



Bill No. 5026

Ordinance No. _____

INTRODUCED BY
ALDERMEN FINLEY, JUDD, HAUG, GRAY, FLEMING, WEAVER, SIEGEL, LEHMKUHL

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE VIII, SECTION 7-224 AND APPENDIX A, ARTICLE XVI, SECTION 9, PERTAINING TO FENCE REGULATIONS.

WHEREAS, the City of Ballwin wishes to increase governmental efficiency and reduce the burden on residents who are attempting to make improvements to their properties while still ensuring that all improvements are made according to the codes of the City and with the safety and general welfare of the community in mind; and

WHEREAS, it is consistent with these goals to change the review and approval process for fences on corner or double frontage lots to be one which is conducted by staff rather than requiring review and approval by the Board of Aldermen in each instance; and

WHEREAS, a public hearing was held before the Planning & Zoning Commission on August 4, 2025 with respect to the amendments to the Zoning Ordinance pertaining to fence regulations. Following the hearing, the Planning & Zoning Commission recommended approval to the Board of Aldermen in regard to said amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: Chapter 7, Article VIII, Section 7-224 of the Municipal Code of the City of Ballwin, Missouri is hereby amended to read as follows:

CHAPTER 7 – BUILDINGS AND STRUCTURES

ARTICLE VIII. – FENCES

SECTION 7-224. – RESTRICTIONS.

- a) Location for intersections. No fence, wall, structure or planting higher than 2.5 feet above the grade of the street may be erected, planted or maintained within 15 feet of the right-of-way lines of any intersecting alleys, streets, roads or highways.
- b) Front yard location prohibited. No fence, wall or structure may be erected, constructed or maintained within the front yard area between the City's right-of-way line and the building line, including corner and double-frontage lots, except for the following:

- 1) As permitted by article XVI, section 9, of the zoning ordinance for corner and double-frontage lots in a dwelling district; or
- 2) On lots located in a commercial C-1, C-2, C-3, P.A., MXD or S-1 zoned district.
- c) Construction materials prohibited. No fence, wall or structure may be constructed in whole or in part as follows:
 - 1) Cloth, canvass or other flexible material.
 - 2) Barbed wire or other single wire strung between posts or supports except public utilities for gas, electric, cable, telephone, telegraph, sewer and water; or any government may use barbed wire and single wire at the top of fences, provided that the wire is at least six feet above grade.
 - 3) No wall, structure, fence, chain, chainlink or wire on a fence shall have electrical current passing through it except if the wire is properly insulated and installed in accordance with the electrical code.
- d) Maintenance of fences. All fences, screens, structures and walls are to be maintained and kept in good condition and repair, including paint and stain. Any fence, screen, structure or wall not kept in good condition and repair can be declared by the city to be a dangerous building or structure and can be repaired or removed as a dangerous building or structure pursuant to section 7-127.

Section 2: Appendix A, Article XVI, Section 9 of the Municipal Code of the City of Ballwin, Missouri is hereby amended to read as follows:

APPENDIX A – ZONING ORDINANCE

ARTICLE XVI. – ADDITIONAL HEIGHT AND AREA REGULATIONS

SECTION 9. – FENCES AND STRUCTURES IN DWELLING DISTRICTS.

- A. No fence or structure shall be erected, constructed or maintained between the City's right-of-way line and the building line along the street in front of a dwelling. Additionally, for a side street on corner lots or on a lot with double frontage located within a dwelling district, no fence or structure is permitted closer than three (3) feet from either the City's right of way line on sides where there is no sidewalk, or closer than three (3) feet from the sidewalk edge which is closer to the building line on sides where there is a sidewalk.

B. If an applicant seeks to construct a fence or structure on a side street of a corner lot or on a lot which has double frontage in a dwelling district, and if said fence or structure would be located greater than three (3) feet from the City's right of way line on a side where there is no sidewalk, or greater than three (3) feet from the sidewalk edge closest to the building line on a side where there is a sidewalk, the applicant shall first obtain a permit from the City. Pursuant to this, applicant shall submit a site plan for approval, which shall show the following:

1. The location of the fence;
2. The height of the fence;
3. The proposed landscaping on the right-of-way side of the fence;
4. An illustration of the type of fence to be erected; and
5. The approximate grade (elevations) of both sides in the area of the fence.

The site plan or other application shall contain an agreement by the property owner that the fence shall be maintained; permit annual inspection by the city; and the property owner shall agree to make any repairs found necessary after such inspection, on penalty of revocation of such permit.

C. Front yard fences approved by the city under the provisions of this section shall be erected in a manner which is uniform and harmonious with similar existing fences in the neighborhood as follows:

1. All fences shall generally be erected on private property. Fences may only be placed in public right-of-way subject to special conditions approved by the board of aldermen.
2. All fences shall have a gate providing access to the right-of-way for maintenance purposes.
3. All fences shall be erected with the finished side facing the roadway unless adjoining previously existing fences that are built with the unfinished side out. Only in this situation, with the approval of the city, may the fence be erected with the unfinished side facing the roadway.
4. Fences shall blend with existing nearby front yard fences in orientation, color, style, height, materials of construction and location.



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Section 3: This ordinance shall be in full force and effect from its passage and approval pursuant to law and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this ____ day of _____, 2025.

MARK R. STALLMANN, MAYOR

APPROVED this ____ day of _____, 2025.

MARK R. STALLMANN, MAYOR

ATTEST: _____

ERIC STERMAN, CITY ADMINISTRATOR