

## Residential Fence Permits

Planning and Development Services Department

[www.opkansas.org](http://www.opkansas.org)

These requirements are contained in Overland Park Municipal Code (OPMC) 18.390.140 C (Unified Development Ordinance) and in OPMC 16.100 (Building Code). This handout outlines fence requirements for one- and two- family residential structures. Please check with your Homeowner's Association for any private requirements if applicable. Additional requirements may apply to fences on commercial property or in planned zoning districts.

A permit is required before construction begins when:

- A new fence is being constructed;
- An existing fence is being extended;
- An existing fence is being replaced with a new fence of a different size, at a different location or of a different design (e.g. a chain link fence being replaced by a wood privacy fence); or
- More than 50 percent of the linear length of an existing fence is being replaced.

A fence permit is not required if less than 50 percent of the length of an existing fence is being replaced and no changes are made to the fence size or materials. If less than 50 percent of an existing fence is being replaced, then the replacement fence must either be in compliance with the location and design requirements listed below or are identical to the existing fence (i.e., the same location, the same size and design and constructed of the same materials). In addition, a fence cannot be replaced if it is located near a street intersection and impedes visibility in the sight distance triangle as defined in OPMC 18.420.060.

### PERMIT ISSUANCE

To obtain a fence permit, an application form and a plot plan or mortgage survey (site plan) must be submitted to the Building Safety counter on the second floor of City Hall, 8500 Santa Fe Drive. The plot plan must show:

- Where the new fencing is to be installed in relationship to the property lines or existing buildings;
- Where there is existing fencing on or adjacent to the property that is to remain in place.

In addition, a note should be placed on the plot plan indicating the height of the proposed fence and the type of fence construction. Typically, a plot plan is based on the property survey drawing usually done when a new house is built or property is sold or mortgaged. If no such drawing is available, contact the Building Safety Division at (913) 895-6205 to determine if a plot plan for the property is on file with the city or if one can be created from city records. Once all required information is submitted, it will be reviewed for compliance with code requirements. Once the permit is approved, a permit fee will be charged based on the estimated cost of the fence construction.

All fences must be installed in compliance with the city's fence requirements and with the information shown on the plot plan and fence permit application form. A fence inspection will automatically be scheduled for 30 to 45 days following the issuance of the permit and periodically there after until the fence construction is completed. Upon completion, an inspection may be specifically requested by calling (913) 895-6220.

## FENCE LOCATION

Fences must be located on private property and built with the consent of the property owner. It is the responsibility of the fence installer and/or property owner to correctly locate property boundaries. Where the location of a property line is unclear, please check with neighboring property owners before beginning construction or have the property surveyed. The city does not provide this service. The following rules apply in most cases, but please read the “Location Exceptions” section for rules that apply in certain situations.

- Front yard - Fences may not be located in the front yard or be positioned any closer to the front property line than the front surface of the residence.
- Rear yard - Fences can generally be located anywhere in the rear yard, except that fences cannot be located closer than 15 feet to any collector street or local street right-of-way. In addition, fences are not permitted in any platted landscape easement except when they are approved by the Planning Commission as part of a landscape/screening plan for a subdivision.
- Side yard - Fences can generally be located anywhere in the side yard, except that a fence cannot extend in front of the front surface of the residence and cannot be located closer than 15 feet to collector street or local street right-of-way. In addition, fences are not permitted in any platted landscape easement except when they are approved by the Planning Commission as part of a landscape/screening plan for a subdivision.
- Drainage ways - Per OPMC 7.54.250 (Health and Sanitation) fences may be erected in drainage ways and swales provided they do not unnecessarily restrict the flow of water. For more information contact the Engineer of the Day at (913) 895-3195 prior to erecting the fence.
- Easements - The city does not prohibit construction of fences in utility easements, but the fence installer and/or property owner assumes some risk by doing so. Call 1-800-DIG-SAFE for information on utility line locations.

