

VILLAGE OF STURTEVANT

2801 89th Street, Sturtevant, WI 53177

17.17 FENCE PERMIT APPLICATION

- New Fence
- Replacement
- Add to Existing
- Industrial
- Commerical
- Residential

Height _____

Type of Fence _____

Length of Fence _____

OWNER:
LOCATION ADDRESS:
OWNER ADDRESS, IF DIFFERENT THAN LOCATION:
OWNER'S PHONE:
CONTRACTOR:
CONTRACTOR ADDRESS:
CONTRACTOR PHONE:

Permit Fee - if less than 80 Linear Feet - \$35
Permit Fee - if more than 80 Linear Feet - \$70

Job Valuation Estimate _____ *Required

APPLICANT: I have received a copy of the Village of Sturtevant's Ordinance 17.17 and the terms and conditions regarding construction of a fence, including fences within drainage ways. I understand that I, as the applicant have a responsibility to comply with all applicable terms and conditions, codes, statutes and ordiances of the Village of Sturtevant. The issuance of the permit creates no legal liability, express, or implied on the Department or Village.

Owner agrees to defend, indemnify and hold the Village of Sturtevant harmless from and against all claims, including boundary disputes, for injury or damage received or sustained by any person or entity in connection with installation or construction of fence.

Owners Signature _____ Date _____

PERMIT NUMBER:
TAX KEY NUMBER:

Inspector's Signature

Date



Fencing and Driveway Regulations

Village of Sturtevant, Wisconsin

The following information is relative to fencing and driveways as regulated by the Village of Sturtevant Zoning Ordinance Section 17.17. However, Building Permits are not required for fences. Engineering Department review is required for driveway installation.

Driveway/Patio/Pavement Regulations

Walks, drives, paved terraces, and purely decorative garden accessories such as fountains, pools, statuary, flag poles, etc., where subject to permanent structure classification shall be permitted in setback and side yard areas, but not closer than two (2) feet to an abutting property line; except walks, drives, and paved terraces may abut the street or alley line. The Village Engineering Department requires review of any potential driveway modifications.

Fencing, Screens, & Bushes

Fences, walls, clothes poles, children's play apparatus and architectural screening devices where anchored to supports imbedded in the ground shall be considered permanent structures and shall be subject to the following:

(2) DESIGN

(a) Height. All heights shall be as measured from ground level

1. Residential properties.

- a. A fence within the front yard may not exceed three (3) feet in height, and may not exceed any visual clearance requirements established by Ordinance 17.17(2)(e).
- b. A fence within a rear or side yard may not exceed six (6) feet in height and may not exceed any visual clearance requirements established by Ordinance 17.17(2)(e).
- c. Corner Lots with two (2) "street yards" may not exceed three (3) feet in height on the side of the house that bears the street address, and may not exceed any visual clearance requirements by Ordinance 17.17(2)(e).
- d. Corner Lots with two (2) "street yards" may exceed three (3) feet, but no greater than six (6) feet in height, for sides of the house that does not bear the street address and may not exceed any visual clearance requirements established by Ordinance 17.17(2)(e).
- e. A supporting fence post that is set into the ground may exceed the heights specified above by six (6) inches.

- f. In no event shall any provision of this chapter be construed to permit a spite fence in violation of Section 844.10, Wisconsin Statutes.
- 2. Commercial and Industrial Properties
 - a. Fences on commercial and industrial properties shall not exceed eight (8) feet in height, unless provided otherwise in a Conditional Use Permit/Site Plan Review applicable to the property.
 - b. A fence located within a street yard setback, as defined by the applicable zoning ordinance, may not exceed four (4) feet in height, unless provided otherwise by a Conditional Use Permit / Site Plan Review.
 - c. A supporting fence post that is set into the ground may exceed the heights specified above by six (6) inches.
- (d) Aesthetics.
 - 1. The "good" side of a fence shall face toward the adjoining property and toward the public road right-of-way. Fence posts shall be placed on the inner side of the fence. Metal fence posts shall be set in concrete bases.
 - 2. The Village Engineer, or designee, shall determine which side of a fence is the "good" side and shall provide property owners with such determination upon request. The Village Engineer, or designee, may require the property owner to provide sufficient evidence to make said determination. The determination of the Village Engineer, or designee, may be appealed to the Plan Commission, whose determination shall be final.
 - 3. Fences abutting alleys shall be set back a minimum of two (2) feet from the lot line extending along the alley.
 - 4. **CLEAR VISION AREA FOR CORNER LOTS.** Notwithstanding the foregoing provisions, to provide adequate vision clearance for persons using the public roads, no fence, screening, structure, bush, tree, branches or mound shall be erected, grow, placed or maintained on a corner lot in the Village which shall obstruct the vision between 3' and 6' above the curb level or, if none, the street grade at the location, within a triangle formed by the intersecting right-of-way lines and a line connecting such street lines from points 15' from the intersection of the right-of-way lines.

