

ORDINANCE NO. 2018-8

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SPECIFICALLY SECTION 152.131 FENCES AND SCREENS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Title XV, Chapter 152, Section 152.131 of the Wayne Municipal Code is hereby amended to read as follows:

§ 152.131 FENCES AND SCREENS.

Except as otherwise specifically provided in this chapter and in other codes and regulations, the following regulations shall apply to the construction of fences and screening.

(A) No **non-agricultural** fence shall be constructed **without a permit and no fence or screen may be constructed** which will constitute a traffic hazard.

(B) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

(C) **Any fence which is designed or constructed with one side being a finished side, or more visually appealing than the other side, shall be built with that side facing the neighboring properties and street. *If supporting structures are only visible from one side of the fence, that side must face the interior of the property.***

(D) (1) Fences separating residential land uses shall not exceed six feet in height.

(2) Fences separating residential and non-residential land uses or between two non-residential land uses shall not exceed eight feet in height.

(E) No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than eight feet; however, the Board of Adjustment may, by granting a variance, authorize the construction of a fence higher than eight feet if the Board of Adjustment finds the public welfare is preserved.

(F) Where fences, screens or obstructions are constructed to **obstruct prohibit** view **of obstacles such as garbage cans, air conditioners, open storage and similar uses, from one side of the fence, screen, or obstruction to the other side, fences or screens shall not exceed the height specified for residential and non-residential areas; and, further,** no such screen or fence shall be located in the front yard, ~~or in the side yard, except the obstruction may be constructed in the side yards; providing, it is located between the rear property lines and the front building lines of the principal structure~~ **when a sidewalk exists on the adjacent terrace. No such screen or fence shall be located within 20 feet of the back of the curb of the adjacent street. The placement of a future sidewalk in the adjacent terrace shall require such screen or fence to be removed from the front yard.**

(2002 Code § 90-702) (Ord. 93-11, passed 9-28-1993)

Section 2. That the Planning Commission held a public hearing on March 5, 2018, regarding this matter, and have recommended approval thereof subject to the following "Finding of Fact:"

- Staff's recommendation

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 17th day of April, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk