

*(Ordinance Summary published in The Hillsboro Star-Journal on July 5, 2023 and the full text of the Ordinance made available at <https://cityofhillsboro.net> for a minimum of one (1) week from the date of publication)*

## ORDINANCE NO. 1369

AN ORDINANCE AMENDING ORDINANCE NO. 1208, AS PREVIOUSLY AMENDED, OF THE CITY OF HILLSBORO, KANSAS AND APPROVING REVISIONS TO THE ZONING REGULATIONS OF THE CITY.

WHEREAS, the governing body of the City of Hillsboro, Kansas (the "City") has adopted Zoning Regulations by its Ordinance No. 1208, as previously amended, (the "Zoning Regulations"); and

WHEREAS, in accordance with K.S.A. 12-757, the Hillsboro Planning Commission provided all necessary notice and held a public hearing on May 11, 2023, to consider adoption of revisions to the Zoning Regulations, making an accurate written summary of the proceedings. A majority of the members of the Hillsboro Planning Commission voted to adopt the proposed revisions, and recommend them to the governing body for approval, the same to be reincorporated into the City Zoning Regulations by this ordinance; and

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

Section 1. Authority and Jurisdiction. Article III, Section 4 of the Zoning Regulations entitled "**AGRICULTURAL EXCLUSION**" is hereby deleted in its entirety and replaced with the following:

### **SECTION 4. CONTINUED AGRICULTURAL USE.**

For property annexed into the City for development purposes, any present agricultural use of the property, including the growing of any agricultural crops or keeping of animals, shall be allowed to continue until the property changes ownership. In order to qualify for continued agricultural use, the land shall be held under one ownership and have been platted or officially designated for future residential, commercial or industrial development in accordance with city code and the city's most recently adopted Comprehensive Plan. Continued agricultural use does not allow for feedlots or development in areas designated as a floodplain district.

Section 2. Fences. Article XXX, Section 2 of the Zoning Regulations entitled "**FENCES**" is hereby deleted in its entirety and replaced with the following:

### **SECTION 2. FENCES.**

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

1. Fences are allowed in front setbacks in residential areas provided fences do not exceed four (4) feet in height, are seventy-five (75) percent transparent and placed a minimum of five (5) feet from the property line. No fence shall encroach on any required utility easement or cause any vision impairment for vehicles.

2. 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.

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

4. 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.

5. 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 (6) feet; provided, however, that the Planning Commission and Governing Body may, by exception, authorize the construction of a fence higher than six (6) feet if the Board finds the public welfare is preserved.

6. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.

7. Fences shall be exempt from the provisions of SECTION 3 of this Article; however, the City retains the right to remove any fence for right-of-way purposes.

8. Fences are allowed in side yard setbacks in residential areas provided such fences do not exceed six (6) feet in height and are placed a minimum of five (5) feet from the property line. No fence shall encroach on any required utility easement or cause any vision impairment for vehicles. Fences existing on corner lots as of the date of this Ordinance which are closer than five (5) feet to the side yard setback may be re-constructed in the same locations provided that reconstructing that fence does not encroach on any required utility easement or cause any vision impairment for vehicles.

Section 3. Amendments. The Zoning Regulations will be revised to reflect the effective date, and the number of this Ordinance, in addition to any previous amendments.

Section 4. Ordinance Effective Date. This Ordinance shall take effect on and be in full force after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

*[Remainder of Page Intentionally Left Blank]*

PASSED, ADOPTED AND APPROVED by the governing body of the City of Hillsboro,  
Kansas, this 27<sup>th</sup> day of June, 2023.



CITY OF HILLSBORO, KANSAS

  
Lou Thurston, Mayor

  
Danielle Bartel, City Clerk