

BILL NO. 4747

ORDINANCE NO. 2022-4685

AN ORDINANCE REPEALING SECTION 25-12.6, FENCES, OF THE MARYLAND HEIGHTS MUNICIPAL CODE AND ADOPTING A NEW SECTION 25-12.6 IN LIEU THEREOF
(Petition of City of Maryland Heights)

WHEREAS, the City of Maryland Heights is authorized to enact zoning regulations to promote the public health, safety and general welfare of the citizens of the City as provided under Chapter 89 of the Missouri Revised Statutes; and

WHEREAS, Section 25-12.6, Fences, of the City of Maryland Heights Municipal Code regulates fences; and

WHEREAS, it is necessary to clarify and amend the regulations in light of recently adopted State of Missouri statutes; and

WHEREAS, the proposed amendments to the Code are consistent with the goal of the Comprehensive to promote, preserve, and enhance the single-family residential areas of the City; and

WHEREAS, a Public Hearing was held before the Planning Commission regarding the proposed amendments to the Code; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendments to the Code; and

WHEREAS, the City Council has reviewed the recommendation of the Planning Commission and has determined that the proposed amendments to the Code are appropriate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYLAND HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1: Section 25-12.6, Fences, of the City of Maryland Heights Municipal Code is hereby repealed and the following new Section 25-12.6, Fences, is hereby adopted in lieu thereof:

Sec. 25-12.6. Fences.

This section contains the minimum regulations for the erection or alteration of fences (which shall include other physical security measures) in the City.

A. General Provisions.

1. Unless otherwise noted, all fences erected, altered, or replaced in the City shall require a free zoning permit. Routine maintenance of a fence does not require a permit.

2. All requests for fences shall be reviewed by the City Planner. Applicants shall supply the City Planner with a completed application, plot plan, and other documentation as the City Planner deems necessary.
3. Fences surrounding a swimming pool shall meet the requirements of the International Building Code, as adopted, and shall be subject to a building permit.
4. It shall be the responsibility of property owners to ensure that fences are constructed entirely within the subject property.
5. It shall be the responsibility of the property owner to ensure that a fence does not block or obstruct the flow of stormwater.
6. No provision of these fence requirements shall be construed as the right of the property owner to erect a fence on a public easement for any purpose.
7. All fences shall be constructed in a workmanlike manner in accordance with accepted construction practices and methods. Wood and vinyl fences shall be installed with proper posts and supports. Use of a chain link fence to support wood or vinyl fences (or vice versa) shall be prohibited.
8. The finished side of fences shall face outward. All visible supports and other structural components shall face in toward the subject property.
9. Property owners shall be responsible for properly maintaining fences, including removal of any fences that become unsightly or a menace to public safety, health or welfare.
10. The City Planner may waive the design requirements of this Section for a temporary fence, subject to issuance of a zoning permit. Said permit shall include conditions and limitations including the permissible design, height, and location of the fence as well as the duration of the permit.
11. All fences erected prior to enactment of the Zoning Code shall be considered nonconforming and as such shall be allowed to remain in place or repaired in accordance with Section 25-7, Nonconforming Lots, Structures, and Uses.

B. Fence Regulations for Residential Properties.

1. *Materials.*
 - a. Fences shall be constructed of wood, vinyl, aluminum, or steel chain link.
 - b. Fences or walls constructed of masonry or stone shall be permitted, subject to a building permit.
 - c. The use of barbed wire shall be prohibited.
 - d. The use of privacy slats, fabric, hardware cloth, or other similar material shall be prohibited.

- e. Electric fences and battery-charged fences shall be prohibited.
 - f. Fences constructed of other materials may be allowed, subject to the review and approval of the Planning Commission. In making their decision on the request, the Planning Commission shall consider:
 - i. The quality and durability of the proposed material(s); and
 - ii. Any potential adverse impacts on safety or neighborhood character.
 - g. Wire or plastic mesh fencing, such as chicken wire, shall be allowed within the interior of the property for gardening or animal deterrent purposes without a fence permit. Such fencing shall be prohibited along the perimeter of the property.
2. *Height.* Fences shall be limited to a height of six (6) feet with an overall installed height of seventy-eight (78) inches above finished grade on the subject property's side of the fence.
3. *Location.*
- a. *On an interior lot:*
 - i. A fence shall be allowed within the minimum side and rear yards.
 - ii. A fence shall not extend beyond the front façade of the dwelling into the front yard, as determined by the City Planner.
 - b. *On a corner lot:*
 - i. A fence shall be allowed within the minimum side and rear yards.
 - ii. A fence shall not extend beyond the front façade of the dwelling into the primary front yard. The primary front yard shall be determined by the City Planner based upon the property address, the orientation of the dwelling, and/or the location of the primary entrance.
 - iii. A fence shall be allowed within the minimum secondary front yard. However, a sight proof fence shall not be permitted within the sight distance triangle.
 - c. *On a double-frontage lot:*
 - i. A fence shall be allowed within the minimum side yards.
 - ii. A fence shall not extend beyond the front façade of the dwelling into the front yard.
 - iii. A fence shall be allowed up to the right-of-way line of the rear street frontage as determined by the City Planner based on upon the property address, the orientation of the dwelling, the location of the primary entrance, and/or the established character of the street.

