

**AN ORDINANCE AMENDING TITLE IV "LAND USE", CHAPTER 405 (ZONING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF FRONTENAC, MISSOURI, PERTAINING TO FENCE REGULATIONS.**

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**WHEREAS**, While Section 67.494 RSMo limits the extent to which the City may regulate and/or prohibit the installation of fences, it does, however, preserve the ability of the City to regulate the aesthetics of fences; and

**WHEREAS**, the Planning and Zoning Commission, on March 28, 2023, recommended approval and a public hearing was held on April 18, 2023; and

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

**SECTION ONE.**

Article VI of Chapter 405 of the Code of Ordinances of the City of Frontenac, Missouri, is hereby amended by amending Subsection C.6 of Section 405.150, to read as follows (additions in **bold and underline** and deletions in ~~striketrough~~).

**Chapter 405.                      Zoning Regulations**

**Article VI.                      Height, Yard and Area Exceptions**

**Section 405.150.              Height, Yard and Area Exceptions**

6. Fence Regulations.

a. "R-1" District fences shall comply with the following:

(1) ~~The fences shall be located within the rear yard (as defined in the zoning regulations) of the property. No fence shall be located in the front yard (as defined in the zoning regulations) except as permitted in Subsection (C)(5) of this Section and Subsection (C)(6)(f), below.~~

~~(2)~~ **Rear Yard f**ences shall be constructed of black painted galvanized wrought iron/steel or black painted galvanized steel/iron or black painted aluminum. All fences shall be wrought iron style with at least seventy percent (70%) open area.

~~(3)~~**(2) Rear yard f**Fences shall not exceed six (6) feet in height except as permitted in Subsection **(C)(6)(d)** and **(e)** of this Section, below.

~~(4)~~**(3)** Rear yard fences not exceeding forty-eight (48) inches in height of wood rail, wood picket or wood rail with black or green vinyl coated chain link or wire mesh covering may be installed only if approved by the Frontenac Architectural Review Board upon a finding that the location, design and materials of the proposed fence are consistent and compatible with the surrounding built environment. The wood rail or wood portion of the fence shall be at least seventy percent (70%) open area.

~~(5)~~**(4)** Subdivision entry fences that are installed parallel to or along a road may be installed if approved by the Frontenac Architectural Review Board upon a finding that the location, design and materials of the proposed fence are consistent and compatible with the surrounding built environment. Such fences shall be continuous into the subdivision with no breaks except at driveways and walkways and shall be no taller than forty-two (42) inches in height to the top rail.

~~(6)~~**(5)** All other regulations of the City of Frontenac shall apply.

**(6) Any proposed rear yard fence that is not in conformity with Subsection (C)(6)(a)(1)-(5) shall require a variance issued by the Board of Adjustment.**

**(7) Except as expressly permitted by Subsection (C).6.a(3), no vinyl fence shall be permitted in the R-1 District, regardless as to whether it is a new fence or replacing a pre-existing non-conforming fence.**

b. "R-2" District fences shall comply with the following:

~~(1) The fences shall be located within the rear yard (as defined in the zoning regulations), except as permitted in Subsection **(C)(6)(f)** below.~~

~~(2)~~ **Rear yard f**Fences in the "R-2" District shall not exceed six (6) feet in height.

~~(3)~~**(2)** Chain link, wire mesh, barbed wire and aboveground electric fences are prohibited.

~~(4)~~**(3)** All other regulations of the City of Frontenac shall apply.

c. Installation of a sight-proof (as defined in the zoning regulations) fence not higher than six (6) feet in height along the side or rear yard of a property in the "R-1" or "R-2" residence district abutting a property in any other district or a non-residential property use is permitted upon review and approval by the Frontenac Architectural Review Board upon a finding that the location, design and materials of the proposed fence are consistent and compatible with the surrounding built environment prior to issuance of a building permit.

d. ~~Tennis~~ **Sports** courts may be enclosed by a vinyl-coated chain link or other architecturally treated fence not exceeding twelve (12) feet in height located in the rear yard (as defined in the zoning regulations) if approved by the Frontenac Architectural Review Board as to location, design and materials.

e. School properties may be permitted to have vinyl-coated chain link fences in the "R-1" district. Such fences may be approved up to twelve (12) feet in height depending on the location and use of the fence such as but not limited to ~~tennis~~ **sports** courts or baseball fields. Vinyl chain link fences may have safety protective elements such as yellow padding on the supporting posts and rails. Vinyl chain link fences are not permitted within the required front building line setback. All vinyl-coated chain link fences are subject to review and approval of the Frontenac Architectural Review Board as to location, design, materials and height.

f. Fences in front **and side** yards in residential zoning districts shall comply with the following:

(1) The fence must be an architectural feature of the property rather than a typical utilitarian fence to keep animals enclosed or to demarcate a play area.

(2) A front yard fence shall be limited in height to no more than three (3) feet tall.

(3) The fence should have an open feel with a minimum of sixty percent (60%) open area.

(4) The fence shall be set back from the street at least five (5) feet.

(5) Material shall be limited to wood, wrought iron or similar material.

(6) ~~A~~**Front and side yard fences** require approval by Frontenac Architectural Review Board (ARB) as to location, design materials and landscaping. This review shall be for approval of material, landscaping, location and compliance with the minimum standards and objectives set forth in these regulations, and compatible with the surrounding built environment. **Any proposed front or side yard fence that is not in conformity with Subsection (C)(6)(f)(1)-(5) shall require a variance issued by the Board of Adjustment.**

g. All fencing as permitted by this Section shall have equal architectural treatment on both sides as approved by the Frontenac Architectural Review Board.

h. Fences existing at the time of adoption of these regulations that do not comply with these regulations may remain as legal non-conformities. Legal non-conforming fences, except as provided below, may be maintained, repaired or replaced with like design and color, or may be replaced with another non-conforming fence if replacement is reviewed and approved by the Frontenac Architectural Review Board as to location, design and materials and is determined to be a better quality design than the original fence and compatible with the surrounding built environment. Non-conforming chain link or wire mesh fences may not be replaced with a like design; however, up to twenty-five percent (25%) of such fences may be repaired.

**i. Fences installed in connection with chicken coups are governed by the regulations set forth in Section 215.240 of the City's Municipal Code.**

**j. The provisions of this Section are severable, such that if any provision of this Section should be found to be unenforceable under Section 67.494 RSMo, or other applicable law, such ruling shall not affect the enforceability of any other regulation contained herein not specifically invalidated by such ruling.**

## **SECTION TWO.**

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of

the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**SECTION THREE.**

It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**SECTION FOUR.**

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF FRONTENAC,  
MISSOURI, THIS 18<sup>TH</sup> DAY OF APRIL 2023.**

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Presiding Officer

Attest:

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Leesa Ross, City Clerk

**APPROVED THIS 18<sup>TH</sup> DAY OF APRIL 2023.**

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Kate Hatfield, Mayor

Attest:

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Leesa Ross, City Clerk