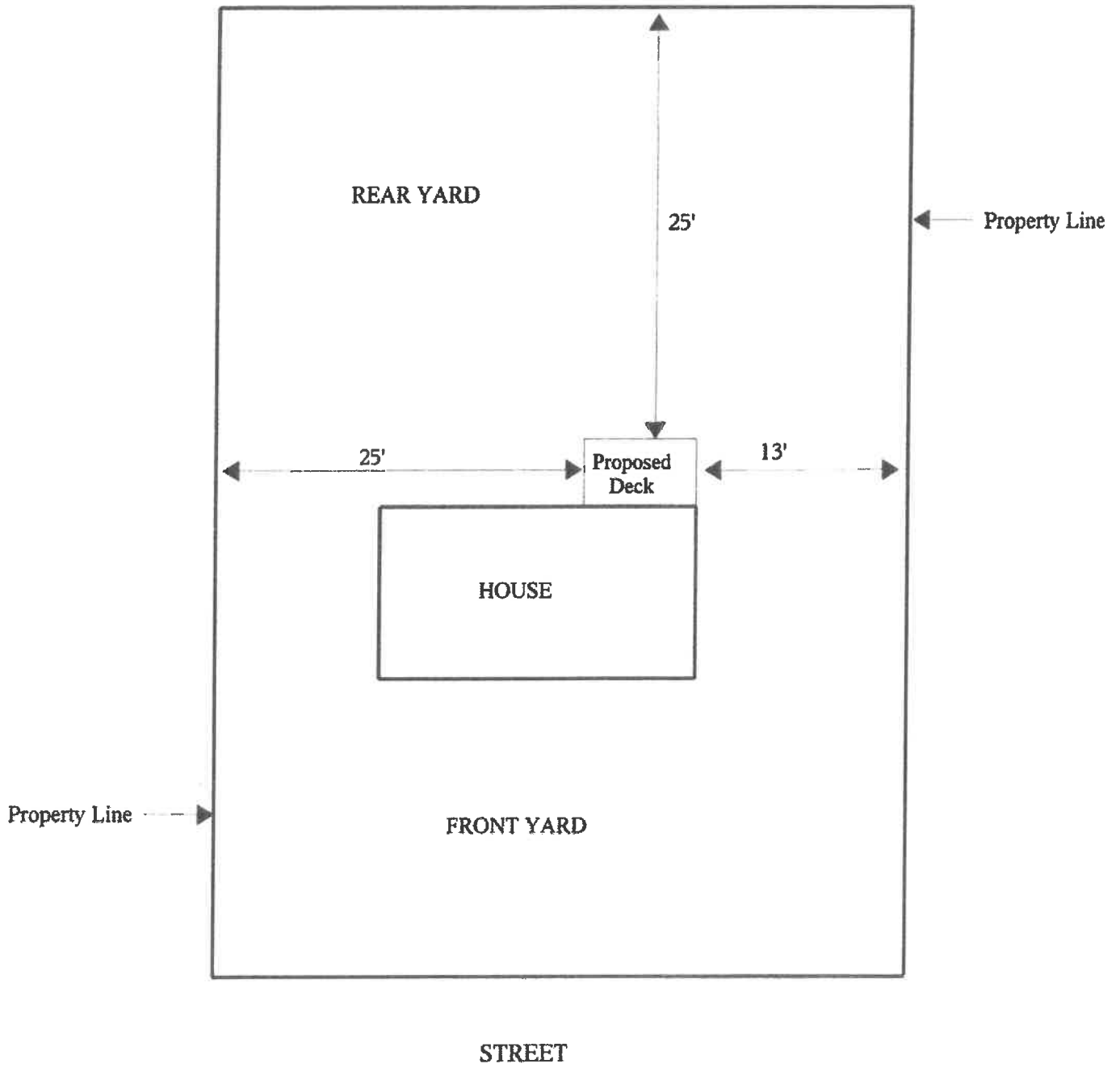
Where the Zoning Administrator deems that any such proposed fence, wall, or architectural screening device has one side that by virtue of design, construction of proposed installation would be more presentable than the other side, the most presentable side shall be placed outward toward neighboring properties.

