

City of Franklin
City of Franklin Zoning/Planning Board
September 28, 2020 12:00 PM City Hall

A Copy of the "Open Meetings Act" is posted in the Council Room
This Agenda can be changed up to 24 hours prior to meeting time per open meeting law.

The Board may enter into closed session to discuss any matter on this agenda when it is determined by the council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of an individual and if such an individual has not requested a public meeting, or as otherwise allowed by law. A closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session.

It is the intention of the Board to take up the items on the agenda in sequential order. However, the Board reserve the right to take up matters in a different order to accommodate the schedules of the board members, persons having items on the agenda, and the public.

1. Call Meeting to Order Roll Call
2. Verification of Open Meetings Notice
3. **Discussion and Action Items**
 - a. Discussion on 4.08.6 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet
 - b. Discussion on definition of fencing materials, and type of fence
4. Adjourn

Section 4.08 Accessory Building and Uses

- 4.08.01 In no event shall an accessory building be used as a dwelling unless otherwise allowed.
- 4.08.02 In no event shall a portable storage container be used as permanent storage/accessory building within any residential district.
- 4.08.03 No accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.
- 4.08.04 No accessory building shall be constructed in the required front yard.
- 4.08.05 No accessory building shall be erected in or encroach upon the required front yard on a corner lot or the front yard of a double frontage lot.
 - a. Where the lot size is ½ acre or more, the accessory building may be located in front of the front building line if the building maintains a minimum distance of 20 feet beyond the front setback.
- 4.08.06 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
- 4.08.07 When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Section 4.12.07 above.
- 4.08.08 With the exception of a detached garage, the total of all accessory buildings shall not exceed 1.5% of the total lot area with a TA-1, R-1, R-2, and R-M district.
- 4.08.09 Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:
 - 1. The carport shall be anchored to the ground
 - 2. Carport shall not be allowed to have more than three sides covered with a siding material.
 - 3. Shall meet all minimum setbacks.
- 4.08.10 Detached private garages and outbuildings in the Residential Districts within the corporate limits of Franklin for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction and meet the following:
 - 1. Be constructed of materials that are in good repair,
 - 2. The sidewalls of said building shall not exceed 16 feet in height,
 - 3. Garages shall have a maximum width of 42 feet,
 - 4. Garages shall be constructed and finished in materials customary to residential construction.
- 4.08.11 Sheds shall be allowed in the designated zoning districts and shall meet the minimum requirements.
 - 1. Sheds up to 120 square feet shall be anchored to the ground. Sheds between 120 square feet 200 square feet shall be, at a minimum, anchored to a slab.
 - 2. Sheds over 200 square feet shall be consider a detached garage.
- 4.08.12 Regulation of accessory uses shall be as follows:
 - 1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 - 2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
 - 3. Storage of any boat, boat trailer, camp trailer, or other vehicle shall not be permitted in any required front yard; except that a boat, boat trailer, camp trailer may be placed on rock or concrete surfacing in a side yard or rear yard.

9.03.15 Approval Denial Procedures for Tower Development Permit

1. Any decision to deny an application to place, construct or modify a wireless facility must be "in writing" and supported by substantial evidence contained in a written record.
2. The regulation of placement, construction, and modification of personal wireless services facilities by the City of Franklin shall not unreasonably discriminate among providers of functionally equivalent services.
3. The regulation of the placement, construction, and modification of personal wireless service facilities by the City of Franklin shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
4. The City of Franklin shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations;

Section 9.04 Fences

9.04.01 No fence shall be constructed within the zoning jurisdiction of the City of Franklin unless a permit is approved and issued by the zoning administrator and is constructed in conformance with the following requirements:

1. Unless otherwise provided, no fence shall be built on any lot or tract outside the surveyed lot lines, or adjacent to any municipal property, excluding public streets.
2. Unless otherwise provided, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence. Fences constructed of PVC resin are exempt from this requirement.
3. No solid fence permitted or required by this regulation shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 40 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.
4. The finished surfaces of any fence shall face toward adjacent properties and street frontage.
5. Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.
 - a. The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches not exceeding 50 percent closed construction, or 48 inches not exceeding 25 percent closed construction.
 - b. The maximum height for any fence outside of a required front yard shall be six feet four inches.
 - c. On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet four inches.
 - d. Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials only. Wood fences shall utilize standard pre-treated building lumber only or be finished.
6. Security perimeter fencing around a plant or building located in an area zoned as an Industrial District may be constructed to a height of eight feet; higher fences may be approved by through a Conditional Use Permit.
7. Fences constructed along and parallel to a lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
8. 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.

