

AN ORDINANCE AMENDING SECTION 407.040.D.3 BUFFERS, SCREENS, AND FENCING – OTHER FENCE DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF THE CITY OF BLUE SPRINGS TO ADOPT REGULATIONS FOR FENCE SETBACKS

WHEREAS, the City of Blue Springs adopted a Unified Development Code (UDC) in 1996 by passage of Ordinance No. 2738 on November 18, 1996, and readopted an amended Unified Development Code on August 3, 2015, by passage of Ordinance No. 4558; which has been further amended for maintenance purposes, as well as to respond to changing development patterns and keep up to date with current trends; and

WHEREAS, the proposed UDC Text Amendment is being proposed at the direction of the City Council who requested staff to bring forward amendments to solve issues related to fencing setbacks to the property line; and

WHEREAS, City staff is committed to bringing forward amendments to the UDC as needed; and

WHEREAS, the issue of fence location relative to property lines and separation between adjacent fences has raised some issues in recent years; and

WHEREAS, the City recognizes the need to have clearly written, understandable and enforceable fence regulations; and

WHEREAS, staff believes the proposed amendment will provide the City, property owners, residents, and contractors clear direction and understanding of the regulations regarding fence location and separation on private residential property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

NOTE: LANGUAGE TO BE ADDED IS UNDERLINED. LANGUAGE TO BE DELETED IS SHOWN AS ~~STRICKEN~~. Sections and Subsections not set out herein are not amended or changed.

Section 1. That Section 407.040.D.3 Site and Landscape Design – Buffers, Screens and Fencing – Fences of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

c. Other Fence Design Standards.

- (1) Any fences that could potentially create a sight obstruction for vehicles crossing pedestrian areas or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances.

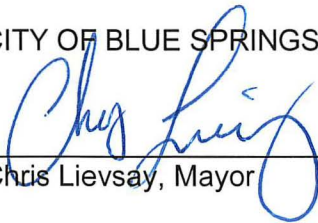
- (2) All fences shall be constructed so that the finished side faces outward from the property installing the fence and the support posts are inside the fence and screened from view.
- (3) Fences may be located so that the fence face is at or ~~near the property line~~, within 6 (inches) from the property line; otherwise the fence shall be setback at least three (3) feet from the property line absent more specific standards in these regulations. A fence shall not be constructed or maintained parallel to or generally following an existing fence unless the fences are at least three (3) feet apart or directly abutting the existing fence. Any areas set back three (3) feet or more from the property line, which could become enclosed by other similarly located fences, may be required to have at least one (1) gate for access and maintenance equipment.

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

Section 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 19th day of August 2024.

CITY OF BLUE SPRINGS


Chris Lievsay, Mayor

ATTEST:


Erin Ford, City Clerk

1st Reading: August 19, 2024
2nd Reading: August 19, 2024

CITY OF BLUE SPRINGS, MISSOURI

**CITY COUNCIL
August 19, 2024**

EXHIBITS FOR PUBLIC HEARING

**UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS
RELATED TO FENCING
(UDCT-07-24-9230)**

EXHIBIT #1 City Council Information Form dated August 12, 2024 with the following attachments: Staff Report with attachments; Application with attachments; Affidavit of Publication in The Examiner on July 26, 2024; Title IV, Land Use Section – Blue Springs City Code of Ordinances (by reference); and 2014 Comprehensive Plan (by reference) and Bill amending the UDC related to fencing

**CITY OF BLUE SPRINGS
CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: August 12, 2024

SUBMITTED BY: Mike Mallon

DEPARTMENT: City Development

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

A public hearing is being held at the request of the City of Blue Springs for consideration of amendments to the Unified Development Code (UDC) related to the location standards for fences on residential property (UDCT-07-24-9230). Upon conclusion of the public hearing, a Bill approving the amendments to Section 407.040.D.3 – Buffers, Screens and Fencing - Other Fence Design Standards of the City of Blue Springs Unified Development Code will be ready for introduction and readings.

BACKGROUND/JUSTIFICATION

The proposed UDC Text Amendment is being proposed at the direction of the City Council who requested staff to bring forward amendments to solve issues related to fencing setbacks to the property line.

The current UDC states that fences shall be placed at or near the property line or shall be setback three feet from the property line. The three-foot setback currently required under the UDC has the intent of leaving sufficient room to allow for access and maintenance to mow and/or trim grass and weeds that grow in the space between fences.

There have been a few instances over the years where the interpretations of “at or near the property line” and the three-foot setback have not been consistent by staff and have caused confusion for property owners and fence contractors.