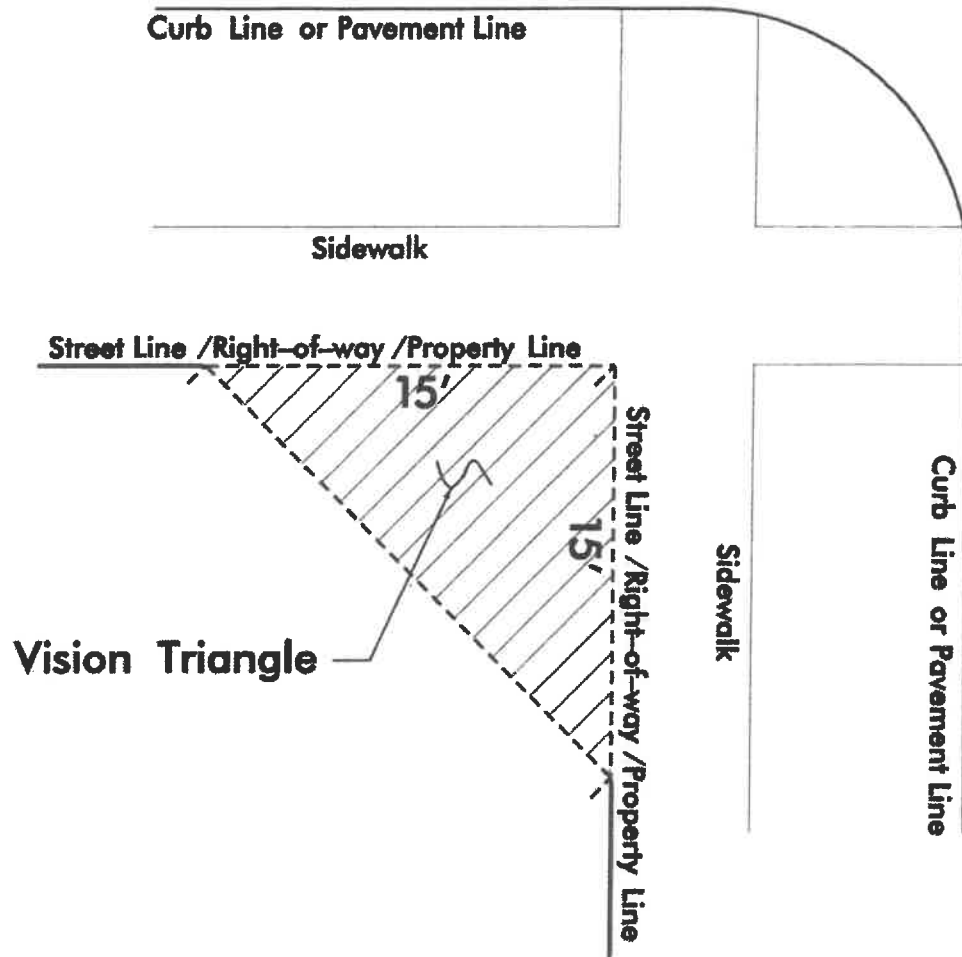
Fences Within Drainage Easements

The construction of fences in recorded drainage easements is permitted only under the following terms and conditions:

1. Fencing can not adversely impede or obstruct the flow of water through the drainage easement.
2. Fence styles must have adequate openings to allow surface water to pass through i.e. split rail, spaced picket, shadow box.
3. Fences that have no space between pickets or boards do not allow unimpeded and unobstructed flow of surface water and are not permitted.
4. Construction of the fence must not change the surface grade in a way that adversely impedes or obstructs the flow of water through the drainage easement.
5. Utilities such as electrical lines and storm water lines are often buried in the drainage easement and access to these utilities can not be obstructed. If a utility or the Village needs to get access to an underground utility, they will remove any obstructing fence and will not compensate the landowner for any damage to the fence and will not reinstall the obstructing fence once work is completed.
6. It is recommended that fences crossing the drainage easement have a gate or a removable section to allow a utility or Village truck to get in and access the underground utility.
7. The granting of a permit by the Village does not relieve a landowner of responsibility to other landowners if the fence causes drainage problems on other properties.
8. The granting of a permit by the Village does not relieve a landowner from any obligation to comply with any applicable restrictive covenants, zoning ordinances or building codes that apply to the parcel.

