

ORDINANCE NO. 3310

AN ORDINANCE APPROVING A TEXT AMENDMENT TO ARTICLE 20, SECTION 20-9 OF THE ZONING REGULATIONS OF THE CITY OF ABILENE, KANSAS, CONCERNING FENCES

WHEREAS, the Planning Commission conducted a public hearing on September 13, 2016 regarding the a text amendment to Article 20 of the Zoning Regulations;

WHEREAS, the Planning Commission recommended the Governing Body approve a Text Amendment to Article 20 of the Zoning Regulations upon making certain findings of fact as provided to the Governing Body in a Staff Report dated September 13, 2016 and attached hereto as **Exhibit A**; and

WHEREAS, the City Commission desires to amend the applicable sections of its Zoning Regulations as provided herein.

THEREFORE, BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION ONE. That Section 20-9 of the Zoning Regulations of the City of Abilene, Kansas, be amended as follows:

SECTION 20-9 FENCES

20-901 Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations of the City the following restrictions shall apply to the construction of all fences or improvements, replacements or extensions of existing fences.

- A. No fence shall be constructed at a location where it would constitute a traffic hazard.
- B. A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.
- C. For corner lots the following rules shall apply: All sides adjacent to a street shall be considered front yards, with the one on the non-address side having the lesser setback requirement. The primary front yard shall meet the applicable district setback. However, on corner lots back to back with another corner lot, the fence may be installed up to the non-address side property line, in the front yard setback area.
- D. For institutional uses in residential or public districts, such as schools, parks, hospitals and cemeteries, a fence may be constructed in the front yard setback provided it complies with Subsections b, d and e of this section, and has a maximum eight foot height.
- E. A fence may be erected in a commercial district or industrial district to not more than an eight foot maximum height, except where these Regulations provide otherwise.
- F. A fence may be erected in a residential district to not more than eight foot maximum height, except where these Regulations provide otherwise.

G. Fences in Required Yards.

1. Fences projecting into required yards shall conform to the following maximum heights:
 - a. Residential Districts: Fences or walls shall not exceed six feet in height for any required side yard, four feet in height for a required front yard, and eight feet in height for required rear yards.
 - b. Commercial Districts: Fences or walls shall not exceed eight feet in height.
 - c. Industrial Districts: Fences or walls shall not exceed eight feet in height.
2. Security fences not less than six feet in height shall be required for permanent and temporary swimming pools that exceed a depth of thirty inches.
3. Barbed wire fences are prohibited inside the City limits, except:
 - a. When property exclusively used for agricultural purposes is annexed into the City and the barbed wire fencing does not pose a risk to pedestrians. Risk to pedestrians shall be presumed when any barbed wire fencing is located within ten feet of any pedestrian sidewalk, street or public thoroughfare.
 - b. On top of perimeter fencing of storage areas in industrial and commercial district zones, provided that barbed wire atop such fences shall be at least six feet above the ground with a maximum fence height of eight feet;
4. Electric charged fences are prohibited inside the City limits except:
 - a. An electric fence not exceeding twenty-four volts and completely contained within a landowner's fenced property shall be permitted if the landowner first obtains approval from the City; and
 - b. Electronic detector loops for animal containment systems shall not be classified as an electric charged fence.
5. Concertina wire or looped barbed-wire fences are prohibited inside the City limits except for use by law enforcement for detention facilities.

SECTION TWO. Existing Section 20-9 of the Zoning Regulations of the City of Abilene, Kansas is hereby repealed.

SECTION THREE. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Abilene, Kansas, this 11th day of October, 2016.

CITY OF ABILENE, KANSAS

By: Dee Marshall
Dee Marshall, Mayor

ATTEST:

Penny Soukup
Penny Soukup, City Clerk

APPROVED AS TO FORM:

Aaron O. Martin
Aaron O. Martin, City Attorney