The intent of the proposed UDC Amendment is to provide more clarification to the current “at or near the property line” by defining it as within 6-inches of the property line; as well as to provide further clarity that adjacent fences shall either be directly abutting each other or shall be a minimum of three feet of separation between the two fences.

For fence permits, the City does not require a full survey of the property to identify the exact location of the property line and staff believes it would be overly burdensome to residents and property owners in the City to require a full survey, which can sometimes range from \$500-\$1,000.

The Development Advisory Commission recommended approval (3 aye, 0 no) of the UDC Text Amendment on August 6, 2024.

The Planning Commission recommended approval of the UDC Text Amendment unanimously at the August 12, 2024 meeting.

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
August 20, 2024	N/A

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	Development Advisory Commission
Date:	August 6, 2024
Action:	Recommended Amendment: 3 Aye, 0 No
Name of Board or Commission:	Planning Commission
Date:	August 12, 2024
Action:	Recommend Amendment: 7 Aye, 0 No

ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Staff Report with attachments; Application with attachments; Affidavit of Publication in The Examiner on July 26, 2024; Title IV, Land Use Section – Blue Springs City Code of Ordinances (by reference); and 2014 Comprehensive Plan (by reference)
2. Bill amending the UDC related to fencing.

REVIEWED BY:

Requesting Director: Mike Mallon	Budget: N/A
Legal: John Mullane	City Administrator: Christine Cates



PLANNING COMMISSION STAFF REPORT

Meeting Date:	August 12, 2024
Case File Number:	UDCT-07-24-9230

Project Name:	UDC Text Amendments – Fence Setbacks
Type of Application:	UDC Text Amendment
Request:	UDC Text Amendment to Section 407.040.D.3 – Buffers, Screens and Fencing - Other Fence Design Standards, of the Unified Development Code, of the Code of Ordinances of the City of Blue Springs to amend location standards for fencing

Applicant/Developer:	City of Blue Springs/ City Staff
Development Advisory Commission:	August 6, 2024
Planning Commission:	August 12, 2024
City Council:	August 19, 2024
Planner:	Mike Mallon, Sr. Director Community Development

BACKGROUND INFORMATION/SUMMARY:

The proposed UDC Text Amendments is being proposed at the direction of the City Council who requested staff to bring forward amendments to solve issues related to fencing setbacks to the property line.

PREVIOUS ACTIONS/APPROVALS:

- The City of Blue Springs adopted a Unified Development Code (UDC) in 1996 by passage of Ordinance No. 2738 on November 18, 1996.
- An amended Unified Development Code was adopted on August 3, 2015, by passage of Ordinance No. 4558.
- The Unified Development Code has been further amended since 2015 for maintenance purposes, as well as to respond to changing development patterns and keep up to date with current trends.

The Development Advisory Commission recommended approval (3 aye, 0 no) of the UDC Text Amendment on August 6, 2024

STAFF ANALYSIS

Text amendments ensure that the generally applicable laws in this Development Code reflect the broad public interest and long-range planning goals of the community, as reflected in the Comprehensive Plan. The City may determine that it is necessary from time to time to revise and update this Development Code to implement the Comprehensive Plan.

Section 403.020 of the UDC states a Text Amendment shall be reviewed according to the following criteria:

Review Criteria. All review bodies shall use the following criteria for review, recommendations and decisions on text amendments:

- 1. Whether the change is in accordance with the Comprehensive Plan, Design and Construction Manual, or any official plans or programs developed under the guidance of the Comprehensive Plan;*
- 2. Whether such change is consistent with the purposes of this Development Code, and the intent or objectives of any Chapter or Subsection containing the change;*
- 3. The areas that are most likely to be directly affected by the amendment and in what way they will be affected;*
- 4. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas and zoning districts affected; and*
- 5. The recommendations of professional staff.*

Staff finds that the proposed UDC amendments meet the above criteria and therefore recommends approval of the UDC Text Amendments.

PROPOSED UDC TEXT AMENDMENTS

Language to be added to the UDC is UNDERLINED.

Language to be deleted from the UDC is shown as ~~STRICKEN~~.

II. Section 407.040. Site And Landscape Design.

D. Buffers, Screens And Fencing

3. Fences. All fences for screening, security, or privacy shall meet the following standards.

c. Other Fence Design Standards.

