

Fence and Wall Requirements

Definitions

Decorative wall - A wall constructed of stone or other material erected for the sole purpose of providing a decorative and/or landscaped feature, and not to include structural support walls, retaining walls or any other walls constructed for a purpose other than aesthetics.

Exterior architectural feature - Any element of the architectural style, design or general arrangement of a structure that is visible from the outside including, but not limited to, the style and placement of all windows, doors, gutters, driveways, porches, railings, steps, lighting, the roof, type, color and texture of the building material, signs and decorative elements including landscaping, fences, curbs and sidewalks.

Fence – A barrier of any material or combination of materials erected to enclose, screen or separate areas.

Retaining wall – shall mean a structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced, and which shall be either a landscape retaining wall or structural retaining wall:

1. A landscape retaining wall shall mean a retaining wall greater than eighteen (18) inches but less than four (4) feet in height, which does not support any site improvement within four (4) feet of the top of the wall.
2. A structural retaining wall shall mean a retaining wall greater than four (4) feet in height, or a retaining wall with any site improvement located within a distance from the top of the wall equal to the height of the retaining wall.

Ordinance Section

§ 412.07 Fences and Walls

Fences and walls shall be permitted in all districts, but shall be considered structures requiring an approved zoning permit prior to construction. Adequate surveys, plans and details are to be submitted to the Zoning Officer in accordance with Article X in order for a determination to be made as to the proposed fence zoning conformance.

- A. Fences and walls in historic zone districts. Fences and walls in historic zone districts shall be permitted accessory structures subject to the following provisions (see also Appendix B):
 1. Design guidelines. All fences and walls are subject to the review and approval of the Historic Preservation Commission for conformity to its Guidelines and for compatibility with the particular design and style of the structure on the lot.
 2. Prohibited locations. No fence or wall shall be erected in any required flared setback area, as described elsewhere herein, east of Central Avenue. For all properties east of Central Avenue, no fence or wall shall be erected in a front yard area or on front yard lot lines.
 3. Front yard fence height. Fences located in a front yard area or on lot lines abutting a front yard area, where permitted, shall not exceed a height of two and

one-half (2 ½') feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.

4. Front yard fence type. Fences located in a front yard area or on lot lines abutting a front yard area, where permitted, shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as stockade and board-on-board shall be considered solid fences and are prohibited in or along front yards.
5. Side yard fence height. Fences located in or along a side yard area shall not exceed a height of four (4) feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.
6. Rear yard fence height. Fences located in a rear yard area or on lot lines abutting a rear yard area shall not exceed a height of five (5) feet. The height of any decorative elements, articulated corners, gateways and posts shall be included in the fence height measurement.
7. Wall height. Walls located in or along any front, side or rear yard, where permitted, shall not exceed thirty (30) inches in height. The height of decorative elements, articulated corners, gateways and wall piers shall be included in the wall height measurement.
8. Finished exterior side. All fences or walls shall be constructed so that a finished side, with no fully exposed structurally supporting members, is located on the exterior facing outward away from the property upon which it is located.
9. Prohibited materials. Chain link type fences shall be prohibited in any historic zone district. In addition, no fence or wall shall be constructed or installed with barbed wire, metal spikes or topped with concertina or razor wire, broken bottles or similar materials so as to be dangerous to humans or animals.
10. Drainage. Fences and walls 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. Those applying for a zoning permit to erect a fence or decorative wall may consult with the Township Engineer to ensure compliance with this provision.
11. Retaining walls. Any permitted wall proposed to be used as a retaining wall shall be required to be reviewed by the Township Engineer prior to the issuance of a zoning permit.
12. Use of vegetation. Except where specifically prohibited under the terms of this chapter or any other applicable ordinance or regulations of the Township, nothing herein shall be construed to prohibit the use of hedges, trees or other planting anywhere on the lot.
13. Utility easement. Prior to installing a fence in a utility easement area, a property owner shall secure written approval from the appropriate utility company or appropriate public body. Evidence of approval shall be submitted as a prerequisite to issuance of a zoning permit.
14. Fence height sketch. Appendix B represents the maximum permitted height for fences relative to their location on the property.

B. Fences and walls in non-historic zone districts. Fences and walls in non-historic zone districts shall be permitted accessory structures subject to the following provisions:

1. Front Yards.

- (a) For residential uses, fences shall be permitted to be located in front yards, provided such fences shall not exceed four (4) feet in height, as measured from ground level, and shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as board-on-board and stockade shall be considered solid fences. Decorative walls are permitted to be located in front yards for residential uses, provided such shall not exceed two and one half (2 ½) feet in height, as measured from ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed five (5) feet in height.
- (b) For non-residential uses, fences and decorative walls may be erected in the front yard extending to the rear or side lot lines, provided:
 - (i) When such fences and walls are located within fifteen (15) feet of a street line they shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed five (5) feet in height.
 - (ii) When such fences and walls are located more than fifteen (15) feet from a street line they shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed seven (7) feet in height.
- (c) Chain link fences shall be prohibited in front yards in all zone districts.

2. Side and Rear Yards.

- (a) For residential uses, both solid and non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Decorative walls for residential uses are permitted to be located in side or rear yards, provided such shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.
- (b) For non-residential uses, both decorative walls and solid or non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

3. Finished Exterior Side. All fences or walls shall be constructed so that a finished side, with no fully exposed structurally supporting members, is located on the exterior facing outward away from the property upon which it is located.

4. Materials. No fence or wall shall be constructed or installed with barbed wire, metal spikes, or topped with concertina or razor wire, broken bottles or similar

materials so as to be dangerous to humans or animals. In addition, chain link fences are specifically prohibited in front yard in all zones.

5. Drainage. Fences and decorative walls 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. Those applying for a zoning permit to erect a fence or decorative wall may consult with the Township Engineer to ensure compliance with this provision.
6. Obstruction. No fence shall be constructed within any sight triangle as defined in this article, or installed so as to constitute a hazard to traffic or public safety.
7. Utility easement. Prior to installing a fence in a utility easement area, a property owner shall secure written approval from the appropriate utility company or appropriate public body. Evidence of approval shall be submitted as a prerequisite to issuance of a zoning permit.
8. Retaining Walls. Any permitted wall proposed to be used as a retaining wall may be required to be reviewed by the Township Engineer prior to the issuance of a zoning permit.
9. Exceptions. Fences or walls that constitute a permitted buffer area screen approved as part of a site plan application shall be excepted from the above height and location provisions. In addition, fencing required to enclose a tennis court shall be excepted from the above maximum height provisions. Said fence shall not exceed twelve (12) feet in height, as measured from ground level, and may not be located within a required setback area.

§ 421 Slope Regulations and Retaining Walls

- A. The purpose of these regulations is: (1) to minimize potential detrimental impacts that are associated with the disturbance of established vegetation on existing steep slopes; (2) to avoid creating new steep slopes where the potential for detrimental impacts are increased; and (3) to minimize potential detrimental impacts by regulating the scale, mass and location of retaining walls. Detrimental impacts means any adverse impact to: public safety and the general welfare; private or public property; or, any historic, cultural, scenic or other environmental resource caused by the destabilization of a slope area or retaining wall as a result of erosion slumping, runoff or other consequence.
- B. For the purposes of these regulations, "construction" shall mean any disturbance or improvement to land, including but not limited to buildings, structures, streets, driveways, parking areas, swimming pools, excavations, fill, grading, tree removal, stripping of vegetation and clearing, except that selective thinning of vegetation and site work approved by the approving authority for sidewalks and similar pedestrian ways, subsurface utility installations and drainage facilities shall not be considered construction.
- C. Steep slopes shall not be disturbed and retaining walls shall not be installed except where the applicant demonstrates that each disturbance and/or retaining wall is essential to the reasonable use of the property and that no adverse impact to adjoining properties will result from the proposed construction.
 1. In the case of development applications before the Planning Board or the Zoning Board of Adjustment, the applicant shall submit a separate sheet as part of the overall development plan, identifying the extent of the steep slope disturbance and the use of retaining wall(s) and noting the justification(s) for the disturbance.

