

Introduced By: Alderman Wittich

AN ORDINANCE AMENDING SECTION 415.060, "ADDITIONAL HEIGHT, AREA, FENCE AND SCREEN EXCEPTIONS" AND SECTION 500.207 "FENCES – TYPES, CONSTRUCTION AND MATERIALS" OF THE MUNICIPAL CODE OF THE CITY OF WARSON WOODS.

WHEREAS, the regulations pertaining to fences are in need of clarification; and

WHEREAS, on March 2, 2015, the Planning and Zoning Commission examined the proposed amendments to the Land Use Code and recommended that the amendments be adopted by the Board of Aldermen; and

WHEREAS, on March 17, 2015, the Board of Aldermen held a duly noticed and published public hearing to allow further citizen comment on the proposed amendments; and

WHEREAS, based on all of the above, the Board of Aldermen wishes to amend the City's Land Use Code pertaining to fences for the benefit of the health, safety and welfare of the citizens of Warson Woods.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI AS FOLLOWS:

SECTION 1: Section 415.060.A(3)-(5) of the Municipal Code, is hereby repealed in its entirety and a new Section 415.010.A(3)-(5) is added to read as follows:

*3. Fences.*

- a. Picket/slat and solid-face types of fences shall not exceed five (5) feet in height; provided such fences may be erected up to six (6) feet where spaces between the pickets or slats make up 20%-30% of the fence surface area. Fences of a shadow box design may be erected up to an overall height of six (6) feet above the original ground level. Any aforementioned type fence separating property in the "C" District from property in the "A" or "B" Residential District may be erected up to an overall height of six (6) feet above the original ground level.
- b. Construction of shadow box type fences shall adhere to the following requirements:
  1. The fence shall have the same general appearance from both sides; however, if any support or framing members are exposed they shall only be visible from the fence side facing the owner's property;
  2. The design of the fence shall provide indirect observation (daylight) through gaps created by spacing of slats (pickets) alternating on either side of the support rails;
  3. Alternating slats (pickets) shall not overlap more than one-fourth (1/4) the width of the slat (picket); and

4. the fence design shall comply with any additional written design specifications for shadow box fences established by the Building Commissioner in conformity with the above-requirements.
- c. No fence shall exceed six (6) feet in overall height above the original ground level.
- d. All fences are to be confined to the rear yard.
- e. No fence, hereinafter erected, shall be erected within one (1) foot of a sidewalk or beyond a rear or side lot line except on corner lots where no fence shall be built within thirty (30) feet of the lot line abutting the street.
- f. Before any fence is installed, an application for permit must be submitted along with a lot boundary survey showing the location of the proposed fence.
- g. Refer to Section 500.207.B for acceptable fencing materials and depth of support posts.
- h. Hedges or shrubbery are not considered fences for the purposes of the regulations in this Section.

4. *Screens.* Where the materials of which the screen is constructed represent up to one hundred percent (100%) of the surface area, a screen may be erected up to an overall height of six (6) feet above the original ground level. Unless otherwise required by this Code or City approval hereunder, screens shall be confined to the rear yard and for use at or around patios, decks, HVAC systems, waste receptacles, and motor vehicles. Hedges or shrubbery are not considered screens for the purposes of the regulations in this Section.

5. *Structures other than the main building or detached garage.* Permitted accessory structures, other than fences, screens, main buildings or detached garages, may be constructed up to ten (10) feet from the required setback for the rear yard except for corner lots where no structures shall be within thirty (30) feet of the side lot line abutting the street.

SECTION 2: Section 500.207 (“Fences – Types, Construction and Materials”), Subsection B (“Permanent Fencing”) of the Municipal Code, is hereby repealed in its entirety and a new Section 500.207.B is added in its place to read as follows:

*B. Permanent Fencing.* In addition to requirements for fencing set forth in Section 415.060(3), primary materials acceptable for use in permanent fencing are wood (timber paling), prefabricated rigid plastic (or PVC), wrought iron (or aluminum simulating wrought iron) or chain link (no fabric or other material may be attached to or woven into a fence to enhance color or provide screening). All support posts for permanent fencing shall extend at least thirty (30) inches beneath the surface upon which the fence is installed. No temporary or safety fencing (*i.e.*, plastic mesh, wood roll fencing or other temporary fencing) shall be used as permanent fencing.

SECTION 3: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

THIS BILL PASSED AFTER HAVING BEEN READ IN FULL TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI THIS \_\_\_\_ DAY OF MARCH, 2015.

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Laurance M. Howe, Mayor

ATTEST:

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Kathy Mahany, City Clerk

APPROVED AS TO FORM:

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Paul Rost, City Attorney