- (1) Any fences that could potentially create a sight obstruction for vehicles crossing pedestrian areas or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances.
- (2) All fences shall be constructed so that the finished side faces outward from the property installing the fence and the support posts are inside the fence and screened from view.
- (3) Fences may be located so that the fence face is at or ~~near the property line,~~ within 6 (inches) from the property line; otherwise the fence shall be setback at least three (3) feet from the property line absent more specific standards in these regulations. A fence shall not be constructed or maintained parallel to or generally following an existing fence unless the fences are at least three (3) feet apart or directly abutting the existing fence. Any areas set back three (3) feet or more from the property line, which could become enclosed by other similarly located fences, may be required to have at least one (1) gate for access and maintenance equipment.

RETURN TO
 Director of Community Development
 City Hall Annex - 903 Main
 Blue Springs, Missouri 64015
 816-228-0207
 FAX 816-228-0225
Return no later than
Friday - Noon - Cutoff
comdevlegal@bluespringsgov.com
www.bluespringsgov.com

OFFICE USE ONLY – Updated Feb. 13, 2020
FILING FEE: \$500.00 (Non-Refundable)
 CASE NO. UDCT- 07-24-9230
 CK # _____
 P.C. HEARING 8/12/2024
 DATE ADVERTISED 7/24/2024
 COUNCIL MTG. 8/19/2024
 Revenue Account: 100.00000.430 100.000
 Planner: Mike Mallon



UNIFIED DEVELOPMENT CODE TEXT AMENDMENT APPLICATION FORM

Application is hereby made to the Planning Commission and the City Council of the City of Blue Springs Missouri for a text amendment to the city's Unified Development Code.

APPLICANT: City of Blue Springs DATE: 7/22/24
 (Please Print)
 ADDRESS: 903 W. Main St PHONE: _____
 CITY/STATE/ZIP: BSMO, 64145 FAX: _____

TEXT AMENDMENT REQUESTED

Chapter _____ Section 403.040.D.3.C Title 403.040.D.3.C

PROPOSED CHANGE IN TEXT:

Clarify fence setback to property line and to other fences

PURPOSE FOR WHICH AMENDMENT IS SOUGHT:

Clarify setbacks for fences from property lines or adjacent to other fences

 Signature

UDC Text Amendment
 UDCT-07-24-9230
 Fence Setbacks

THE EXAMINER

AFFIDAVIT OF PUBLICATION

Notice ID: PLS0Zv62gsabivapdJvs
UDC Fences

AFFIDAVIT OF PUBLICATION: #2514840

STATE OF MISSOURI, COUNTY OF JACKSON, SS:

Sherry Groves

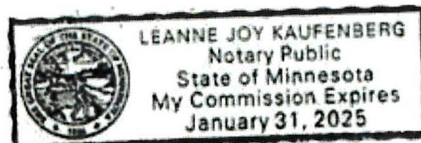
I, Sherry Groves, of lawful age, being duly sworn upon oath, deposes and says that I am the Authorized Agent of Examiner, a publication that is a "legal newspaper" as that phrase is defined for the city of Independence, for the County of Jackson, in the state of Missouri, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

Jul. 27, 2024


Authorized Agent


Notary, State of MN, County of Redwood
Commission expires January 31, 2025

Printer's Fee: \$95.40



PUBLIC NOTICE

Unified Development Code Text Amendment - Fences UDCT-07-24-9230

An Ordinance amending Section 407.040.D.3 – Buffers, Screens and Fencing - Other Fence Design Standards, of the Unified Development Code, of the Code of Ordinances of the City of Blue Springs to modify location standards for fencing.

Notice is hereby given that a public hearing will be held by the Planning Commission of the City of Blue Springs on **Monday, August 12, at 6:30 p.m.** in the Council Chambers of the Howard L. Brown Public Safety Facility at 1100 SW Smith Street for the purpose of hearing interested parties and citizens on the requests by the City of Blue Springs to amend the Section of the Unified Development Code noted above. Interested parties may view the application materials on file by contacting the Community Development Department via email at ComDev-Legal@bluespringsgov.com or at City Hall at 903 W Main Street, Blue Springs, MO.

CITY OF BLUE SPRINGS Planning Commission

The City Council of the City of Blue Springs will also hold a public hearing on the above noted Sections of the Unified Development Code UDCT-07-24-9230, on **Monday, Monday, August 19, 2024, at 6:00 p.m.** in the Council Chambers of the Howard L. Brown Public Safety Facility to consider the application and the recommendation of the Planning Commission.

CITY OF BLUE SPRINGS City Council

Published in the Examiner, Jul 27, 2024

2514840

UDC Text Amendment
UDCT-07-24-9230
Fence Setbacks
Exhibit #3