

ORDINANCE NO. 181

BOROUGH OF AVONDALE
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF AVONDALE, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE "AVONDALE BOROUGH ZONING ORDINANCE OF 1963, AS AMENDED DECEMBER 17, 1996" (ORDINANCE NO. 172), CHAPTER XXVI OF THE AVONDALE BOROUGH CODE.

Be it enacted and ordained by the Borough Council of the Borough of Avondale, Chester County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same that Ordinance No. 172 (the "Avondale Borough Zoning Ordinance of 1963, as amended December 17, 1996"), Chapter XXVI of the Avondale Borough Code, as amended, is hereby further amended as follows:

- I. Part 2 ("Definitions"), Section 2.2 ("Specific Definitions"), is hereby amended by adding the following definition:

FENCE - Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh or masonry, singly or in combination with other materials, two and one-half (2 1/2) feet in height or higher, erected to secure or divide one (1) property from

another, or part of a property from a remaining part thereof, or to assure privacy, protect the property so defined or enclose all of or part of the property; a freestanding masonry, concrete, stone, brick or block wall or a hedge (consisting of a dense row of shrubs or small trees) shall also be considered "fences" for purposes of this Ordinance.

II. Part 11 ("Design Standards") is hereby amended by adding the following Subsection:

SECTION 11.11 FENCES - The following regulations shall apply to fences:

A. In the "R-1 Residence District", the "R-2 Residence District", the "FD Flexible Use District", and the "TC Town Center District", the following regulations shall apply to all fences:

1. Front Yard Setback: Eighteen (18) inches from Front Lot Line.
2. Side Yard Setback: Three (3) inches from Side Lot Line, or on the Side Lot Line as the Side Lot Line is determined by a Survey

Plan prepared by a Registered Land Surveyor and further provided that a copy of the Survey Plan certified as to its accuracy by the Registered Land Surveyor (or by a Professional Engineer) is filed with the Application for the Building Permit necessary in order to construct the fence.

3. Rear Yard Setback: Three (3) inches from the Rear Lot Line, or on the Rear Lot Line as the Rear Lot Line is determined by a Survey Plan prepared by a Registered Land Surveyor and further provided that a copy of the Survey Plan certified as to its accuracy by the Registered Land Surveyor (or by a Professional Engineer) is filed with the Application for the Building Permit necessary in order to construct the fence.

4. Maximum Height:
- a. Front Yard: Four (4) feet
 - b. Side Yard: Six (6) feet
 - c. Rear Yard: Six (6) feet

B. In the "C Commercial District" and the "I Industrial District", the following regulations shall apply to all fences:

1. Front Yard Setback: Eighteen (18) inches from Front Lot Line.

2. Side Yard Setback: Three (3) inches from Side Lot Line, or on the Side Lot Line as the Side Lot Line is determined by a Survey Plan prepared by a Registered Land Surveyor and further provided that a copy of the Survey Plan certified as to its accuracy by the Registered Land Surveyor (or by a Professional Engineer) is filed with the Application for the Building Permit necessary in order to construct the fence.

3. Rear Yard Setback: Three (3) inches from Rear Lot Line, or on the Rear Lot Line as the Rear Lot Line is determined by a Survey Plan prepared by a Registered Land Surveyor and further provided that a copy of the Survey Plan certified as

to its accuracy by the Registered Land Surveyor (or by a Professional Engineer) is filed with the Application for the Building Permit necessary in order to construct the fence.

4. Maximum Height:

- a. Front Yard: Four (4) feet provided, however, that if open wire or mesh security fencing is used, the height may be increased to a maximum of ten (10) feet.
- b. Side Yard: Eight (8) feet.
- c. Rear Yard: Eight (8) feet.

C. General provisions for fences in all districts:

- 1. No fence of any height shall be erected in any district which would violate any "Sight Distance" requirement in this Ordinance or the Avondale Borough "Subdivision and Land Development Ordinance."

2. No provision in this subsection 11.11 shall be deemed to supersede any requirements of Part 2 ("Design Standards"), Section 11.2 governing "Vegetative Screening and Landscaping" with the exception of the provisions of this Section governing Sight Distances.
3. For purposes of Part 10 ("Environmental Protection Standards"), Section 10.3 ("Floodplain Hazard Overlay District"), a "fence" shall be considered a structure.

III. REPEAL OF CONFLICTING ORDINANCES

A. All existing Ordinances of the Borough of Avondale or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.

IV. SEVERABILITY

A. If any section or provision of this amendatory Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this amendatory Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this amendatory Ordinance other than the one so

declared to be unconstitutional, illegal or invalid.

V. EFFECTIVE DATE

A. This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED by the Avondale Borough Council in a Public Meeting held this 21st day of April, 1998.

BOROUGH OF AVONDALE

By: Robert McCue
Robert McCue, President
Avondale Borough Council

ATTEST:

Becky McAlear
Becky McAlear, Secretary

APPROVED this 21st day of April, 1998.

By: Doris E Howell
Doris E. Howell, Mayor