



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2022-028
<b>File Name</b>	Unified Development Ordinance Amendment – Residential Fence Materials
<b>Applicant</b>	City of Lee's Summit
<b>Property Address</b>	N/A
<b>Planning Commission Date Heard by</b>	February 24, 2022 Planning Commission and City Council
<b>Analyst</b>	Joshua Johnson, AICP
<b>Checked By</b>	Hector Soto, Jr., AICP, Planning Manager

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### Public Notification

Pre-application held: N/A  
CEDC Meeting conducted: December 8, 2022  
Newspaper notification published on: February 5, 2022

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### Attachments

UDO Amendment

## 1. Project Data and Facts

Project Data	
Applicant/Status	City of Lee's Summit / Administrator
Applicant's Representative	Joshua Johnson
Location of Property	citywide
Procedure	The Planning Commission makes a recommendation to City Council on the application. The City Council takes final action in the form of an ordinance.

Description of Applicant's Request
This amendment limits the number of residential fence materials in order to promote more consistent fence design throughout residential neighborhoods.

## 2. Project Proposal

Staff is proposing an amendment that place a limit on the number of residential fence materials of two with an allowance for accent pieces such as fence post caps.

## 3. Unified Development Ordinance (UDO)

Section	Description
Article 2	Applications and Procedures
Article 6, Division IV	Accessory Uses and Structures

## 4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods and Housing Choice	Goal 3.2A- Maintain thriving, quality neighborhoods that connect a diversity of residents throughout the community.

## 5. Analysis

### Background and History

In August of 2021 a member of the Community and Economic Development Committee (CEDC) asked staff to summarize the City's standards for residential fence materials. This was a response to community concerns about fences comprised of multiple materials. Staff researched other communities and returned to CEDC in December of 2021. After some discussion, the committee settled on a limit of two materials for residential fencing with the ability to allow accent pieces. The committee directed staff to take a UDO amendment through the process. The exact ordinance changes are noted in strikethrough for deletions and underlined text for additions to the code and is located at the end of this report.

### Comprehensive Plan

The Ignite Comprehensive Plan conceptually advocates for strong stable neighborhoods. Limiting the number of materials creates consistency across the City and prevents haphazard looking fences in neighborhoods. Flexibility is still maintained so that a level of creativity and quality can still be applied when a resident wants to replace or install a fence. This amendment assists with maintaining quality neighborhoods as mentioned in Goal 3.2A of the Ignite Comprehensive Plan.

### UDO Changes

The existing UDO standards for residential fences do not limit the number of materials. Staff's research of other cities found that ordinance was either silent on this issue or a limit of two materials was present. The language below is an attempt to remedy the concern in the simplest manner possible while providing flexibility through the use of accent pieces. Fences do not require permits unless they are over six feet in height. As a result, if staff is examining a fence for compliance with the UDO it is likely the result of a complaint. The proposed UDO changes do not change the permit requirements. Requiring a residential fence permit would be a bigger change for the community and the CEDC did not direct staff to pursue a new process.

Sec. 6.1350. - Residential districts—Permitted accessory uses and structures.

The following accessory uses and structures are permitted in residential zoning districts including, RDR, RLL, R-1, RP-1, RP-2, RP-3, RP-4, and TNZ:

C. Fence or wall.

1. Fence materials:

a. Only wood, vinyl, steel, masonry or wrought iron materials may be used for residential fence construction.

b. The number of materials shall be limited to two across the main surface of the fence

a-c. Accent pieces such as post caps are allowed in addition to the two primary materials noted in letter b above

2. A fence or wall may be constructed to a maximum height of six feet above the average grade without a permit being required.

- a. If a fence or wall exceeds six feet in height, a building permit for a fence shall be obtained from the Building Official.
  - b. A building permit for a fence shall be required for the replacement or reconstruction of 50 percent or more of the entire linear length of an existing fence that exceeds six feet in height.
  - c. A fence or wall exceeding six feet in height (including a retaining wall) that is required as part of a preliminary development plan shall have final development plan approval prior to the issuance of any fence permit.
3. A retaining wall may be permitted where it is reasonably necessary due to the changes in slope on the site, where the wall is located at least two feet from any street right-of-way, and where the wall does not extend more than six inches above the ground level of the land being retained unless the building code requires a guardrail for safety purposes. (See also the city's encroachment policy for additional restrictions.)
  4. A fence or wall constructed prior to the adoption of this chapter that does not meet the standards of this article, but which met previous codes of the city when originally constructed, may be replaced and maintained resulting in a fence of the same size, type and material. However, no fence shall be replaced or reconstructed in a manner that obstructs the sight triangles as defined in Article 8, Division I of this chapter.
  5. In residential districts, the following restrictions and standards shall apply to all fences and walls (See also Table 6.IV-1):
    - a. Front yard. A decorative wall, or fence consisting of slats with a minimum of two-inch spacing not exceeding four feet in height may be constructed in a front yard and extend to the property line provided no sight distance triangle is compromised.
    - b. Rear yard. A fence or wall up to six feet in height may be constructed on the rear property line, subject to further restrictions of the city's encroachment policy.
    - c. Side yard. A fence or wall may be constructed on the side property line provided that:
      - A fence or wall over four feet in height shall not extend beyond the face of the house on the lot on which the house is located.
      - A fence or wall up to four feet or less in height may extend to the front property line, provided it does not obstruct the sight triangle and provided the fence materials meet the same requirements of (a) above for fences or walls extending into the front yard.