

ORDINANCE NO. 2011-15

AN ORDINANCE TO AMEND SECTION 9.03 OF THE ZONING REGULATIONS FOR THE CITY OF HICKMAN FOR FENCES CONSTRUCTED WITHIN THE ZONING JURISDICTION OF THE CITY OF HICKMAN AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HICKMAN, NEBRASKA;

Section 1. That Section §9.03 of the Zoning Ordinance of the City of Hickman, be amended to read as follows:

No fence shall be constructed within the zoning jurisdiction of the City of Hickman unless it is constructed in conformance with the following requirements and a required fence permit:

9.03.01 Height Limitations

The height limitation for fences shall be 76 inches above ground level; except as provided herein.

1. No fence shall be constructed within a required front yard of any lot, except;
 - a. Fences constructed within the required front yard setback line shall not exceed 48 inches in height and be an open fence as per section 9.03.02.
 - b. Fences constructed along a side and rear lot line shall not exceed 76 inches in height.
 - c. Fences within the front yard of a corner lot that the dwelling does not face shall not exceed 76 inches in height and the setback for corner lot may be 0 feet from the property line.
2. The height of a fence shall be determined by the vertical distance measured from the established grade level at the nearest sidewalk, top of curb, or other public right-of-way to the top of the highest part of the fence. Earth berms, whether manmade or not, terraces, and retaining walls that elevate the fence shall be considered a part of the fence, and shall be included in the height of the fence. It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures shall comply with the provisions of this Ordinance.
3. Where it is demonstrated that for security purposes the perimeter fencing around a factory or building located in an area zoned as an Industrial District must be higher than six feet in height may be approved by through a Conditional Use Permit
4. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
5. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet in height.

9.03.02 Design Criteria/Location

1. Fences located within a front yard of a residential lot must qualify within the definition of an open fence. Solid fences may be constructed along a side and rear lot line and parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District.
2. Prohibited Locations. No fence shall be erected within:
 - a. The triangular area required for sight distance of vehicles entering or exiting the property or entering an adjacent intersection, in conformance with the design standards of the city and Section 4.08 of Article 4: General Provisions, of the Hickman Zoning Ordinance.

- b. Ten feet from the opening side of all pad-mounted equipment (the side with decals on the lid), three feet from the opening side of the power pedestals (the side with the padlock), or twelve inches from the other non-opening sides of the pad-mounted equipment or power pedestals.
- 3. No fence or vegetation shall be situated or constructed in such a way as to obstruct vehicular traffic or otherwise create a traffic safety hazard. No fence or vegetation shall be situated or constructed within the required sight triangle.
- 4. The use of barbed wire within the Corporate Limits of Hickman in the construction of any fence is prohibited except:
 - a. Perimeter security fencing of buildings constructed in a Highway Commercial or Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
- 5. All supporting posts for fence construction shall be set in concrete except for agricultural fencing in the Transitional Agriculture District.
- 6. All fences shall be maintained in good repair.
- 7. All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners, pursuant to written agreement filed with the City, agree to build one fence on the common lot line of adjacent side yards or back yards.

9.03.03 Electric Fences.

No electric fence shall be constructed or maintained within the City of Hickman or within its extraterritorial zoning jurisdiction except in the Transitional Agriculture District. This provision does not apply to invisible fence systems.

9.03.04 Facing.

The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

9.03.05 Fences in existence as of the date of adoption of this Ordinance.

Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of this Ordinance may remain without change, notwithstanding same may be in conflict with one or more provisions of this Ordinance. However, any replacement or change of said existing fence or addition of a new fence shall meet the requirements of this Ordinance.

9.03.06 Swimming Pools.

All above or in-ground swimming pools of a permanent nature constructed within the zoning jurisdiction of the City of Hickman shall comply with any and all city, county, state or federal regulations.

Section 2. 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 8th Day of November, 2011



 Jim Hrouda, Mayor

ATTEST: 

 Kelly Delke, City Clerk