2. In the case of Zoning Permit Applications, the applicant shall submit a grading plan in accordance with the zoning permit requirements contained in Article XI of this Land Development Ordinance.
- D. Within any development, construction on steep slopes, as defined herein, shall be in accordance with the following provisions.
1. Construction on steep slopes of fifteen (15) percent or greater, but less than twenty-five (25) percent, shall be permitted in accordance with the following regulations:
 - (a) A maximum of thirty (30) percent of the total lot area in this slope category may be used for construction purposes; and,
 - (b) Construction shall not result in the creation of critical slope areas.
 2. No construction shall be permitted in critical slope areas (slopes of 25 percent or greater) unless all of the following criteria are met:
 - (a) The total soil disturbance in the critical slope area of the lot is no greater than one (1) cubic yard;
 - (b) The total area of removal or disturbance of vegetation in the critical slope area of the lot is no greater than twenty-five (25) square feet;
 - (c) The increase in impervious ground cover in the critical slope area of the lot is no greater than twenty-five (25) square feet;
 - (d) The construction does not include the removal of any tree, having a diameter at point of measurement greater than eighteen (18) inches; and,
 - (e) The applicant must demonstrate that the proposed slope disturbance is essential to a reasonable use of property.
- E. Where construction will disturb steep sloped areas and areas abutting steep slopes, the plan shall provide the following design features, as applicable to the situation:
1. Any grading or disturbance in an area of steep slopes or in an area abutting a steep slope shall stabilize the soil as required to avoid detrimental impacts.
 2. An area abutting a steep slope may be disturbed or completely removed, provided:
 - (a) The final grading does not result in a net increase in the total steep slope areas on the lot; and,
 - (b) The removed soil is redistributed on site and/or removed from the site in accordance with other township requirements.
 3. The area along the top of a steep slope may be filled and a retaining wall(s) constructed, provided the retaining wall(s) and all other construction activities conform to regulations set forth herein.
- F. Landscape Retaining Wall Setback Requirement. Landscape retaining walls shall not be located closer to a property line than one half (1/2) the height of the wall.

G. Maximum Height of Structural Retaining Walls

1. The maximum height of any structural retaining wall, section of structural retaining wall, or tier of a structural retaining wall, shall be no greater than eight (8) feet, unless in a front yard setback area, in which case the maximum height shall be no greater than four (4) feet.
2. Multiple, staggered or tiered walls shall be considered single walls unless the minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier is not less than one and one-half (1-1/2) times the height of the lower section or tier. If there are more than three (3) single sections or tiers, the minimum distance between the top of any single section or tier and the base (toe) of the next higher section or tier shall be not less than two (2) times the height of the lower section or tier.
3. A structural retaining wall shall not extend in height for more than one (1) foot above the natural or approved finished grade at its top, unless proper surface drainage requires a greater height.
4. Any combination of a structural retaining wall(s) and a safety fence shall not exceed twelve (12) feet.

H. Location of Structural Retaining Walls

1. A structural retaining wall (top or bottom) shall be located no closer to a property line than the height of the wall or wall segment closest to the property line, and the applicant's engineer shall certify that a failure of the structural retaining wall will not have an adverse impact on any adjoining property or public right-of-way.
2. Structural retaining walls shall not be located in any public rights-of-way or utility easements.

I. Safety Requirements of Structural Retaining Walls. The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provided safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.

J. Design. A licensed structural or civil engineer shall design all structural retaining walls, with signed and sealed plans submitted for review and approval by the Construction Official, Borough Engineer, Planning Board Engineer or Zoning Board of Adjustment Engineer, whatever the case may be.

K. Inspection. A licensed structural or civil engineer, at the cost of the applicant, shall inspect the construction of all structural retaining walls, and a signed and sealed certification that the wall has been properly constructed shall be submitted to the Construction Official upon completion of the wall.

§ 527 Retaining Walls

Design and maintenance of structural retaining walls shall be in accordance with the following standards:

- A. The applicant shall submit a plan indicating how all segments of the structural retaining wall, including any bench area located between two tiered wall sections, shall be maintained.

- B. The structural or civil engineer certifying the plans shall provide documentation as to the feasibility for replacing the structural retaining wall at the end of its useful life, and method of replacement by the property owner or homeowner's association.
- C. The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provided safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.
- D. The bench, or area between the top of one tier and the bottom (toe) of the next higher tier, shall be properly graded to facilitate drainage.
- E. A licensed landscape architect shall certify that landscaping installed in the vicinity of any structural retaining wall is appropriate for the location and does not have a root system that will impair the integrity of the retaining wall.
- F. Structural retaining walls shall be constructed of permanent materials such as concrete, pre-cast block, or masonry, and shall be designed to allow replacement of the wall at the end of its useful life.
- G. Landscape retaining walls shall be constructed of durable or preservative treated wood, or other durable materials, and shall be designed to allow replacement of the wall at the end of its useful life.

APPENDIX B: FENCES IN HISTORIC ZONE DISTRICTS