C. Fence Regulations for all Nonresidential Properties.

1. Materials.

- a. Fences shall be constructed of wood, vinyl, aluminum, or steel chain link.
- b. Fences or walls constructed of masonry or stone shall be permitted, subject to a building permit.
- c. For screening purposes, chain link fences may include privacy slats or fabric, subject to the review and approval of the City Planner.
- d. The City Planner may approve the use of barbed wire for security purposes if the lowest strand is at least seven (7) feet above grade. A request stating the reason for barbed wire must be made in writing by the property owner.
- e. Electric fences shall be prohibited.
- f. Battery-charged fences shall be permitted in accordance with Section 67.301 RSMo., provided that:
 - i. The accompanying nonelectric perimeter fence is a minimum of eight (8) feet in height; and
 - ii. Is constructed of a sight proof material such as wood or vinyl or chain link incorporating privacy slats or fabric.
- g. Fences constructed of other materials may be allowed, subject to the review and approval of the Planning Commission. In making their decision on the request, the Planning Commission shall consider:
 - i. The quality and durability of the proposed material(s); and
 - ii. Any potential adverse impacts on safety or neighborhood character.
- h. Wire or plastic mesh fencing, such as chicken wire, shall be allowed within the interior of the property for gardening or animal deterrent purposes without a fence permit. Such fencing shall be prohibited along the perimeter of the property.

2. Height. Fences shall be limited to a height of six (6) feet with an overall installed height of seventy-eight (78) inches above finished grade on the subject property's side of the fence, except as follows:

- a. Fences up to a maximum height of eight (8) feet with an overall installed height of one hundred two (102) inches in overall height above finished grade on the subject property's side of the fence for security and/or screening purposes, subject to the review and approval of the City Planner.

- b. Battery-charged electric fences shall be limited to ten (10) feet in height or, if part of a nonelectric fence or wall, no more than two (2) feet higher than the nonelectric fence or wall, whichever is higher, in accordance with Section 67.494 RSMo.

3. *Location.*

a. *On an interior lot:*

- i. A fence shall be allowed within the minimum side and rear yards.
- ii. A fence shall not extend beyond the front building line (front yard setback) into the front yard.

b. *On a corner lot:*

- i. A fence shall be allowed within the minimum side and rear yards.
- ii. A fence shall not extend beyond the front building line (front yard setback) into the front yard. The primary front yard shall be determined by the City Planner based upon the property address, the orientation of the dwelling, and/or the location of the primary entrance.
- iii. A fence shall be allowed within the minimum secondary front yard. However, a sight proof fence shall not be permitted within the sight distance triangle.

c. *On a double-frontage lot:*

- i. A fence shall be allowed within the minimum side yards.
- ii. A fence shall not extend beyond the front building line (front yard setback) into the front yard.
- iii. A fence shall be allowed up to the right-of-way line of the rear street frontage as determined by the City Planner based on upon the property address, the orientation of the building, the location of the primary entrance, and/or the established character of the street.

- d. Notwithstanding the above, the Planning Commission may review and approve fences within the front yard of nonresidential properties. In making their decision on the request, the Planning Commission shall consider:

- Whether the location is needed for adequate security or screening;
- The quality and durability of the proposed material(s); and
- Any potential adverse impacts on neighborhood character.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL THIS 19th DAY OF MAY 2022.

Michael Mueller
MAYOR/PRESIDING OFFICER

APPROVED BY THE MAYOR THIS 19th DAY OF MAY 2022.

Michael Mueller
MAYOR

ATTEST:

Jordan L. Coia
CITY CLERK

