Date: September 27, 2023
Re: Proposed ordinance amendments re: fences

Over the course of this year, several concerns have been raised about the current fence regulations, which resulted in the Planning Commission's request to reevaluate them to determine whether any changes shall be considered. The raised concerns include:

- 1) Currently, a permit is required for the installation of all fences, except in the Township District, exceeding the 40 feet in length and within the front, side or rear side setback areas. The proposed fences shall comply with placement, type, height related and other requirements as stated in the ordinance. However, the current language does not address fence installation where one desires to place it outside of the required building setback area of any yard. The Township staff has seen attempts to install an 8-foot high fence to enclose a patio area at the rear of the house and a 10-foot high fence to enclose the immediate area of the house for privacy purposes.
- 2) Existing fence regulations do not address the use of barb wire for fencing purposes. The Township staff is only aware of one property that has it installed.
- 3) The maximum permitted height for a fence in a residential district or a residential or agricultural lot in another zoning district, except for enclosing recreational facilities, is 6 feet. The maximum permitted height for a fence located on any nonresidential lot is 8 feet. It has been brought to attention that allowable height is not sufficient to address concerns of deer browsing and its impacts in residential yards, specifically to plants and vegetable gardens.

It is important to note that the Township is in receipt of permit applications for garden enclosures from the residents who are trying to protect their crops from deer. One of the proposed garden enclosures is 20 feet by 20 feet and 12 feet high, consisting of wooden frame with metal netting on the sides and the top, which shall comply with accessory structure regulations.

The Township staff conducted research on the history of fencing in the United States, reviewed the Pennsylvania Fence Law and existing regulations pertaining to fences across local municipalities, and provided summary of items to be discussed with the Planning Commission whether any amendments might be needed. The discussion items are grouped by the subject matter below.

Fence Purposes

- Residential: demarcation of property boundaries, privacy, safety (e.g., swimming pools), enclosure for various purposes (dogs, beekeeping), screening and aesthetics.
- Commercial: property security and anti-trespassing measures (renewable energy systems, wireless communication facilities, stormwater management facilities), public safety (quarry, mining areas and landfills), screening of junkyards, privacy for outdoor sitting areas and adjacent residential areas, safety for kennel, animal shelter and veterinary office.
- Recreational purposes: demarcation of dog parks and outdoor playing areas, recreational areas, such as basketball, tennis courts, and etc.

- Agricultural: grazing or pasture areas and/or keeping of domestic animals, protection of livestock from wildlife.
- Fence use as a deer management tool: According to the information provided by the Pennsylvania Game Commission, deer exclosures has been effectively used in forest habitat management to establish, protect, or increase regeneration of forest and to promote plant species diversity. The issue of deer management on private property has become more apparent in recent years. The results of [the Annual Deer Population Report \(2022-2023\)](#) demonstrate that geographic areas where more than 25% of residents say that deer population is too high has increased between 2011 and 2019. Several municipalities in Chester County has taken proactive steps in an attempt to manage deer population on a local level, including establishment of deer management committees, development of deer management programs, implementation of bow hunting in designated Township owned open spaces, and deer harvesting referral programs. However, zoning regulations supportive of deer management on private property, are not prevalent in Chester County. In order to be effective in keeping deer away, it is recommended for a fence to be at least 8 feet high, which is higher than the average allowable height on residential properties across the County.

Fence Placement

- Placement of fencing is generally regulated within required yards or specific setback areas. Consideration shall be given whether there is a need for regulating all fences on private property.
- Current regulations do not specify distance required from fence to property lines. The Township has been requesting applicants to install fence no closer than 6 inches from all property lines. The PC's feedback is needed whether a specific setback shall be set. The trend across the County for such setback is from 3 inches to 2 feet.
- Additionally, fences are permitted to be located on the property line as long as there is a written agreement between the adjacent property owners.

Fence Height

- Majority of local municipalities permit fences between 3 to 4 feet high within the front yard or setback areas. For side and rear yards and/or setback areas, fences no more than 6 feet in height are permitted within residential areas. For recreational facilities, solid fence of 10 feet is widely permitted.
- Consideration shall be given whether any changes to fence height requirements shall be made.

Types of Fence

Prohibited Fences

- Westtown does not have provisions addressing the use of barbed wire, electrified fence and/or fence made from other anti-trespass materials, for example, razor ribbon and glass shards. Several municipalities prohibit the use of chain link or stockdale fencing, while discouraging the use of plastic and vinyl materials, or permit their use in certain circumstances.
- Zoning regulations can either prohibit certain type of material in fencing or allowing it in specific zoning districts or as per the Zoning Officer approval in appropriate circumstances, for example, for security or keeping of domestic animals purposes.

Temporary Fences

- Several municipalities adopted provisions pertaining to temporary fences (such as snow fences, expandable or collapsible fences), which are permitted only by special permission of the Zoning Officer during a construction project or the snow season.

- Westtown requires construction fencing to be installed around the stormwater management system and septic drain fields to protect these areas during construction activities. No permit is needed.