9.04.02 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.

9.04.03 The use of barbed wire in the construction of any fence is prohibited except:

1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
2. Farm fencing constructed for agricultural purposes on parcels of land 10 acres or more in size, located in the TA-1 District.

ORDINANCE NO. 901

AN ORDINANCE OF THE CITY OF FRANKLIN, NEBRASKA, PERTAINING TO FENCES; TO ADD SEC. 9-104 and 9-105 TO THE MUNICIPAL CODE; TO REPEAL ANY CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FRANKLIN, NEBRASKA:

Section 1. That Sections 9-104 and 9-105 of the Municipal Code of the City of Franklin, Nebraska, are hereby added to read as follows:

§9-104 FENCE REGULATIONS.

Notwithstanding other provisions of this section, fences, walls and hedges may be permitted to be erected in any required yard, provided that no fence, wall or hedge along the sides or front edge of any front yard stand over three and one-half feet in height. Additionally, on a corner lot in a Residential District, a sight triangle shall be provided such that nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines **90** feet from the point of the intersections. The following all apply to the construction of fences.

Subsections (A) through (I) to remain unchanged

1. No solid fence shall be constructed closer to the street than the property line. No fence shall be closer than two (2) feet to the sidewalk.
2. No fence erected in a required front yard shall materially obstruct public view. Permitted types of fences shall include split rail, chain link, or other similar material. No component of a front yard fence shall exceed three and one half (3½) feet in height, nor shall any structural member exceed thirty-six (36) inches in cross-sectional area.
3. No fence shall be constructed which will constitute a traffic hazard as identified in the site triangle of a corner lot aforementioned.
4. No fence shall be constructed in such a manner to be of such design as to be hazardous or dangerous to persons or animals by intent of its construction or by inadequate maintenance.
5. No component of a fence within Residential Districts, 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. Except for the provisions of item number nine (9) below.



6. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
7. In commercial and industrial districts, maximum height of fences shall be eight (8) feet. When industry standards for certain types of businesses require fences of greater heights, the Zoning Administrator at his/her direction, may allow greater heights.
8. The good side of the fence shall face to the outside of the property.
9. All outdoor swimming pools within the municipal boundaries of the City of Franklin shall be enclosed by a fence or wall at least six (6) feet, but not more than eight (8) feet in height with a gate or gates which can be securely locked.

§9-105 FENCES; PERMIT REQUIRED.

All fences contemplated to be constructed within the municipal boundaries of the City of Franklin shall comply with the provisions of this section and must first obtain a fence permit and pay any applicable fees at the office of the City Clerk.

Section 2. This ordinance shall be published in pamphlet form as part of the Municipal Code of the City of Franklin, Nebraska.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.


PASSED AND APPROVED this 12th day of November 2019.

APPROVED:

ATTEST:



Margaret M. Siel, Mayor.



Raquel Felzien, City Clerk.



CITY OF FRANKLIN, NEBRASKA

ORDINANCE NO. 901

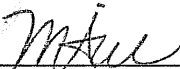
AN ORDINANCE OF THE CITY OF FRANKLIN, FRANKLIN COUNTY, NEBRASKA, to amend section 9-104 of the Franklin City ordinance to read:

Notwithstanding other provisions of this section, fences, walls and hedges may be permitted to be erected in any required yard, provided that no fence, wall or hedge along the sides or front edge of any front yard stand over three and one-half feet in height. Additionally, on a corner lot in a Residential District, a sight triangle shall be provided such that nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 90 feet from the point of the intersections. The following all apply to the construction of fences.

Subsections (A) through (I) to remain unchanged.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FRANKLIN,
NEBRASKA:

PASSED AND APPROVED THIS 12th DAY OF November, 2019.



Margaret Siel, MAYOR

ATTEST:



Raquel Felzien, CITY CLERK

