

**CITY OF CHERRYVALE**

**ORDINANCE NO. 13-4638**

**AN ORDINANCE AMENDING CHERRYVALE, KANSAS ZONING REGULATIONS  
ARTICLE 5 – SUPPLEMENTARY DISTRICT REGULATIONS SECTION 9 FENCES.**

WHEREAS, the Planning and Zoning Commission recommended a change to the Zoning Regulations on September 12, 2013; and,

WHEREAS, the Governing Body of the City of Cherryvale, Kansas desires to modify and replace Article 5, Supplementary District Regulations, Section 9, Fences;

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

Article 5 Section 9 is amended as follows.

**“9. Fences:** Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

- A. No fence shall 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. 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 which fence shall adversely affect the public health, safety and welfare.
- D. 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 four feet in the front yard, or eight feet elsewhere; provided, however, that the Board of Zoning Appeals may, as a conditional use, authorize the construction of a fence higher than eight feet if the Board finds the public welfare is served.
- E. From the center of an alleyway, a fence shall be constructed a minimum of half (1/2) the total width of the alleyway; plus five (5) feet where no overhead power lines are present or eight (8) feet where overhead power lines are present; or consistent with the neighborhood at the discretion of the building official. If no designated alleyway exists no fence shall be constructed over a designated city easement or right of way without express written approval of the code enforcement officer and City Administrator.

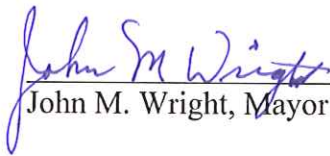
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F. No fence shall be constructed without first obtaining a fence permit.”

**REPEAL.** All other ordinances in conflict herewith are hereby repealed.

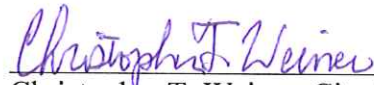
**EFFECTIVE DATE.** This ordinance shall take effect and be in force upon its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Cherryvale, Kansas, this 7th day of October, 2013.

  
\_\_\_\_\_  
John M. Wright, Mayor



ATTEST:

  
\_\_\_\_\_  
Christopher T. Weiner, City Clerk

APPROVED TO FORM:

  
\_\_\_\_\_  
John Bullard, City Attorney