

**CITY OF PASADENA HILLS, MISSOURI
AN ORDINANCE**

1st Reading _____
2nd Reading _____

BILL NO. 983
ORDINANCE NO. 974

AN ORDINANCE OF THE CITY OF PASADENA HILLS, MISSOURI REVISING AND AMENDING SECTION 510.160 OF THE MUNICIPAL CODEBOOK GOVERNING THE INSTALLATION, STYLE, AND PLACEMENT OF FENCES WITHIN THE CITY TO PRESERVE ITS HISTORICAL CHARACTERIZATION

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

SECTION 1 – CODEBOOK REVISION AND AMENDMENTS

Section 510.160 of the Municipal Codebook of the City of Pasadena Hills, Missouri is hereby revised and amended as follows:

A. Fences – General.

The presence of open areas between and among the homes in Pasadena hills is a strong character-defining feature of the City. Over the years, development in the City has used similar lot coverage as traditionally found along a block to maintain the open character of the street and ensure compatibility with adjacent homes. Additionally, the required setbacks and yard requirements provide a soft, landscaped buffer between the structure and the street or other structures creating an inviting, unified appearance. Fences and other screening structures, unless strictly regulated, can detract from this appearance. All fences shall align with and support the historic nature of the area, the neighborhood it is located, and the home itself.

B. Compliance with Requirements.

1. In addition to the provisions of Chapter 510.160 of this Code, it shall be unlawful for any owner to erect or cause to be erected a fence within the City of Pasadena Hills as herein provided.

C. Definitions.

1. *Building Line.* That line which represents the closest points that the main building on a lot can be erected to the front, side and rear property lines.
2. *Yard.* An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear

yard, the minimum horizontal distance between the lot line and the main building shall be used.

3. *Yard, Front.* A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
4. *Yard, Rear.* A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.
5. *Yard, Side.* A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof.
6. *Corner Lot.* A corner lot constitutes, by definition, two front yards that corresponds to each street respectively.

D. Fence Permit and Certificate of Appropriateness.

1. No fence shall be erected within the City without submitting a survey or other legal proof of the property clearly showing the borders and obtaining a permit and Certificate of Appropriateness approval. There shall be a charge for issuance of a fence permit. Any fence erected without a permit shall be removed at the expense of the owner of the property on which such fence is located.
2. A building permit shall be required for the erection of a new fence, a replacement fence or replacement of a section of a fence that is greater than eight feet in length or portions of a fence which, in the aggregate, total eight feet in length. Minor repairs to sections of existing fences less than eight feet in length or which, in the aggregate, do not total eight feet in length, shall be considered minor repairs and shall not require permits.

E. Fence Height.

1. Except as otherwise provided herein or as required for safety enclosures around pools, specified in Section 515.140 of this Code, no fence shall be erected under the provisions hereof which shall be less than four (4) feet nor greater than six (6) feet in height vertically at any point thereon, and no such fence shall be erected which has a closed surface. The surface of any fence must have a clear, open and unobscured area of fifty percent (50%) minimum openness or greater.

2. Fencing that aligns with its respective front building line per F.1 and F.3 definition, cannot exceed three (3) feet – six (6) inches in height. Fencing for side and rear yards cannot exceed six (6) feet – zero (0) inches in height.
3. Stone and brick fencing maximum 4'- 0" in height.

F. Fence Location.

1. No fence shall be erected which extends beyond the front building line, of the dwelling or multi-family dwelling.
2. Side yard fences must be placed well behind the front wall of the house.
3. Regarding corner lots, no fence shall be erected which extends beyond its respective front building line of the dwelling or multi-family dwelling. (see definitions-corner lot).
4. It shall be the responsibility of the property owner to verify the property line location prior to erecting a fence or authorizing another person to erect a fence. In the case of a rental property, the tenant must furnish proof that the owner concurs with the request to erect a fence on the property.
5. Fences may be constructed across utility easements (typically in the rear yard); however, the utility company has the right to remove a fence on the easement and the property owner or resident may be required to reinstall it upon completion of the utility work.

