

(Published once in Russell County News on August 24, 2007.)

ORDINANCE NO. B-497

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF VICTORIA, KANSAS, AS ORIGINALLY ADOPTED BY ORDINANCE NO. B-421, AND INCORPORATING AS A PART THEREOF AMENDMENTS TO SECTIONS 2-102 AND 6-100B PERTAINING TO A REVISED DEFINITION FOR FENCES AND REQUIRING A ZONING PERMIT FOR THEIR INSTALLATION.

THAT WHEREAS on April 13, 1998, the City of Victoria, Kansas enacted Ordinance No. B-421, which was duly published and which provided for the adoption of and incorporation therein of certain Zoning Regulations for said City, official copies of same being on file with the City Clerk; and

WHEREAS, the Planning Commission of the City of Victoria, Kansas has prior hereto and after giving due notice held a public hearing on July 19, 2007, and made certain recommendations for amendments as contained herein; and

WHEREAS, the Governing Body of the City of Victoria, Kansas desires to approve such amendments to the Zoning Regulations in accordance therein;

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

Section 1. That Section 102 of Article 2, pertaining to Definitions is hereby amended to delete the definition for fences and replace it with the following revision:

FENCE: A free-standing structure of customary materials such as metal, masonry, glass, plastic or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes, but which does not pose a threat to public safety or health and is designed and artificially constructed in such a manner as to produce an aesthetically pleasing appearance. Fences constructed of metal roofing materials, fork-lift pallets, portions of vehicles or appliances and the like are not permitted. (See Section 3-103F 2-5 for fences as permitted obstructions and Section 6-100B for required zoning permit for the installation of all fences.)

Section 2. That the footnote to Section 100B of Article y, pertaining to accessory zoning permits is hereby amended to delete the footnote and replace it with the following revision:

\* Zoning permits are required only for accessory structures which exceed 100 square feet of ground area; however, permits are required for all fences. (For other accessory zoning permits, see Section 6-101 for temporary uses, Section 6-102 for home occupations, Section 5-100 for parking spaces and loading areas and Article 7 for signs.)

Section 3. Any provisions of this Ordinance which shall be declared to be unconstitutional or otherwise invalid shall not affect the validity and authority of the other sections of this Ordinance.

**Section 4.** This Ordinance shall take effect from and after its publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY of the City of Victoria, Kansas on August 20, 2007.

APPROVED BY THE MAYOR on August 20, 2007.

( S E A L )

/s/ Curtis B. Unrein  
Curtis B. Unrein, Mayor

ATTEST:

/s/ Mary Pfeifer  
Mary Pfeifer City Clerk