

ORDINANCE NO. 2018-23

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, 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 Municipal Code of Wayne, is hereby amended 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; **however, the City Council may, by granting a waiver, authorize the construction of a fence higher than six feet, but not exceeding eight feet in height, if the Council finds the public welfare is preserved.” if the applicant provides proof of an individual with a documented disability living on the premises, with verification that an enclosure exceeding six feet in height is necessary for the protection of the individual. Under no circumstances shall the fence exceed eight 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 prohibit view, from one side of the fence, screen, or obstruction to the other side, no such screen or fence shall be located in the front yard, 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; Ord. 2018-8, passed 4-17-18)

Section 2. That the Planning Commission held a public hearing on August 6, 2018, regarding this matter, and have recommended approval thereof subject to the following “Finding of Fact:”

- According to the Planning Commission’s discussion.

Section 3. The original Section and any other sections in conflict with this ordinance are hereby 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 2nd day of October, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk