

INTRODUCED BY:

ALDERMAN PLUFKA  
ALDERMAN WEGGE  
ALDERMAN LOCHMOELLER  
ALDERWOMAN HARTER

ALDERWOMAN PARKER TICE  
ALDERWOMAN SIMS  
ALDERMAN GOULD  
ALDERMAN ERGER

**AN ORDINANCE AMENDING THE REGULATIONS REGARDING SECTIONS 400.2400 AND 400.2410 OF THE BRENTWOOD CITY CODE RELATING TO FENCES, WALLS AND SCREENING DEVICES**

\*\*\*\*\*

**WHEREAS**, a corner lot has two front yard setback requirements, one along each street frontage, and any front yard fence is limited to a maximum height of 24 inches, and must be 50% open; and

**WHEREAS**, compliance with these standards has proven problematic in some instances due to placement of the house on some corner lots; and

**WHEREAS**, on October 9, 2024, the Planning and Zoning Commission completed a review of the fence regulations for: corner lots and recommended that the Board of Aldermen adopt certain amendments as hereinafter provided; and

**WHEREAS**, the Board of Aldermen held a public hearing on the zoning amendments hereinafter provided, after due notice as required by law, on November 4, 2024; and

**WHEREAS**, the Board of Aldermen believes the regulations hereinafter adopted appropriately balance public interests in: (1) the aesthetics of such physical security measures, (2) access to the public right-of-way, sidewalks, and/or utility easements, (3) the structural soundness of such physical security measures, and/or (4) changes in the drainage of a property

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

**Section 1.** Sections 400.2400 and 400.2410 of Division 5 of Article V of Chapter 400 of the Code of Ordinances of the City of Brentwood, Missouri, are hereby repealed and new Sections 400.2400 and 400.2410 are hereby enacted in lieu thereof to read as follows:

CHAPTER 400. ZONING

ARTICLE V. Supplemental Regulations

Division 5. Fences, Walls, and Screening Devices

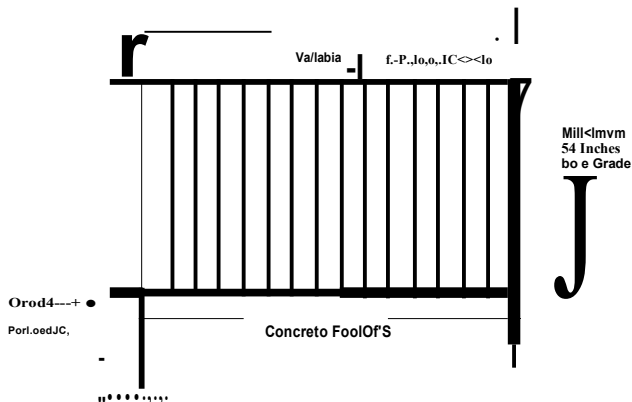
Section 400.2400. Locations.

- A. No fence or screen except those allowed under Section 400.2410, Subsection (D) shall be erected, constructed or maintained within a front

- yard in any dwelling district. e)(cept those fences already in existence on May 20, 1985.
- B. No fence, screen, structure or planting higher than three (3) feet above the street grade shall be maintained within ten (10) feet of any street intersection. In the case of a corner lot, no fence screen shall be built along the side street within the right of way line or within five (5) feet from the curb line, whichever is greater. No fence or screen shall be extended beyond the front yard building line.
  - C. Solid or open fences not exceeding ten (10) feet in height may be erected along the common line between properties zoned residential and commercial or industrial or a railroad right-of-way.

Section 400.2410. Special Fences.

- A. Swimming pool fences enclosing outdoor swimming pools shall be a minimum of four (4) feet in height but not more than six (6) feet high. 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. All gates or doors providing access to such pool shall be self-closing and self-latching with the latches placed at the highest practical point of the fence.
- B. Tennis court fences surrounding tennis courts shall be open mesh fences and shall not exceed twelve (12) feet in height.
- C. Fences enclosing an institution, a public park, public playground, elementary, high school or junior college site may be eight (8) feet high providing such fence or screen is at least fifty percent (50%) open.
- D. No fences shall be constructed within any required front yard setback along any street frontage as set forth elsewhere in this Chapter, except that ornamental type fences meeting the general standards hereafter set forth may be erected upon application for a permit.
  - 1. Such ornamental fence shall not exceed twenty-four (24) inches in height, including height of any columns or imbedded vertical support, and at least fifty percent (50%) of its surface shall be open as viewed on any line perpendicular to the vertical plane of the fence for the entire thickness of the fence.
    - a. For residential corner lots, an ornamental open fence not to exceed 48" inches in height, may be permitted when located to the side or rear of the residence, provided that it is set back atleast 5 feet from the property line or 10 feet from the street curb whichever is greater, and is constructed of open slatted decorative metal fencing, similar to the image below.



- 2. Wood posts, pickets, boards and lumber shall be painted so as to be compatible with their surroundings.
- 3. Columns and imbedded vertical supports shall not be set closer together than six (6) feet.
- 4. All exposed steel used in construction of ornamental fences shall be preserved against rust and corrosion.
- 5. No wire or steel mesh or wire fencing may be used in any manner as part of the ornamental fence, but steel or wire mesh fencing may be used as a temporary protection around shrubs in the required front yard, but in no case shall such steel or wire mesh fencing exceed eighteen (18) inches in height. [The use of wire or chain-link fencing may be used interior of the back yard area for gardening or for animal security for up to 36 inches in height provided such is screened with a solid perimeter fence of the property]

**SECTION 2.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

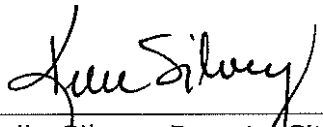
**SECTION 3.** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**SECTION 4.** This Ordinance shall be in full force and take effect from and after the date of its passage and approval according to law.

**PASSED BY THE BOARD OF ALDERMEN THIS 18th DAY OF NOVEMBER, 2024.**

ATTEST:

\_\_\_\_\_  
 Dávid A. Dimmitt, Presiding Officer

  
 \_\_\_\_\_  
 Kelle Silvey, Deputy City Clerk

