

WEST CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 02 – 2023

AN ORDINANCE OF THE TOWNSHIP OF WEST CALN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST CALN TOWNSHIP CODE AT CHAPTER 350 ZONING, TO REVISE CERTAIN SECTION 350-1101, 1201 AND 1205 OF THE ZONING ORDINANCE TO UPDATE AND MODIFY FENCE AND WALL DESIGN, SETBACK AND HEIGHT PROVISIONS AND PROVIDE FOR SEVERABILITY, REPEALER AND EFFECTIVE DATE PROVISIONS.

WHEREAS, the Board of Supervisors have determined certain zoning ordinance amendments are needed in order to update and amend fence provisions to insure consistency in design and location, and to address safety and security concerns.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Caln Township that Chapter 350 of the Township Code, as amended, is hereby further amended as follows:

SECTION 1. The first sentence of Section 350-1101.A. shall be removed and replaced to read as follows:

“A. General. Uses, inclusive of buildings and structures, in this section may be permitted as accessory uses and shall meet the following:”

SECTION 2. The first sentence of Section 350-1101.A.(2) shall be removed and replaced to read as follows:

“(2) Accessory uses, inclusive of buildings and structures, in Section 350-1101C through G and Section 350-1101B(6) shall meet the following:”

SECTION 3. Section 350-1101.A.(2)(a) and (b) shall remain in place and unchanged; however, Section 350-1101.A.(2)(c) shall be removed and replaced to read as follows:

“(c) Located no further forward on the tract or lot than the front line of the principal building, except for garages and post & rail fencing or a similar type of non-opaque fencing that does not restrict views into the tract or lot. No fencing in the front yard shall exceed four (4) feet in height.”

SECTION 4. Section 350-1101.C.(6) shall be entirely removed and replaced to read as follows:

“(6) Fences or walls in accordance with the provisions set forth in Section 350-1101.A(2) and (3) with respect to required setbacks and location upon the lot and also in accordance with Article XII.”

SECTION 5. Article XII. General Regulations at Section 350-1201.C.(1) shall be entirely removed and replaced to read as follows:

“(1) Driveway, sidewalks, as specified in this article and Section 350-1101, and signs, as specified in Article XIV. Certain fences and walls may be permitted within required yards but subject to regulations set forth in Section 350-1101 and Section 350-1205.”

SECTION 6. Section 350-1205. shall be entirely removed and replaced to read as follows:

“§ 350-1205 Fences, Hedges and Walls.

A. In no case shall a fence or wall exceed six feet in height, except in the case of a junkyard or salvage yard where the regulations set forth in § 350-1119, shall apply, and in the case of a cell tower or other antennae provided for in § 350-1104 where the maximum height of a fence shall not exceed 12 feet in height. Additionally, a fence or wall may be permitted to be eight feet in height for commercial, industrial and institutional uses where such height is necessary due to safety and security concerns.

B. No fence or wall shall be erected and no hedge, tree, shrub, or other vegetative growth shall be maintained within a street right-of-way or shall obstruct required sight distance vision at street intersections, public streets, private roads, or driveways, in accordance with the standards for the sight triangle, and the standards set forth in Chapter 300, Subdivision and Land Development.

C. Fences or walls shall not be located in any natural drainage areas, or located in drainage easements or drainage swales that are part of an approved stormwater management plan in accordance with the provisions set forth in Chapter 300, Subdivision and Land Development.

D. Post & Rail fencing or similar non-opaque decorative fencing that does not restrict views into a property and that does not exceed four (4) feet in height may be permitted in front yards consistent with Section 350-1101.A.

E. Fences and walls shall be designed to comply with applicable provisions of Section 350-1101.A including the required setback from lot lines. Fences and walls shall also be

installed so that the decorative or architecturally-finished side of fences and walls face towards the abutting property.

F. No fences shall be permitted that may result in bodily injury, including, but not limited to, high voltage or barbed wire fencing.

G. Swimming pools shall be fenced in accordance with the provisions of § 350-1101C(3).

H. Prior to the installation of any fence or wall, a zoning permit must be sought and approved by the West Caln Township Zoning Officer as set forth in Section 350-1612. Zoning Use Approval of this Chapter in order to insure compliance with all zoning ordinance regulations for fences and walls.”

SECTION 7. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 9. General Code. General Code is hereby authorized to make whatever numbering and formatting changes are needed in order to properly codify this ordinance and properly incorporate this ordinance into the Township’s online Code.

SECTION 10. Effective Date. This Ordinance shall be effective as provided by law.

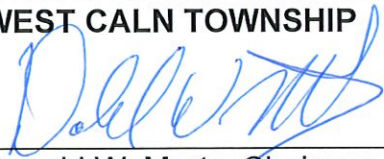
ENACTED AND ORDAINED this 13th day of December, 2023.

ATTEST:


Township Secretary

BOARD OF SUPERVISORS OF
WEST CALN TOWNSHIP

BY:


Donald W. Martz, Chairman


Allen R. Martin, Vice Chairman

Joseph Hutton, III, Member