SAMPLE SITE PLAN





17.21.(4) VISION CLEARANCE FOR CORNER LOTS. Notwithstanding the foregoing provisions, to provide adequate vision clearance for persons using the public highways, no fence, screening, structure, bush, tree, branches or mound shall be erected, grown, placed or maintained on a corner lot in the Village which shall obstruct the vision between 3' and 6' above the curb level or, if none, the street grade at the location, within a triangle formed by the intersecting street lines and a line connecting such street lines from points 15' from the intersection of the street lines.

Vision Clearance For Corner Lots

R06-0019-002

Stat. §68.11. The Board of Appeals shall have no jurisdiction with respect to appeals of variance requests related to this section.

17.17 FENCES, SCREENS AND BUSHES. (Cr. 6/7/89)

(1) Zoning Permit.

- (a) No fence shall be constructed in the Village without first obtaining a permit from the Village. The application for such permit shall be on a form prescribed by the Village and shall be accompanied by a plot plan showing the lot, the proposed location and height of the fence, and a description of the materials to be used.
- (b) A permit fee in an amount as established by and as may be modified from time to time by resolution of the Village Board of the Village of Sturtevant shall be paid at the time of the filing of the application for a permit hereunder.
- (c) A permit issued pursuant to this chapter shall be valid and permit construction of the fence for a period of one (1) year from date of issuance. If the fence is not completed within such period, a new permit shall be required. The construction of a fence shall impose a continuing obligation on the owner to perform all work necessary to maintain the fence, structurally and aesthetically, as initially constructed.
- (d) The Village Engineer or his representative shall have a right to enter upon the premises to inspect the fence and its construction to ensure compliance with the permit and the provisions of this chapter.
- (e) As a condition of receiving a permit under this section, the owner agrees to defend, indemnify and hold the Village of Sturtevant harmless from and against all claims, including boundary disputes, for injury or damage received or sustained by any person or entity in connection with the installation or construction of a permitted fence.

(2) DESIGN.

- (a) Height. All heights shall be as measured from ground level.
 - 1. Residential properties.

- a. A fence within the front yard may not exceed three (3) feet in height, and may not exceed any visual clearance requirements established by Ordinance 17.17(2)(e).
- b. A fence within a rear or side yard may not exceed six (6) feet in height and may not exceed any visual clearance requirements established by Ordinance 17.17(2)(e).
- c. Corner Lots with two “street yards” may not exceed three (3) feet in height on the side of the house that bears the street address, and may not exceed any visual clearance requirements by Ordinance 17.17(2)(e).
- d. Corner Lots with two “street yards” may exceed three (3) feet, but no greater than six (6) feet in height, for sides of the house that does not bear the street address and may not exceed any visual clearance requirements established by Ordinance 17.17(2)(e).
- e. A supporting fence post that is set into the ground may exceed the heights specified above by six (6) inches.
- f. In no event shall any provision of this chapter be construed to permit a spite fence in violation of Section 844.10, Wisconsin Statutes.

2. Commercial and industrial properties.

- a. Fences on commercial and industrial properties shall not exceed eight (8) feet in height, unless provided otherwise in a Conditional Use Permit/Site Plan Review applicable to the property.
- b. A fence located within a street yard setback, as defined by the applicable zoning ordinance, may not exceed four (4) feet in height, unless provided otherwise by a Conditional Use Permit/Site Plan Review.
- c. A supporting fence post that is set into the ground may exceed the heights specified above by six (6) inches.

(b) Prohibited Materials.

