



VILLAGE OF KIMBERLY

426 W. Kimberly Avenue
Kimberly, WI 54136

STREET DEPARTMENT
920-788-7507

Residential Fences, Hedges, & Dog Kennels

This handout is intended to provide property owners/contractors with a simplified review of code provisions relating to the topic noted. This handout is not, however, complete code provisions. For a review of the regulations that would apply to your particular site, please refer to the Village of Kimberly Zoning Ordinance. Prior to purchasing materials or signing contracts associated with a project, it is recommended to first secure Village review and approval of a planned project.

Frequently Asked Questions

Why do I need a permit? The permit and inspection process gives you, your neighbors, and the Village assurance that specific standards are met when expanding, altering, or repairing your property by complying with State and Local Code and Zoning Requirements. These standards are based on health, safety, and environmental considerations intended to protect the integrity of the building, the safety of its inhabitants, and the welfare of the public. Projects not completed according to code can affect aesthetics, values and quality of life in your neighborhood.

When Do I Need a Building Permit? A Building Permit is required prior to constructing and/or altering any fencing on your property.

Who is Responsible for Obtaining a Permit? The property owner is responsible for ensuring that a permit is obtained prior to work being started. Contractors may also apply and obtain permits on behalf of the property owner. Under no circumstances may construction or demolition start prior to obtaining the Building Permit.

How Long is Permit Valid? Once a permit is obtained, the work must be started within six months or it will expire. If work is started within six months, the permit is valid for one year from the date of issuance.

Do I Need a Permit for Installing Hedges, Shrubbery, or Trees that form a fence barrier? No permit is required for planting these barriers, however, depending on the location height and vision triangle regulations may be applicable.

Does the “Good Side” of the Fence Have to Face the Neighboring Property? Yes. The Village Zoning Ordinance requires fences to be constructed with the finished side facing the neighboring property. The ordinance provides further clarification by stating: **“Where support posts are installed on one side of the fence, the posts shall be on the side facing the owner of the fence.”**

How close to a property line can a fence be placed? Fences may be placed up to, but not over, a property line.

Will or does the Village locate property lines? The Village does not locate property lines. However, Village staff will provide guidance in locating property lines. Locating property lines is the property owner’s responsibility.

Fences Used for Dog Kennels: A Dog Kennel is considered an Accessory Building/Structure and therefore is required to meet the setback requirements for an accessory building/structure for the applicable Zoning District.

How Do I Apply for a Building Permit? Permits may be obtained from the Street Department, 426 W. Kimberly Ave. The Street Department office hours are:

Monday – Thursday	8 am – 4 pm
Friday	8 am – 3 pm

To ensure staff availability for permit issuance, please call in advance.

It is also possible to submit the necessary application and drawings by e-mail, fax or mail for review and approval. Once reviewed, this office will contact you by phone or e-mail (information to be provided on the application) to advise you of the results.

Please plan ahead. It is recommended to secure permits at least two weeks in advance of project start dates as Village staff are not always immediately available and in case it is determined additional information is necessary for review.

Information required when applying for a Fence Permit include:

- A completed Building Permit Application (available on the Department Web Page.)*
- A scaled, legible site plan which shows the following:*
 - * Property lines and lot dimensions.
 - * Location of all buildings on the property and distances to property lines.
 - * Location of driveway(s), public streets and sidewalks.
 - * Location, height, style, and length of the fence.
 - * Fair market value of the installation.

Please use this checklist to ensure you are providing the basic information needed to obtain your permit. Depending on site conditions additional information may be required after Village staff has reviewed your site plan.

Note: If you do not have a scaled site plan, you may print one from the Outagamie County GIS system at <http://outagamiecowi.wgxtreme.com/>. Please use the aerial layer to display the buildings on your plan (slide bar in the upper left hand corner.) If you need assistance, please contact this office.

FENCE STANDARDS – Ordinance Provisions

525-96 Fences and Hedges

H. Design and construction.

- (1) **Fence height.** The maximum height of a fence and decorative post shall be subject to the following:
 - (a) Three feet in required front or street yards, except and provided that:
 - [1] On lots with more than one street frontage, where any street is officially designated "no access" to the public right-of-way, or on lots abutting a railroad right-of-way, a six-foot-tall fence or wall shall be permitted to be erected within the required setback areas fronting said designated "no access" public rights-of-way and railroad rights-of-way, excepting vision clearance setback areas.
 - [2] Four feet where the fence structure is no less than 50% open to vision;
 - [3] Six feet where the principal use is a school or park and the fence structure is no less than 75% open to vision;

[4] Ten feet as provided in 525-96 H.(1)(d).