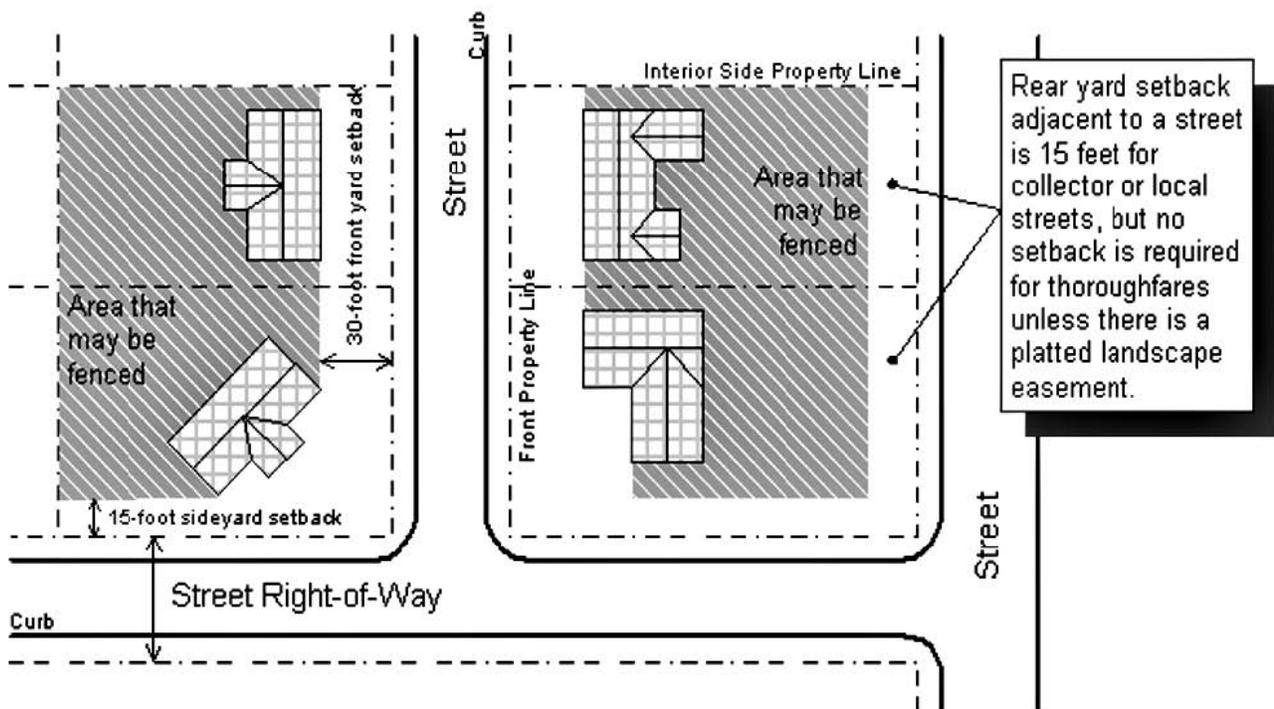
When a fence is built parallel to a street, it shall be set back 15 feet from the property line. Along nearly every street, there is an unpaved, publicly owned area on both sides of the pavement that is used for sidewalks and utility lines, called a street right-of-way. It is usually 10 to 12 feet back from the curb. Thus, a fence with a 15 foot setback requirement typically will need to be 25 to 27 feet back from the curb.

## LOCATION EXCEPTIONS

There are three notable exceptions to the fence location requirements listed above.

- Landscape easements - Private fences for an individual residence are not permitted within the easement. They can, however be located parallel to the easement line. Access to the easement for maintenance purposes must be provided via an opening or a gate unless the homes association for the subdivision will state in writing that they provide the maintenance of the easement in lieu of each individual resident along the easement.
- Decorative entry fences - Although fences are generally not permitted in the front yard, there is an exception for “decorative entry fences” provided they meet the following conditions: The fence must extend no further than 12 feet in front of the front surface of the home and cannot be closer than 15 feet to any street right-of-way.
  - a) The fence must be located in front of the main entry to the home and cannot extend beyond either side of the home.
  - b) The fence cannot connect with any other fence on the property.

- c) The fence cannot exceed 3 feet in height and must be constructed of brick, stone, split rail, wood rail, wrought iron or spaced pickets.
  - d) The fence must not define an enclosed area without an un-gated opening to the yard at least 36 inches in width.
  - e) The fence must be maintained in good condition such that painted areas have no chipped or peeling paint, broken or missing elements are repaired or replaced promptly and the base of the fence is kept neat.
- Model home fences - A model home operated in conjunction with a residential sales office for a new subdivision may include a decorative fence in the front yard enclosing or defining the extent of the complex. Such fences must have a surface that is 50 percent open, cannot be constructed of chain link or other wire materials and cannot exceed 4 feet in height. In addition, model home fences cannot be located in any portion of the street right-of-way and must be removed upon the termination of the sales office.



## DESIGN STANDARDS

The following design standards apply to any new fence or wall or the replacement of any fence where the length of the replacement fence exceeds 50 percent of the length of the existing fence (i.e., any fence requiring a permit).

- Height - The maximum height of any fence is eight feet above average grade.
- Design - All fences and walls shall be constructed with a finished surface facing outward from the property. Any posts or support beams shall be inside the finished surface or designed to be an integral part of the finished surface.
- Gate - All fence segments abutting a thoroughfare, except for corner lots, must provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. An exception may be granted if the city receives a letter from the Home Association stating the area is maintained by the Home Association and not by individual homeowners.

- Sight distance triangles - Fences or walls constructed near street intersections are required to stay clear of an area known as the “sight distance triangle” in order to provide a reasonable degree of traffic visibility. See OPMC 18.420.060 for more information.

## **POOLS AND SPAS**

Outdoor pools, spas and hot tubs are required to be protected by an enclosure designed to restrict access by children. If a fence is intended to serve as the required enclosure, it must meet the following requirements in addition to those that apply to all fences.

- Height - The minimum height of the fence enclosure must be at least 48 inches. The maximum clearance between the bottom of the fence and the ground is 2 inches.
- Openings - Openings in the fence shall not allow passage of a 4-inch diameter sphere. The distance between the tops of any horizontal members of the fence shall be equal to or greater than 32 inches. EXCEPTION: Where the vertical members are spaced 1-3/4” or less, the horizontal members may be spaced a distance less than 32 inches.
- Gates - All gates in the enclosing fence must swing away from the pool/spa area and be designed to be self-closing and self-latching. If the latch or latch-release hardware is on the outside of the fence, it must be at least 54 inches above the ground. If the latch hardware is on the inside of the fence, it must be at least 3 inches below the top of the fence and there cannot be any openings more than ½ inches in width within 18 inches of the latch. Gates more than 5 feet in width and designed for equipment access to the fenced area are not required to be self-closing or self-latching provided they are locked at all times except when needed for equipment access.
- Design - The fence shall be designed so that there are no openings large enough to allow the passage of a 4-inch diameter sphere and so no “ladder effect” is created on the outside. If a chain link fence material is used, the maximum size of the openings (i.e., the distance between parallel wires) shall not exceed 1-¼ inches.