

AN ORDINANCE AMENDING TITLE IV—LAND USE, ARTICLE XII—FENCE REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF ROCK HILL, MISSOURI, AND AMENDING TITLE V—BUILDING AND CONSTRUCTION, ARTICLE IV—DRIVEWAY CONSTRUCTION OR MODIFICATION IN THE CITY OF ROCK HILL MUNICIPAL CODE.

WHEREAS, The Planning and Zoning Commission of the City of Rock Hill has reviewed and discussed the amendments to the Rock Hill Municipal Code regarding fence regulations and driveway construction or modification; and

WHEREAS, on August 5, 2009, the Planning and Zoning Commission of the City of Rock Hill reviewed these amendments, and by a unanimous vote recommended approval to the Board of Aldermen; and

WHEREAS, due and lawful notice of a public hearing on the proposed fence regulation amendments and driveway construction and modification amendments held by the Board of Aldermen on September 1, 2009, at 7:00 PM at City Hall, 9511 Manchester Road, Rock Hill, Missouri, was published in the St. Louis Countain, a newspaper of general circulation in the City of Rock Hill, on August 14, 2009; and

WHEREAS, such hearing was duly held by the Board of Aldermen in conformity with said public notice at which public hearing the parties of interest and all citizens of Rock Hill were given an opportunity to be heard; and

WHEREAS, the Board of Aldermen, after careful and due deliberation, has determined that it is in the best interest of the City of Rock Hill to amend Title IV—Land Use, Article XII Fence Regulations and Title V—Building and Construction, Article IV—Driveway Construction or Modification as herein set out;

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ROCK HILL, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS

SECTION 1. Title IV—Land Use of the Municipal Code of the City of Rock Hill, Missouri is hereby amended as shown in Exhibit A attached.

SECTION 2. Title V—Building and Construction of the Municipal Code of the City of Rock Hill, Missouri is hereby amended as shown in Exhibit B attached.

SECTION 3. If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

SECTION 4. This ordinance shall become effective from and after its passage and adoption according to law.

**PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF ROCK HILL,
MISSOURI THIS _____ DAY OF _____, 2009.**

Julie Morgan, Mayor

ATTEST:

Jennifer Yackley, City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

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ARTICLE XII FENCE REGULATIONS

DEFINITIONS:

FENCE: An artificially constructed barrier of wood, masonry, stone, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

SCREEN: Any device used to visually shield or obscure an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

SECTION 405.471: ERECTION BEYOND ESTABLISHED FRONT BUILDING LINE PROHIBITED

It shall be unlawful for the owner of or anyone who occupies any lot or plot of ground within the City or any other person whomsoever to construct, erect or maintain any fence or enclosure of any kind whatsoever beyond the established front building line of any such lot or plot of ground.

SECTION 405.472: PERMIT TO ERECT BEYOND ESTABLISHED SIDE AND REAR LOT LINES -- REQUIRED

It shall be unlawful for the owner of or anyone who occupies any lot or plot of ground within the City or any other persons whomsoever to construct, erect or maintain a fence or enclosure of any kind whatsoever beyond the established side and rear lot lines of any such lot or plot of ground within the City without first obtaining a special permit to do so from the Board of Aldermen authorizing the construction, erection and maintenance of any such fence or enclosure.

SECTION 405.473: PERMIT TO ERECT BEYOND ESTABLISHED SIDE AND REAR LOT LINES -- APPLICATION

Any person desiring to construct or erect a fence or enclosure beyond the established side or rear lot lines of any plot of ground shall make application for a special permit to do so, which application shall be submitted with a plot plan showing ~~the location of the fence or enclosure proposed to be constructed or erected on such lot or plot of ground~~ all property lines, structures, streets and the location of existing and proposed fencing for the property upon which the fence or enclosure is to be erected and the property upon which the fence is to be erected.

SECTION 405.474: FENCES -- REQUIREMENTS AND LIMITATIONS

All fences in the City are subject to the following requirements, conditions and limitations:

1. No person shall erect a new or replacement fence without first having obtained a fence permit from the Building Commissioner, or his/her designee. Repairs to existing fences do not require a permit. A repair is defined as the replacement of a portion of fence which is less than twenty-five percent (25%) of its total linear distance (whether interrupted or not), or 300 sq. ft. of fence surface, whichever is less, with the same material, at the same height, in the same location.
2. All fences shall be erected and continuously maintained in accordance with the provisions of this Chapter as well as the Building Code, the Housing Standards Ordinance and the Nuisance Ordinance.
3. No person shall erect any division fence or screen in whole or in part of cloth, canvas, or other similar materials. No division fence or screen exceeding six (6) feet in height shall be erected or maintained.
4. No fence shall be used for advertising purposes.
5. The use of barbed wire is prohibited in areas zoned "A" or "B" Residential, razor wire, concertina wire, spikes or other similar devices are prohibited.
6. No fence shall have any electric current running through it except:
 - a. Invisible fences consisting of a low voltage (2.5 watts or less) wire buried beneath the ground, used to activate a device placed on the collar of dogs or other similar pets to contain them on the premises. Invisible fences shall be restricted to private property.
7. Fences shall be erected with the finished side out, that is, the fence posts shall be installed on the permit holder's property so that the fence material and hardware shall be inside the property and face toward the interior of the property.
8. The Building Commissioner or his/her designee will issue a special permit for the construction of a fence if he/she is satisfied that the application fully complies with the provisions of this Chapter.

SECTION 405.475 SPECIAL FENCES

1. Swimming pool fences enclosing outdoor swimming pools shall adhere to the standards set forth in the Building Code. Where such swimming pool is located within ten (10) feet of a side or rear lot line, such fence may be located on the side or rear lot line providing that no part of the fence extend beyond the side or rear lot line.