Deer Fence

- The use of fence for deer management on private property is limited. One municipality in Chester County adopted the language that *“fences surrounding sports courts or those used to control deer may be 12 feet high”*, but does not provide any specifics.
- One of the definitions used for deer and plant protection fence is *“any fence constructed for the purpose of controlling the movement of deer or the protection of plants”*. Such fence is permitted in the residential and agricultural districts as long as it meets the following requirements:
 - a) Deer and plant protection fencing shall be constructed of a monofilament material that is dark green, black, or brown in color or of a similar material with low visibility.
 - b) Low-visibility polypropylene fencing used to control deer may include metal hexagrid fencing products used for segments of perimeter or boundary control.
 - c) Fence posts shall be dark green, black, or brown in color or of a material that will provide minimal visual impact.
 - d) Deer and plant protection fencing shall not exceed a height of 10 feet.
 - e) Deer fencing shall not encircle an entire property perimeter. Deer fencing shall be set back from any property line by the distance required for accessory buildings.
 - f) Deer fencing shall be set back at least 20 feet from existing Township trails. Deer fencing shall not cross or close off existing Township trails.



Raman S Patel
811 E Sage Road
West Chester, PA 19382

October 11, 2023

TO: Liudmila Carter, Director of Planning & Zoning
Westtown Township
1039 Wilmington Pike, West Chester, PA 19382

Re: Proposed ordinance amendments - re: fences

It was a pleasure to attend the Planning Commission Meeting on October 4, 2023. One of the item on Agenda was the proposed ordinance amendments to fencing. As per the suggestion of the PC, I am providing my thoughts to clarity needed to existing fencing ordinance.

My input is based on safety and health of Westtown residents, as well as providing the simplicity of the language. I am using your September 27, 2023 letter to the PC as a baseline, and propose the changes in the original ordinance format as follows:

Note: Color blue is my suggestions. Items marked in red are questionable.

I will be glad to discuss this matter in-person with your office.

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§ 170-1505. Fences and walls

Fence or walls is a barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

[Amended 3-3-2003 by Ord. No. 2003-2; 2-6-2012 by Ord. No. 2012-1:
Amended 00-00-0000 by ord. No. 0000-00]


Need to make sure that this new Amendment is not in conflict with prior Amendments going back to year 2003. As the time passes by, additional amendment(s) may occur in the future. In order to avoid all future confusions as to what were the prior amendments, I suggest following language. > > >

This Amendment dated 00-00-0000 by order no. 0000-00, supersedes all prior Amendments.

- A. A permit is not required for a fence in the Township District.
- B. A permit is required for the installation of all other fences exceeding 40 feet in length and within the front, rear or side setback areas, except fences enclosing agricultural uses, or those constructed in conjunction with a permit for the installation of a swimming pool.

A plot plan locating the proposed fence shall be submitted with the permit application. The plot plan may be an informal sketch plan, not necessarily to exact scale, showing the property boundaries and accurately locating the proposed fence.

The property owner or contractor shall notify the PA One Call System before beginning construction of the fence.

- C. In a residential district ~~or a residential~~ or agricultural lot in another zoning district:
- (1) A fence located within the required front building setback area of any yard shall have a maximum height of five feet and shall have a ratio of open to structural areas of at least 1:1 (such as a split-rail or picket fence).
 - (2) A wall within the required front building setback area shall not exceed a height of three feet.
 - (3)  A fence or wall located within a minimum principal building setback area; other than the minimum front building setback, shall have a maximum height of six feet ~~(decorative post tops may extend above six feet)~~ :

A fence located outside of the building setback area in the side and rear yard, shall have minimum of 6" setback from the sides and back of the property line. Minimum front building setback shall be maintained.

- a. A "privacy Fence" with zero see-through visibility shall not exceed 5' height. Height up-to 8' is permitted only if the extended height above 5' have 80% see-through visibility.
- c. A "privacy Fence" for the purpose of managing children and pet movement, shall not exceed 5' height with at-least 50% see-through visibility.
- b. A "Deer Fence" to mitigate damage to plants and vegetable gardens and health risks from deer-ticks, can have maximum height of 8' with at-least 90% see-through visibility.

The Zoning Officer of the township may consider use of barbed wire if requested by the applicant, based on the severity of the damage to plants and vegetable garden and health risks.

Electrified fence and/or fence made from other anti-trespass materials, for example, razor ribbon and glass shards shall not be permitted.

d. A wall is not permitted on the sides and back of the building, unless it is a load-bearing structural retaining wall.

→ (4) ~~If one side of a fence is smoother or more finished than the other side of the fence, the smoother or more finished side shall face onto any abutting lot or public road. << this is meaningless.~~

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(5) A fence higher than ~~six~~ feet is permitted to enclose a recreation facility such as a tennis court if the fence is integral to the recreational use and complies with the required building setbacks applicable to the zoning district.