G. Construction and Maintenance.

1. Line fence posts shall be set at a depth of not less than two (2) feet six (6) inches. Terminal fence posts and gate posts shall be set at a depth of not less than three (3) feet and shall be set in concrete at the level of the ground. All posts and vertical fence boards shall be constructed and maintained at the plumb line. Sufficient line posts shall be used in the construction of fences to keep the fence from bowing or sagging, but in no case shall the posts be set more than seven (7) feet apart.
2. Fences constructed of wood shall be built in a 'shadow box' fashion allowing for air circulation.
3. Fences constructed of brick or stone shall be set on continuous concrete footing 2'-0" wide by 8" deep integral with a concrete wall the width of the masonry wall not less than two (2) feet six (6) inches in depth on virgin soil below finished grade.
4. All fences shall be kept in safe condition and sound repair. All fences shall be free of chipping, cracking or peeling paint. All fences shall be maintained free of rotting, rusting, loose or deteriorating supports, members, materials and hardware.

H. Fence Materials and Maintenance.

1. The design, color and material of the fence shall be complementary, matching the principal structure on the property or architecturally conform to neighboring residential property. Chain link fencing or synthetic fencing materials will not be permitted.
2. No fence shall be erected as a perimeter fence for an outside yard unless the side of the fence which reasonably appears to be more aesthetic, as compared to the other side, faces away from the property for which the fence was erected as the perimeter fence.
3. Barbed or razor wire and chain-link fences are prohibited.
4. Fencing materials will be installed with protection from and will be properly maintained from weather deterioration.
5. The owner of a fence is required to maintain the growth of weeds and grass between, beneath and adjacent to all fence to a height not exceeding six (6) inches.
6. All fences shall be continuously maintained in an upright manner, ninety (90) degrees vertical to the ground, free from defects, peeling paint, rusting, and exposed wood, compromised finishes. The owner shall repair, paint, remove or otherwise attend to any fence if it becomes unsightly or a menace to public safety, health, and welfare.
7. Acceptable fence materials are cedar, redwood, cypress, pressure treated yellow pine, ornamental aluminum, ornamental metal.

I. Safety and Security Fences.

1. Specifications for swimming pool enclosures are set forth in Section 515.140. Further, if an open mesh type fence is used for a swimming pool enclosure, it shall be not less than six (6) feet in height, constructed of nine (9) gauge galvanized steel with not less than a two (2) inch mesh.

J. Plans and Specifications.

1. A plot plan showing the location of the proposed fence and fence drawing, showing a fence section detail, types of materials to be used and method of construction shall accompany the application. The building permit application and supporting documents shall be submitted to the City Building Commissioner for his/her review, along with a fee as specified in this code Section 510.160.

K. Expiration or Revocation of Permit.

1. In the event permit is issued, construction must be completed within thirty (30) days from date of issuance, unless the Building Commissioner extends the time for completion in writing.
2. If at any time after the permit is issued there should be any deviation from the original plans and specifications as submitted, the Building Commissioner shall order the stoppage of work until approval of any changes is given in writing. Revised plans shall be submitted in ample time to allow certification of approval before commencement of

work on that part being revised. In the event that approval of changes is withheld, construction shall promptly proceed in accordance with the original plans and permit.

L. Appeals and Variances.

1. In the event that a permit for a proposed fence is denied by the Building Commissioner, the applicant shall have the right to appeal the denial to the Board of Adjustment in accordance with the procedures for appeal of administrative decisions.
2. An applicant may make an original application to the Board of Adjustment for a variance from the requirements of this Section. In the sole discretion of the Board, in light of unique circumstances, a variance may be granted. However, in no event shall a variance be granted to allow the construction of a fence with barbed wire or to vary the fencing requirements for swimming pools. A variance shall not be granted if based merely upon the financial considerations of the applicant.

M. Abatement of Lawful Non-Conforming Fences.

1. Fences erected prior to November 12, 1984, are hereby exempt from this Section until replacement is required, at which time this Section must be complied with. "Replacement" is defined as replacing more than sixty percent (60%) of the existing fence and/or expending more than five hundred dollars (\$500.00) in repairing the existing fence.
2. To qualify for this exemption, property owners must notify the City Clerk within six (6) months of November 12, 1984:
 - a. That fence was erected prior to November 12, 1984
 - b. The date of construction
 - c. The type and location of the existing fence.

SECTION 2 – EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the date of its passage.

SECTION 3 – ALL OTHER ORDINANCES AND RESOLUTIONS

All acts and parts of Ordinances or Resolutions heretofore adopted by the City in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.

<Seal, Signature, and Attestation Immediately Follows>

PASSED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Pasadena Hills, Missouri, this 20th day of October 2021.



Cynthia Pender McCarthy
Honorable Cynthia Pender McCarthy, Mayor

Attest:

L/N

Latasha Van Norman, Acting City Clerk/Administrator