

AN ORDINANCE AMENDING ARTICLE XII: FENCING REGULATIONS, SECTION 405.500 RESIDENTIAL DISTRICT REGULATIONS RELATING TO RESIDENTIAL DISTRICT RULES IN THE CITY OF TROY, MISSOURI

WHEREAS, some confusion exists relating to the present Residential District Regulations for fencing under Section 405.500 of the City of Troy, Missouri Ordinances;

WHEREAS, in the interest of clarifying the Residential District Regulations, the Board of Aldermen deem it necessary to amend the Section and provide clear guidance for fencing regulations within the Residential Districts, specifically in Residential Districts: R1 Single Family Residential District, R2 Single Family Residential District, and R3 Multiple Family Residential District;

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

SECTION 1: The Board of Alderman of the City of Troy, Missouri, do hereby amend Section 405.500: Residential District Regulations in its entirety to read as follows:

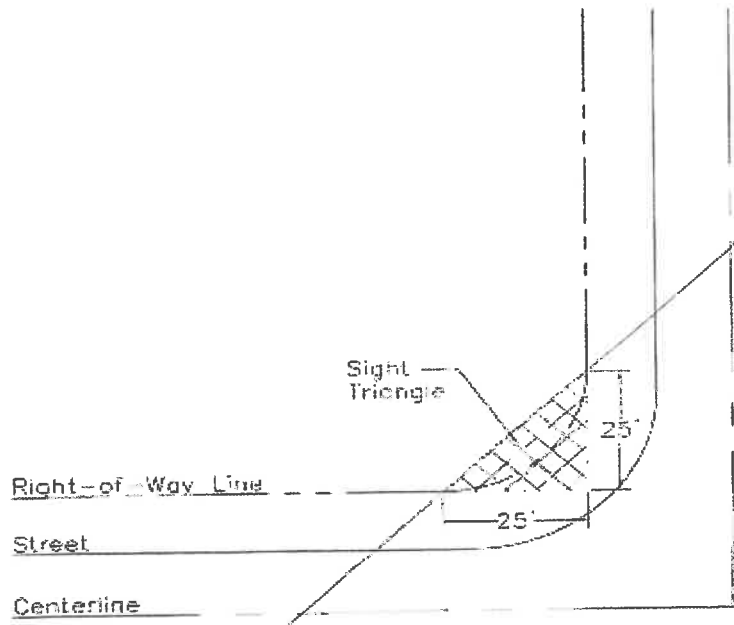
Section 405.500 **Residential District Regulations.**

A. Definitions. For purposes of this Section, the following terms shall have the definitions set forth in this subsection.

1. Front Yard - A yard across the full width of the lot extending from the front line of the main building to the front line of the lot. The front line of the main building to the front line of the lot is deemed to be as platted on the approved plat for the lot by the City, and if such plat does not designate the front line of the main building allowed to be on the lot, it shall be deemed to be the side of the lot that faces the street on which the building has its building address identified.
2. Rear Yard – A yard extending rearwards from the main building line the full width of the lot between the main building line and the rear lot line which is located behind the front building line.
3. Residential District – The following qualify as Residential Districts in the City: R-1 Single-Family Residential District, R-2 Single-Family Residential District, and R-3 Multiple-Family Residential District as outlined in Chapter 405, Article IV: District Regulations.
4. Side Yard – A yard extending the full width of the lot which is located between the main building line at the edge and the rear building line.
5. Yard - An open space, on the same lot with a building, unoccupied and unobstructed by any portion of the structure from the ground upward.

- B. Construction Materials and Review of Chain Link Fences. Fences in Residential Districts shall be constructed of new wood or vinyl materials. No repurposed or reclaimed materials shall be used. Chain link fences four (4) feet or less in height are permitted, however chain link fences greater than four (4) feet in height require review and approval by the City Building Official. If the City Building Official denies a chain link fence, the lot owner may request a review for approval by the Board of Aldermen. No razor wire or barbed wire fence shall be allowed in Residential Districts.
- C. Fence Height Restriction. Fences in Residential Districts shall not exceed six (6) feet in height.
- D. Placement of Fencing. No fence shall extend beyond the Front Yard (front building line), nor shall any fence extend beyond the Side Yard (side property line) and Rear Yard (rear property line).
- E. Fencing at Intersections of Streets/Alleys. To facilitate ease of viewing at an intersection, fences in Residential Districts where they adjoin a public street or alley shall be constructed in a manner to provide at least a forty-five degree (45°) angle on the fencing between the intersection of the street/alley with the intersecting street/alley (i.e. a sight triangle). The angle shall begin twenty-five feet (25') from the street/alley on any Side Yard or Rear Yard adjoining the intersection and shall complete the connection of the fence on the lot/property. See image below for guidance:

FIGURE 2
STANDARD SIGHT TRIANGLE



- F. Fences Cannot Block Public Access to Sidewalks. Fences in Residential Districts shall not block, in any way, public access to any sidewalk which is in place at the time of installation.
- G. Fences Cannot Block Right-of-Way. Fences shall not block, in any way, any right-of-way owned or held by the City, State, or other right-of-way owner. The term right-of-way shall not apply to utility lines which run along the Side Yard or Rear Yard of a lot/property, provided that a fence placed is readily able to be removed to allow for utility provider access to any easement or right-of-way to install, maintain, or operate utilities.
- H. Maintenance of Fencing or Removal of Fencing. The owner of a property or lot in a Residential District shall be responsible for maintaining any fence in place, in compliance with Chapter 405, Article XII: Fencing Regulations, and to remove any fence if it becomes unmaintained, unsightly, or a menace to the public safety, health and welfare.
- I. Application of Rules to Previously Installed Fences. Any fence installed before the enacting date of this Section shall be allowed if the fence was installed in compliance with the regulations of the City in effect at the time of the installation. Any fence installed, including if a previously allowed fence is removed and a new fence installed, shall comply with the regulations of this Section currently in place at the time of installation.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Aldermen hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4: This Ordinance shall be in full force and effect after its passage and approval as provided by law.

PASSED AND APPROVED THIS 21st DAY OF June, 2021.



 Mayor Ron Sconce, City of Troy

ATTEST:



 Jodi Schneider, City Clerk

1st Reading: 6-21-2021
 2nd Reading: 6-21-2021