§ 27-1403. Accessory Uses and Structures. [Ord. No. 688, 6/4/2018]

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this chapter and shall comply with the following limitations:

1. Fences. No person, corporation, partnership, company or other entity shall construct, install, add to or alter a fence in the Borough, unless a permit is secured therefore. Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence. The Borough of Wellsboro does not mediate disagreements between owners of private property.

   A. A finished side of all fences shall face off-site.

   B. Vinyl, wood and wrought iron are approved fencing materials.

   C. No fence shall be constructed which exceeds any of the following height limitations:

      (1) Forty-eight inches in front of the building line applicable to the subject property.

      (2) Seventy-two inches behind the front building line applicable to the subject property, except as otherwise provided in Subsection 1A(3) below;

      (3) Forty-eight inches wherever the fence shall be located on any portion of any lot that abuts a street, intersection or common drive that empties onto a public street.

   D. Barbed wire and all other fencing that is designed to cut or injure is prohibited in all residential districts. In addition, no person shall use rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this Code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials.

   E. It is the intent of this subsection to restrict metal fencing, except wrought iron type fencing, in the front yard of any residential district. In zoning districts other than residential, such fencing shall not be permitted, unless a variance request is made to the Wellsboro Borough Council. Any approved fence made of a metal fabric or which is partially made of any metal fabric shall be galvanized or otherwise treated to prevent the formation of rust, and the metal used in the fabric shall be at least 11 gauge or heavier.

   F. All fences shall be maintained in a sturdy and good condition. Fences that become loose, rusted or rotted, whether in whole or in part, shall be repaired, replaced or removed.

   G. Privacy screens may be erected, constructed, or reconstructed to a maximum height of eight feet when set back from a side or rear property line a distance equal to the minimum side yard setback required for the dwelling pursuant to Parts 3, 4, and 5 in the Wellsboro Zoning Ordinance, as amended.

   H. Any property owner or tenant desiring to erect a fence or maintain a fence that does not conform to the provisions of this chapter may submit an application to the Wellsboro

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Borough Council and such application will be heard at a public hearing of the Borough Council, in accordance with Part 16. Upon appeal in writing by the owner or owners agent of any property, the Borough Council of the Borough of Wellsboro, after notice and a hearing in accordance with the established procedure of the Borough Council, may in its sound discretion and in the interests of the public health, safety, and welfare, reduce or remit the requirements of this chapter in individual cases. The Board may not permit a kind of fence that is prohibited by this chapter.

I. The following shall apply to proximity of fences to lot and curblines:

(1) All fences shall be set back a minimum of six inches from all front yard property lines and/or sidewalks.

(2) A front yard fence shall be no less than 50% open to light and air.

(3) All fences shall be set back a minimum of 24 inches from all side and rear yard property lines.

(4) A non-agricultural fence may be erected on the property line if the written permission of the neighboring property owner is granted; this proof of permission to be registered with the fence permit application and retained on file at the Borough Office.

J. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool.

(1) Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate.

(2) Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost.

(3) No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(4) Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

K. The fee for a permit for construction, installation, addition or alteration of any fence shall be $25 or as established from time to time by the Borough Council of the Borough of Wellsboro.

2. Detached Accessory Structures. A detached garage, greenhouse, storage, utility building or other accessory structures may be maintained accessory to a dwelling or other use. It shall not exceed the maximum building height allowed for the district and no portion of the accessory structure shall not be located in front of the principal building. The door opening

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for a garage or storage building shall not exceed 15 feet in height. Accessory structures shall be separated a minimum of 10 feet from any structure and shall be located no closer than three feet in the RT or HR Districts or eight feet in any other district from a side or rear property line. A single storage building 100 square feet or smaller shall be exempt from the zoning permit requirement and shall comply with all required setbacks. Accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs shall comply with the above standards and shall be exempt from the zoning permit requirement provided that they do not occupy more than 100 square feet of area.

3. Swimming Pools.

   A. A swimming pool is a below or above grade level, open container with a water depth of 24 or more inches. Swimming pools shall not include wading pools under two feet in depth, fish ponds, hot tubs or other similar items.

   B. The swimming pool shall be located only to the rear or side of the principal building. It shall be located no closer than 15 feet to the side or rear lot lines, and no closer than 25 feet to the front lot line.

   C. In-the-ground pools shall have a four-foot-high continuous, child-proof barrier with self-closing and self-latching gate. The barrier must meet the following standards:

      (1) Capable of withstanding a lateral force of 100 pounds;

      (2) No opening other than gates, in excess of four inches;

      (3) If wooden, cover boards shall be vertical;

      (4) Metal fences shall have a lattice no larger than two inches;

      (5) Pool walls may be a barrier if unclimbable and if any access to the pool is protected by a barrier.

   D. Above-the-ground pools that are four feet or higher need not have a barrier, provided, that the sides of the pool are not climbable and that a ladder is not used to enter or exit the pool. If the sides of the pool are climbable or a ladder, stair, steps or similar type structure is used to enter or exit the pool, a barrier of the type described for in-the-ground pools (§ 27-1403(3)) is required.

   E. No permit shall be required for above-grade level pools with a total water surface area of less than 300 square feet. However, all pools must be located in the side or rear yard of any lot.

4. Private Tennis Courts. Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than 10 feet from side or rear property lines.

5. Sidewalks and Driveways. Sidewalks and driveways shall be permitted within front, rear, and side yards.

6. Pump Canopies. Canopies used to protect pump islands at gas stations or convenience marts

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shall be permitted in any yard provided that a 10 feet minimum building setback line is maintained and the height of the canopy shall not exceed 18 feet.

7. Keeping of Animals. The keeping of animals, when not part of an agricultural operation, shall be regulated under Borough Ordinance 553 (Chapter 2 of Code of Ordinances).

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