[5] Corner Lots. Fences up to six feet in height may be constructed in the street yard on the long side of a corner lot provided the fence maintains a setback to the short side front/street property line equal to the greater of the existing principal structure front/street setback, or the setback that would be required for new construction of a principal structure.

i. Corner lots where both street frontages are equal, fences up to 6' in height may be installed in only one of the street yards.

ii. Fences constructed within 15 feet of any driveway at the time of construction shall provide compliance with the vision requirements identified in 525-62 A.

iii. Fences consisting of plantings, such as hedges, shrubbery, and trees are permitted to grow to their natural height and shall be maintained to comply with the vision requirements identified in 525-96 H.[5]ii. and so as not to encroach into the public right of way to create a nuisance as identified in 364-8 D. & E.

(b) Vision clearance. The maximum height shall not exceed 2-1/2 feet in required vision clearance setback areas as defined in 525-134 and provided in 525-62.

(c) Six feet in required side and rear yard setback areas, except as follows:

[1] Eight feet where the fence meets principal structure setbacks for the district in which located;

[2] Lots in residentially zoned districts or lots with a residential principal use: The maximum height shall be eight feet in required side and rear yard setback areas abutting a parcel where the principal use of the abutting parcel is a business or industrial use.

[3] Fences consisting of plantings, such as hedges, shrubbery, and trees are permitted to grow to their natural height and shall be maintained so as not to encroach into the public right of way to create a nuisance as identified in 364-8 D. & E.

(d) In business and industrial districts, security fences of an open type similar to woven wire, chain link, wrought iron fencing, or other security styles that are at least 75% open, not exceeding 10 feet in height, are permitted up to the property lines, except where the principal use is residential.

(e) Height measured. Height shall be measured from the ground immediately under the fence.

(f) Decorative posts - maximum height. Decorative posts, spaced not less than six feet on center, may extend eight inches above the maximum height.

(2) **Landscape retaining walls.** Retaining walls may be permitted anywhere on the lot except in the vision corner setback area on corner lots, provided that no individual wall shall exceed three feet in height and a horizontal terrace at least three feet wide shall be provided between any series of such walls, and provided that along a street frontage no such wall shall be closer than three feet to the setback line.

(3) **Construction.** Fences, landscape walls, and decorative posts shall be constructed and maintained in compliance with the following:

(a) Shall be constructed with the finished side facing the abutting property. Where support posts are installed on one side of the fence, the posts shall be on the side facing the owner of the fence.

(b) Shall be constructed so the bottom of the fence follows the contour of the land with any space between the bottom of the fence and grade maintaining a uniform height above grade for the length of the fence.

(c) Shall be constructed in a straight, true, and substantial workmanlike manner and shall be erected and constructed in a uniform fashion with uniformity in material use, application, and construction.

- (d) Shall be constructed of material manufactured for and intended to be used for fencing by the manufacturer.
- (e) Shall be maintained in reasonable repair and shall not be allowed to become and remain in a condition of disrepair or constitute a nuisance, public or private.

G. Prohibited materials. Prohibited materials and their exclusions include barbed wire, razor wire, above ground electric fencing, chain-link fencing with barbed/sharp ends, snow fencing, chicken wire, welded wire fencing, hardware cloth, and fencing of similar materials are prohibited, except as provided by the following:

- (1) Barbed wire installed no less than seven feet and no more than 10 feet aboveground when installed on top of security fences where the principal use of the property is an industrial use;
- (2) Snow fencing as permitted in temporary fencing § 525-96F(6)(a).

525-96 F.(6)(a) Temporary fencing. Fencing described and installed as follows:

- (a) The use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1.
- (b) The protection of excavation and construction sites during grading and construction, in association with an active building permit.
- (c) Fences installed for the protection of planting, not to exceed 45 days.
- (d) All temporary fencing shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals.

525-134 Definitions and word usage.

Vision Clearance An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

525-62 Traffic Visibility.

- A. On a corner lot in all zoning districts, no fence, wall, parking, vegetation, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2-1/2 feet and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines 15 feet from the point of intersection.
- B. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 30 feet.
- C. This regulation shall not apply to the trunks of trees and posts not over six inches square or in diameter.

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