→ D. On any **nonresidential lot**, a fence or wall shall not exceed a height of five feet within the minimum front building setback area and eight feet in any other minimum principal building setback area.

E. Where landscaping is required as a buffer around a use, all fencing shall be located on the inside of the landscaping, except for fencing that is mostly open (such as split-rail or picket fencing) and is constructed of wood or materials with a similar appearance.

→ F. ~~This section shall not restrict retaining walls that are necessary to hold back slopes, nor walls of a building that are permitted by this chapter.~~

G. No fence or wall shall be constructed on a property within the existing or future right-of-way of a street, nor in any location that would obstruct a permanent easement.

H. Fences and their support materials shall be placed entirely within the boundaries of the property being fenced. If the fence is to be located on or near the property line and the property owner cannot demonstrate that the property line location is known and identified in the field, as well as on the permit plan, the Township may require a survey of the property.

I. The repair or replacement of any fence that currently exists as of the date of the adoption of this chapter shall not require a permit.

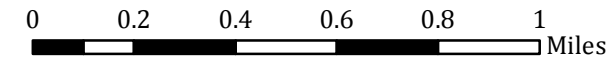
J. Regulations for fencing associated with wireless communications facilities are set forth in Article XXV, Wireless Communications Facilities, and those provisions are the applicable standards to apply to such fencing.



West Chester
Borough

Trails and Bikeways

Westtown Township
Chester County, Pennsylvania

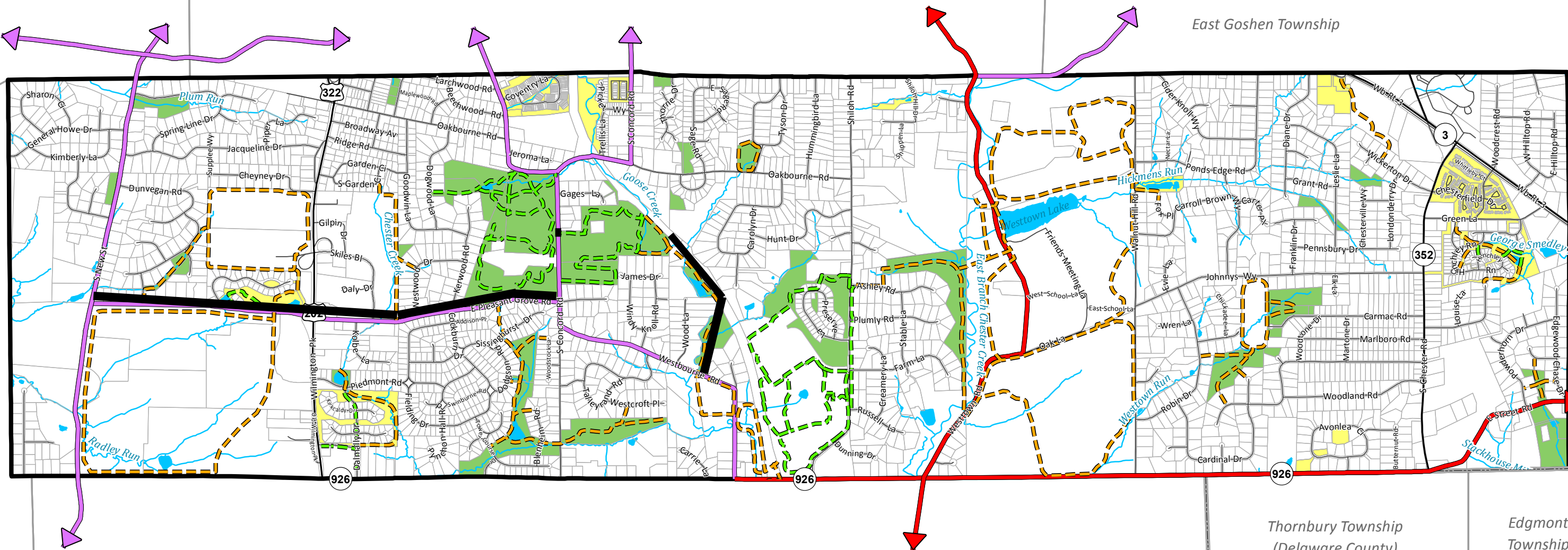


Disclaimer: This map is for illustrative purposes only and does not constitute a valid survey.
Map created: December 17, 2018

East Bradford
Township

West Goshen
Township

East Goshen Township



Willistown Township

Thornbury Township
(Delaware County)

Edgmont
Township

Thornbury Township
(Chester County)

Thornbury Township
(Delaware County)

Birmingham
Township

DELAWARE COUNTY
CHESTER COUNTY

Legend

- County boundary
- Township boundary
- Adjacent municipalities
- Major roads
- Minor roads
- Tax parcels
- Streams
- Bodies of water
- HOA Protected Open Space
- Municipal Open Space
- Trails**
- Existing Trails
- Proposed Trails
- County Recommended Bicycle Routes**
- Intermediate Recreation
- Commuter/Connector