2. Fences enclosing an institution, a public park, public playground, or school may be eight (8) feet high providing such fence or screen is at least fifty percent (50%) open.
3. Commercial and industrial properties abutting residential properties shall erect a sight proof fence

SECTION 405.476 SCREENING DEVICES.

After the effective date of this ordinance, upon the change in ownership of any commercially or industrially zoned property, a screening device shall be constructed along the property line adjoining or contiguous to property that is classified by the zoning code as a residential district, and no building or occupancy permit shall be issued unless there is full compliance with the terms and provisions of this chapter. Plans for such screening devices shall be submitted simultaneously with the site plans for buildings or construction of parking lots to be placed on such property, or at such times as the application for occupancy is made.

1. Fences. All fences between commercial or industrial property and residential property shall be of a minimum height of six (6) feet and shall be sight-proof. Chain link fencing with inserts is prohibited.
2. Walls. All walls used shall be constructed of brick, concrete or masonry block and shall be constructed of sufficient height to effectively screen commercial or industrial property from residential property taking into consideration elevation differences between commercial or industrial property and residential property.
3. Trees. If there are existing trees between the commercial or industrial property and the adjoining residential property, such trees should be retained if practical and supplemented by the planting of new trees to create an effective screening device. New trees shall be durable and shall have a minimum caliper of two and one half (2 ½) inches. If evergreens are utilized, they shall have a minimum height of eight (8) feet.
4. Shrubbery. Shrubbery in combination with trees or grade changes may be utilized provided an effective screening device equal to the screening devices referred to in this section will be created.
5. Grade changes. Retaining walls in combination with grade changes and planting of shrubbery may be constructed of stone, brick, concrete or masonry. Additionally sloping terraces and earth mounds may be constructed in combination with planting of shrubbery. Use of such changes and shrubbery in combination must provide an effective screening equal to the other screening devices referred to in this section.

6. Screening device maintenance. Any screening device, fence, or masonry wall shall be kept in a good state of repair; and all wood, metal, and/or approved material shall be protected from the elements against decay, rot, or rust by paint or other approved coating applied in a workmanlike manner. Screening areas with trees, shrubs, and/or decorative plantings shall be kept trimmed and free from weeds, trash, and debris.

SECTION 405.477 APPLICATION AND FEES

Any person desiring to construct or erect a fence or enclosure on any plot of ground shall make application for a permit to do so, which application shall be submitted with a plot plan showing all property lines, structures, streets and the location of existing and proposed fencing. The application shall also include design specifications for the fence. The application shall be accompanied by a fee of three dollars (\$3.00) for every one thousand dollars (\$1,000) of construction costs plus six dollars (\$6.00) per each inspection.

EXHIBIT B

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ARTICLE IV DRIVEWAY CONSTRUCTION OR MODIFICATION

SECTION 505.080: DEFINITIONS

For the purpose of this Article, the following shall mean:

DRIVEWAY: The surfaced portion of a lot constructed for the purpose of access to a garage/storage area on the lot or for purposes of temporary parking.

DRIVEWAY APPROACH: *The area between the curb or pavement edge of a public street and the private property line intended to provide access to vehicles from a roadway or a public street to a driveway on private property.*

~~HARD SURFACED:~~ A driveway surface paved with materials such as asphalt, concrete or brick.

~~POROUS SURFACED:~~ A driveway consisting of rock which shall have a minimum of four (4) inches of finely crushed stone. (Ord. No. 1086 §1, 10-15-85)

SECTION 505.090: ONE DRIVEWAY PER LOT

There shall be only one (1) driveway per lot, tract, or parcel of ground and the width, singular and/or accumulative shall not exceed twenty-five (25) feet. A singular circular driveway shall be assumed as one (1) driveway; circular driveways must have not less than fifteen (15) feet clear space between the back of the street curve and the near edge of the driveway at its furthest point from the street. Curb breaks must be separated by not less than twenty (20) feet. (Ord. No. 1086 §2, 10-15-85)

SECTION 505.100: CONSTRUCTION REQUIREMENTS

~~All driveways shall maintain a minimum twenty (20) foot strip of hard surfaced driveway connecting to the public right of way. Porous surfaced driveways shall be permitted so long as the minimum hard surfaced driveway shall interface between the street right of way and the porous surfaced portion of the driveway. (Ord. No. 1086 §3, 10-15-85)~~

Driveway approaches shall be constructed of Portland cement concrete at a minimum depth of six (6) inches and include a footing at the curb line for a distance of twelve (12) inches and a depth of twelve (12) inches. Welded wire fabric (6x6 10/10) shall be placed in the apron three (3) inches from the top of the concrete surface.

Driveways may be constructed of any of the following materials:

1. Concrete, asphalt, brick pavers, turf blocks, permeable joint pavers or other similar materials.
2. Driveway surfaces made of materials including but not limited to rock, chat and/or crushed stone shall not be used unless the rock, chat, and/or crushed stone is part of an engineered grid system where the grid is the structural portion of the driveway and the stone is used only for filler or drainage purposes. At no time shall grass be allowed to be used as filler in the grid system.
3. Hollywood driveways (a strip of grass between two strips of concrete or brick) are allowed.

SECTION 505.110: PERMIT REQUIRED

Anyone desiring to construct, relocate an existing driveway or expand any driveway in existence at the time of the passage of this Article, ~~October 15, 1985~~, shall be required to apply for a permit for such purpose. The Building Commissioner shall be charged with the responsibility of enforcing this Article.

SECTION 505.120: REGULATIONS

The Building Commissioner shall be authorized to promulgate regulations for the enforcement of this Article.