

ORDINANCE NO. 1124

AN ORDINANCE AMENDING ARTICLE 23-2 OF APPENDIX C – ZONING REGULATIONS OF THE CODE OF THE CITY OF CLEARWATER, KANSAS

WHEREAS, the Planning Commission of the City of Clearwater, Kansas, has identified a need to modify the Zoning Regulations as they pertain to accessory structures; and

WHEREAS, pursuant to Article 23-2 of Appendix C of the Code of the City of Clearwater, Kansas, a hearing was held before the Planning Commission on September 2, 2025, to address the proposed modifications to the Zoning Regulations regarding fences; and

WHEREAS, the City of Clearwater, Kansas, wishes to amend its Article 23-2 of Appendix C to the Code of the City of Clearwater to modify its regulations regarding accessory structures

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER KANSAS:

SECTION 1.

Article 23-1 of Appendix C – Zoning Regulations of the Code of the City of Clearwater is hereby amended to read as follows:

23-2. Fences.

Except as otherwise specifically provided in other codes, ordinances, or resolutions, the following regulations shall apply to the construction of fences:

- (1) Fence permits are required prior to construction. All permit applications must be accompanied by a plot plan and an application for zoning compliance. The Zoning Administrator may require a photograph or sketch of the proposed fence.
- (2) Fences are not permitted in the city right-of-way.
- (3) No fence shall be constructed closer to the street than the front setback line established for the district in which such fence is to be erected, except that fences installed upon public or parochial school grounds or in public parks and public playgrounds may be permitted by special use permit approved by the board of zoning appeals without any front yard setback limitation, providing the fence does not encroach on any required utility easements or cause any vision impairment for vehicles.
- (4) No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the city building inspector has certified that the proposed fence will not constitute a traffic hazard.

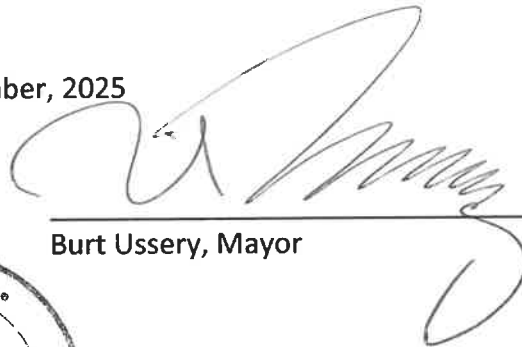
- (5) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
- (6) No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight, or hindering ventilation, or any fence which shall adversely affect the public health, safety, and welfare.
- (7) 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 six feet; provided, however, that the board of zoning appeals may, by exception, authorize the construction of a fence higher than six feet if the board finds the public welfare is preserved.
- (8) All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
- (9) Except as otherwise set forth in this Ordinance, permitted materials in residential districts for fences on all properties shall include:
 - a. new lumber and new wood boards;
 - b. split rail;
 - c. chain link;
 - d. wrought iron and decorative aluminum;
 - e. vinyl;
 - f. brick and masonry;
 - g. stone, rock and concrete block;
 - h. stucco;
- (10) Prohibited materials in residential districts shall include but not be limited to:
 - a. sheet metal;
 - b. metal building siding and roofing materials;
 - c. corrugated metal or fiberglass;
 - d. barbed wire except as may be permitted for security requirements;
 - e. chicken wire;
 - f. plywood;
 - g. scrap wood;
 - h. scrap metal;
 - i. canvas, nylon or other non-rigid material or fabric;
 - j. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence; and
 - k. stock fences.
- (11) Fences shall be exempt from the provisions of section 23-3; however, the city retains the right to remove any fence for right-of-way purposes.

- (12) Conditional use for fences: The Board of Zoning Appeals may as a conditional use approve the construction of higher fences and/or permitted placement in the right-of-way in any district if the Board finds that the public welfare is preserved.
- (13) Any fence existing on the effective date of Ordinance No. 1124 (September 23, 2025) which has been previously approved by the City shall be allowed to remain as constructed so long as the fence complies with the city code or approved zoning variance applicable at the time of its construction. However, if any such fence is removed, then any new fence constructed shall comply with all current provisions of the city code.
- a. Any fence that is repaired with the same material that is of the same size and at the same location is not considered removed for the purposes of this section.

SECTION 2.


This Ordinance shall take effect and be in force thirty (30) days from and after its publication in the official city newspaper.

PASSED AND APPROVED this 23rd day of September, 2025



Burt Ussery, Mayor

ATTEST:


Jaye Poe, City Clerk