

BILL NO. 22-53

AN ORDINANCE AMENDING CHAPTER 33 OF THE LEE'S SUMMIT CODE OF ORDINANCES, ARTICLE 6, DIVISION IV, SUBDIVISION 2, SECTION 6.1350 RESIDENTIAL DISTRICTS – PERMITTED ACCESSORY USES AND STRUCTURES TO RESTRICT THE NUMBER OF MATERIALS ALLOWED ON RESIDENTIAL FENCES; CITY OF LEE'S SUMMIT, APPLICANT.

WHEREAS, Changes to Chapter 33 of the Lee's Summit Code of Ordinances, Article 6, Division IV, Subdivision 2, Section 6.1350 Residential Districts – Permitted Accessory Uses and Structures to restrict the number of materials allowed on residential fences, also documented as PL2022028, shall be hereinafter be known as the "amendment"; and,

WHEREAS, the Community and Economic Development Committee considered the amendment on December 8, 2021 and directed staff to proceed with the ordinance amendment process; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the amendment and recommended approval to the City Council on February 24, 2022; and,

WHEREAS, the City Council determined that the proposed amendment would serve the interests of the citizens of Lee's Summit on March 22, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the Unified Development Ordinance, is hereby amended in the manner shown below where underlined sections are additions and strikethrough text are deletions.

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 exterior face of the fence
- 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.

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- 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.

SECTION 2. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

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SECTION 4. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*