



AGENDA ITEM ANALYSIS

Project/Issue Name: 23-06 An Ordinance of the City Council Amending the Municipal Code of the City of Republic, Missouri by Amending Title V “Building And Construction”, Chapter 520 “Fences And Walls”, Section 520.020 “Applicability”, Section 520.030 “Definitions”, and Section 520.040 “Fences And Walls.”

Submitted By: Patrick Ruiz, BUILDS Department

Date: March 7, 2023

Issue Statement

Consideration to approve Amendments to Chapter 520 Fences and Walls.

Discussion and/or Analysis

The City of Republic is requesting Amendments to Chapter 520 Fences and Walls – specifically to Sections 520.020 Applicability, 520.030 Definitions, and 520.040 Fences and Walls. In general, all amendments revise the current ordinance to ensure clarity and concision.

The amendments in section 520.020 Applicability addressed the following purposes:

- Prior to constructing a fence, it is the responsibility of the property owner to ensure that the fence will be built within the bounds of the property boundaries and that a building permit is obtained. An agent or contractor is allowed to apply for fence a permit, but the responsibility of ensuring such permit is obtained lies with the property owner. If an agent or contractor applies for a fence permit, the property owner must provide authorization.
- The amendment exempts Agricultural (AG) Districts that are 1.5 acres or larger and not located within a platted Subdivision to obtain a fence permit, instead of exempting all Agriculturally Zoned Districts.
- Any fence being repaired or replaced with the same type and size of material is still exempt from the permitting process—so long as the work being done does not disturb the ground by replacing posts. The amendment also allows city staff to review any fences being repaired or replaced located in an easement or floodway.

The amendments of 520.030 Definitions served the purpose of adding terms to enhance current and amended code:

- *Open Voids* – The space between the screening of fence that allows for visibility from adjacent properties and public way. When calculating open voids, posts should be included in the



screening if they are wider than (4) feet and spaced less than (8) feet apart. Cross bars should also be included if they are wider than (4) feet.

- *Retaining Wall* – A wall that is not laterally supported at the top, and is intended to hold dirt, soil, or any other similar materials of backfill.
- *Sight-Obscuring Fence* – Any fence with screening that exceeds more than 50 percent of the total structure and obstructs visibility from adjacent lots and public way.

The amendments in section 520.040 Fences and Walls addressed the following purposes:

- Group verbiage of code in relation to each other to provide more cohesiveness and precise regulations. In example, code that is related to Gates or Sight Visibility Triangles have been grouped together.
- Provide corrections for grammatical errors and streamlining previous terminology used for past Department names and titles.
- Provide greater clarification on prohibited materials for fences and adding a prohibition on wire materials that are intended for the purpose of Agricultural uses.
- Restructuring the regulations for fences and walls located in a front yard to ensure that such structures do not impede visibility or safe traversal from adjacent public way and access to adjacent properties.
- Restructuring the regulations for gates to restrict gates that are 10 feet or wider from being installed on fences that are not easily accessible to driveways. This will protect the integrity of city infrastructure such as, but not limited, curb and gutter, sidewalks, manholes and water meters. Limiting the location of such gates will reduce the number of vehicles driving over such infrastructure.
- Adding regulations to walls that are constructed for the purpose of retaining dirt, soil, or other materials at a height greater than 4 feet.
- Streamlining measurements to one unit in the Height Regulations and allowing city staff to use discretion with such regulations for unique circumstances.
- Adding more detailed regulations for fences erected within a sight visibility triangle – to provide more flexibility of constructing a fence, to determine what type of fence can be constructed, and to provide the dimensions of said sight visibility triangle.

Recommended Action

Staff recommends the approval of the referenced Amendments.