



## FENCE REGULATIONS

### § 198-6. FENCES

#### A. Definitions:

1. Fence - A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails, whether continuous or discontinuous.
2. Fence, Front Yard Decorative – A fence constructed of brick, stone, or wood that does not extend across the full width of the front yard and that is used only to enhance any architectural feature, complement any aesthetic feature of a property or partially define a boundary area.
3. Height – For purposes of this section, shall be determined by measuring from grade no further than 4 inches horizontally from fence to the highest point on the structure. Panelized fence sections of 6 feet or 4 feet in height to be not higher than 3 inches above grade to allow for trimming of grass and to discourage panel deterioration. Site built fencing to conform to height restrictions without regard to additional 3 inches.
4. Front Yard - A yard extending the full width of the lot, being the minimum horizontal distance from the front lot line to the nearest part of the main building excluding uncovered porch and steps.
5. Rear Yard - A yard extending the full width of the lot, being the minimum horizontal distance from the rear lot line to the nearest part of the main building excluding uncovered porch and steps.
6. Side Yard – The yard area extending from the front yard to the rear yard, being the minimum horizontal distance between a building and any projection thereof and the side lot line, excluding uncovered steps.

#### B. Prohibited Fences:

1. No fence shall be constructed, erected, reconstructed, rebuilt or replaced which exceeds seven feet in height.
2. No electrically charged or other inherently dangerous fence shall be permitted, nor any barbed wire fence in a nonindustrial area.

#### C. Permit; Requirements:

1. No fence shall be constructed, erected, reconstructed, rebuilt or replaced without first obtaining a permit therefor from the Building Inspector.
2. The fee for such permit shall be submitted to the Building Inspector together with the permit application in the amount as provided in the current fee schedule on file with the City Clerk together a survey less than 10 years old provided, however, that the Building Inspector may accept an older survey if the applicant has first caused the property corner stakes to have been located and field verified.

#### D. Restrictions; Conditions:

1. Within a residential district lying adjacent to or abutting another residential district, no fence exceeding six feet in height shall be erected, constructed or maintained except as set forth in Subsection D(2)(a) below or Section E.



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2. Where a residential district lies adjacent to or abuts a nonresidential district, no fence exceeding seven feet in height shall be erected, constructed or maintained along that portion of the lot line lying adjacent to or abutting a nonresidential district provided, however, that in the R-3 Residential Mixed Use District the maximum fence height shall be determined as follows:
    - a. The maximum height of a fence, including privacy type fences, abutting a non-residential use shall be seven feet, except no fence shall be erected in front yards except as otherwise provided in Section G below.
    - b. The maximum height of a fence abutting a residential use shall be six feet, provided that such fences may be erected in rear yard areas only.
  3. Any district not designated as a residential district shall be considered a nonresidential district, including schools, churches, institutions and the like.
  4. In any nonresidential area, fences shall be of such type and construction that shall allow people outside the fence to see through it without hindrance. In an industrial area where barbed wire is used, the lowest strand shall be a minimum of six feet above the grade.
  5. In the public interest and for snowplowing purposes, no fence, barrier or other structure shall be erected, built or placed nearer than three feet to any alley lot line, two feet to any street lot line if there is a sidewalk, or three feet to any street lot line if there is no sidewalk. This provision shall not apply to structures which have a different setback as established by Chapter 455, Zoning, of this Code.
  6. All fences hereafter erected or constructed shall provide for a passage of air equivalent to 25% of the surface area of the fence and shall have the structural components thereof facing the side of the property for and on which the same are erected. However, in residential areas, where privacy is desired, fences with less than such twenty-five-percent open spacing may be erected, and may be erected up to six feet above grade, provided that such fences may not extend farther forward than the main rear line of such residence.
  7. On any corner lot where a front or side yard is required or provided, no building, fence, hedge or other obstruction more than two feet in height shall be placed so as to interfere with clear vision from one street to another or alley across the corner.
  8. In any residential district or area or on any lot or premises the principal use of which is for residential purposes, no fence shall extend nearer to the street than the front line of the building or the front setback line as set forth in Chapter 455, Zoning, for residential districts, whichever is nearer.
  9. In any residential district or area or on any lot or premises the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstalled in any area where there is a distance between main residential buildings of 10 feet or less.
- E. Special purpose fences. Fences for swimming pools, confining dogs, etc., shall be no larger than necessary for such purpose and shall conform to the building setbacks of this chapter. Such shall not exceed six feet in height in all zoning classifications, except institutional use (IU) zoning, where the Plan Commission may approve an alternate height that shall be reasonable for the intended purpose.
- F. Nonconforming uses. Any fence which existed at the time of the passage of the original Ordinance No. 185, dated October 17, 1961, which does not conform to the provisions thereof, shall not be altered or enlarged without making the entire fence conform to the provisions of this section.



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### G. Front yard fences.

1. Prohibition. No fences, parts of fences, or fence-like structures are allowed in the front yard, except as expressly provided in the balance of this subsection G.
2. Front Yard Decorative Fence, Permit required.
  - a. A person desiring to erect a front yard decorative fence that is otherwise prohibited in Subsection G1 above shall first apply for a permit from the Building Inspector. Such application shall be accompanied by a plat of survey of the property and all necessary drawings to indicate the height, length, density and design of such structure.
  - b. A fee for such application shall be as provided in the current fee schedule on file with the City Clerk together with a survey that conforms to Section C(2) above.
  - c. Upon receipt of such application, fee and survey, the Building Inspector shall refer such application to the Plan Commission.
3. Public hearing.
  - a. Upon receipt of such application, the Plan Commission shall set a date for a public hearing.
  - b. The Plan Commission shall mail a notice of such public hearing to all property owners within 100 feet of the front lot line of the applicant's lot. Such notice shall be mailed by first-class mail at least seven days prior to such hearing.
  - c. At such hearing, the Plan Commission shall hear all persons desiring to be heard on such front yard decorative fence.
  - d. The Plan Commission shall determine whether or not the proposed front yard decorative fence shall be allowed, conditionally allowed, or disallowed. In making its determination, the Plan Commission may consider, among other things:
    - (1) Visual clearance for motorists.
    - (2) Visual clearance for pedestrians.
    - (3) Public access abutting such property.
    - (4) Whether the proposed structure fully complies with the definition of the term front yard decorative fence as defined in subsection A(2) above.
    - (5) Aesthetics of the proposed structure in light of existing structures on the principle and neighboring properties.
      - (a) There shall be no fee charged for such hearing, beyond the initial permit application fee.
      - (b) If such structure is allowed, or conditionally allowed, by the Plan Commission, the Building Inspector shall issue a permit for such front yard decorative fence. Upon rejection by the Plan Commission, the Building Inspector shall deny such permit.