1. No person shall construct or cause to be constructed, in whole or in part, a fence with barbed wire, creosote-covered materials, electrified wire, or other injurious materials within a residentially zoned district.
 2. No person shall construct or cause to be constructed, in whole or in part, a fence with barbed wire, creosote-covered materials or electrified wire or other injurious materials in a commercially or industrially zoned district unless so provided in a Conditional Use Permit/Site Plan Review under the applicable zoning ordinance.
- (c) Maintenance. A fence shall be maintained in a structurally sound condition. Posts, supports, rails, boards, panels, etc. shall be repaired or replaced as reasonably required toward that purpose.
- (d) Aesthetics.
1. The “good” side of a fence shall face toward the adjoining property and toward the public road right-of-way. Fence posts shall be placed on the inner side of the fence. Metal fence posts shall be set in concrete bases.
 2. The Village Engineer, or designee, shall determine which side of a fence is the “good” side and shall provide property owners with such determination upon request. The Village Engineer, or designee, may require the property owner to provide sufficient evidence to make said determination. The determination of the Village Engineer, or designee, may be appealed to the Plan Commission, whose determination shall be final.
- (e) Location.
1. A fence or other significant landscaping may not be located within a public right-of-way. A fence or other landscaping may be located within a public drainage, sanitary sewer, or water main easement only as allowed by and subject to such reasonable restrictions as are imposed by the Village Engineer. A fence must be completely within the installing property owner’s lot lines.
 2. A fence may be located within street, side, rear, and shore yard setbacks as permitted by applicable zoning ordinances, unless otherwise prohibited or restricted herein or unless prohibited or restricted by a Conditional Use Permit/Site Plan Review.

3. Fences abutting alleys shall be set back a minimum of two (2) feet from the lot line extending along the alley.
4. CLEAR VISION AREA FOR CORNER LOTS. Notwithstanding the foregoing provisions, to provide adequate vision clearance for persons using the public roads, no fence, screening, structure, bush, tree, branches or mound shall be erected, grown, placed or maintained on a corner lot in the Village which shall obstruct the vision between 3' and 6' above the curb level or, if none, the street grade at the location, within a triangle formed by the intersecting right-of-way lines and a line connecting such street lines from points 15' from the intersection of the right-of-way lines.

(3) GENERAL PROVISIONS.

- (a) Fences or other significant landscaping located within a public right-of-way shall not be permitted and shall be removed.
- (b) A fence or other landscaping currently located within a public drainage, sanitary sewer or water easement in the Village of Sturtevant shall be permitted to remain unless in the opinion of the Village Engineer, or his designee, the fence or other landscaping is determined to obstruct the purpose for which the easement was obtained or the maintenance of the easement, including underground lines. The determination of the Village Engineer as to the existence of an obstruction may be appealed as set forth in (d) below.
- (c) The Village Engineer may order any fence or other landscaping located within the Village of Sturtevant contrary to the provisions of this chapter to be removed, repaired or otherwise corrected, as the case may be. Such notice shall be in writing and delivered in person or by mail to the last known address of the owner of the property where the fence or other landscaping is located. The work or action shall be completed within thirty (30) days after mailing or personal delivery of the notice. Upon written request of the Owner, and for good cause shown, the Village Board may extend the time for compliance with the Order provided the Owner waives any appeal rights set forth below.
- (d) Any person shall have a right to request a review of the determination of the Village Engineer by filing a request for review in accordance with Chapter 68 of the Wisconsin Statutes. Failure to comply with the notice of required action shall permit the Village of Sturtevant to enter upon the premises and complete such action. Any cost to the Village of Sturtevant

shall be charged as a special charge against the property as provided in Wis. Stat. Section 66.0627.

- (e) Fences existing in any residential district prior to the effective date of this chapter which do not meet the regulations of this chapter are permitted to be repaired for ordinary maintenance, including painting, staining, and cleaning. No permit shall be required for such work. The replacement of 50% or more of the fence, or 50% or more of the component parts thereof, shall require a new permit and compliance with the regulations of this chapter.
- (f) As an exception to any notice requirements set forth above, the Zoning Administrator may order the emergency removal of a fence, or a portion thereof, or other landscaping where there is an immediate danger to persons or property, or a significant maintenance concern. This determination shall be made by the Zoning Administrator, upon the recommendation of the Village Engineer.

ZONING DISTRICTS

17.18 SINGLE-FAMILY RESIDENCE DISTRICT.

- (1) **USES.** In the Single-family Residence District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses, provided, however, that the uses specified below in subsection 17.18(1)(b) shall be conditional uses and shall be permitted only under the conditions as determined and provided under Section 17.29 of this Chapter.
 - (a) Single-family dwellings.
 - (b) Churches, philanthropic and charitable institutions, public and parochial schools, public libraries and museums. Municipal buildings, including public recreational and community center buildings and grounds, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions.