

BILL NO. 20-062

ORDINANCE NO. 19149

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO ACCESSORY BUILDING AND RESIDENTIAL FENCE SETBACKS.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, a public hearing, having been held by the Planning Commission on July 14, 2020, and by the City Council on August 17, 2020, it is the desire of the City Council to adopt this amendment to the Unified Development Ordinance; and,

WHEREAS, this proposed amendments revise Sections 14-400-01 and 14-400-02;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Sections 14-400-01 and 14-400-2 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

14-400-01-A LOT AND BUILDING STANDARDS

1. GENERAL

The lot and building standards of the base zoning district apply to accessory structures unless otherwise expressly stated. This provision shall include the use durable building materials and not canvas, plastic, and similar materials.

2. INTERIOR SETBACKS

In the R-A district, detached accessory buildings must be set back at least 35 feet from all interior lot lines. In all other R districts, detached accessory buildings must be set back at least 5 feet from all interior lot lines.

3. EXTERIOR SETBACKS

~~No accessory building may be located closer to the street than the principal building.~~ Accessory buildings shall be subject to the same required setback as the primary structure. For non-corner lots, accessory building shall not project past the front of the primary structure. This provision shall not apply to accessory structures on R-A and R-1 zoned properties of over 5 acres in size, where detached accessory buildings shall be set back at least 50 feet from all exterior lot line

14-400-02 FENCES

14-400-02-A. GENERAL

The general regulations of this subsection apply to all fences, regardless of the zoning district in which they are located.

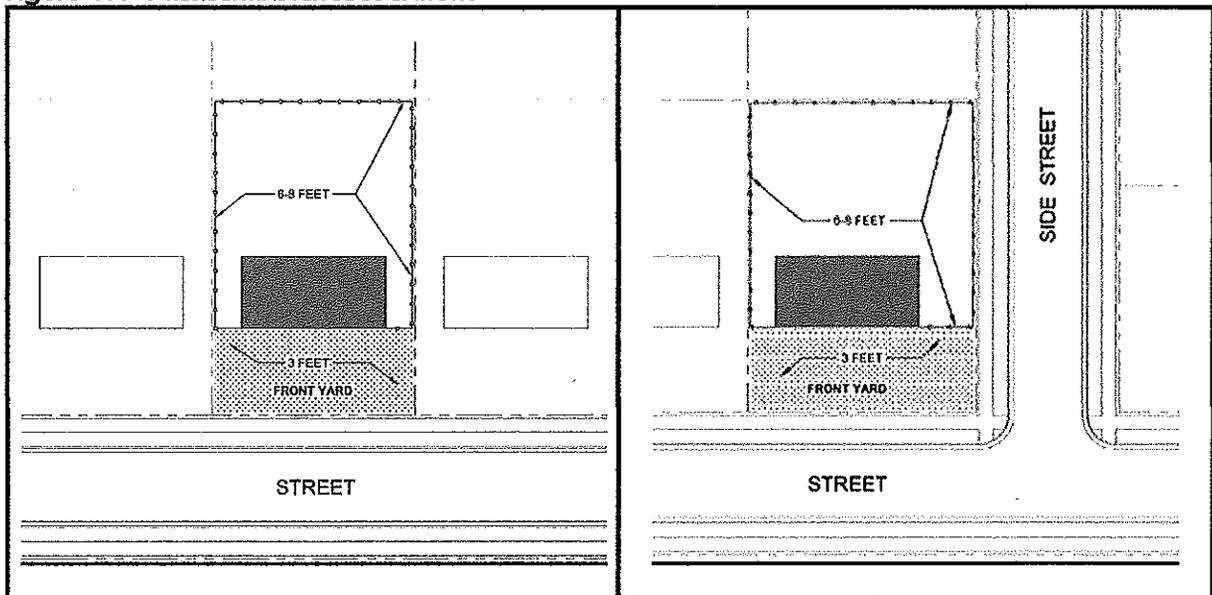
10. No private fence shall be installed on public property, including in the street right-of-way. Fences are subject to the intersection visibility standards of the *Public Works Manual*.

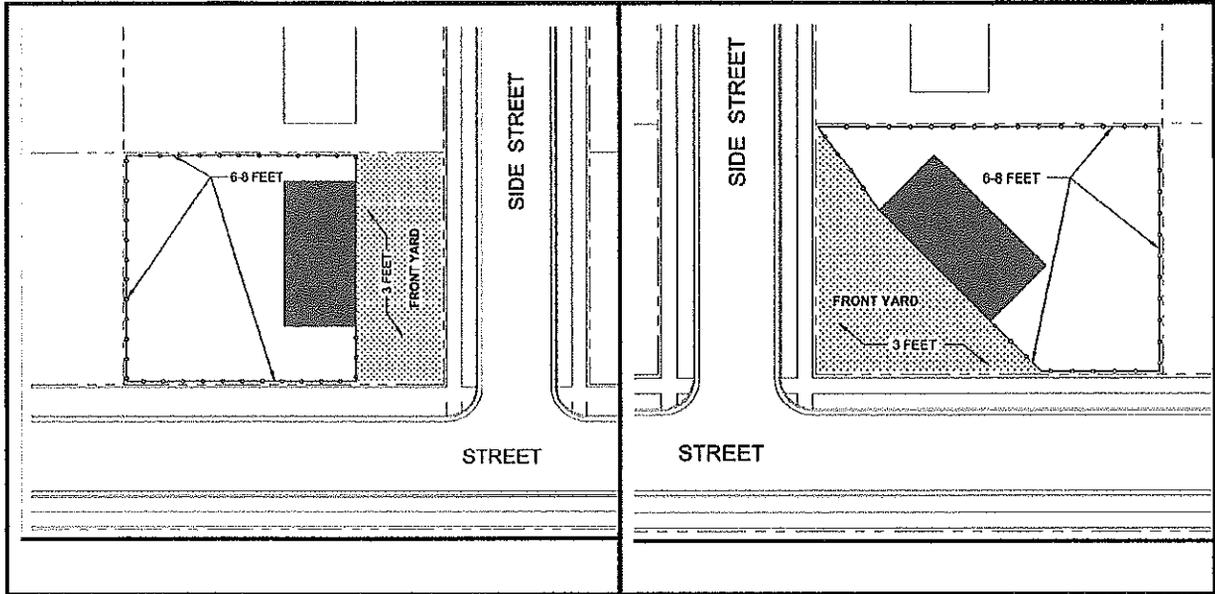
14-400-02-B. RESIDENTIAL ZONING DISTRICTS

The regulations of this subsection apply to all fences in R zoning districts.

1. Chain-link fences must be installed with barbs turned down.
- ~~2. Except for fencing around bona-fide agricultural activities, fences or walls in residential zoning districts may not exceed 36 inches in height when located in exterior yards. Such fences shall be at least 50% transparent and may include chain-link, picket, wrought iron, and split rail fencing.~~
- ~~2. 3.~~ No fence shall exceed eight feet in height in any residential district.
- 3. Residential fencing locations, see Figure 400-1 below.**
 - a) **Interior side and rear yards - Fences or walls in interior side or rear yards shall not exceed six feet without a fence permit, or up to eight feet with a fence permit.**
 - b) **Front and street side yards - Except for fencing around bona-fide agricultural activities, no fence or wall located in front yard of a residence, or along a side street in front of a residence, shall exceed three feet in height. Such fence shall be at least 50% transparent and may include chain-link, picket, wrought iron, and split rail fencing. Fences or walls in street side yards not in front of a residence, shall not exceed six feet without a permit, or up to eight feet with a fence permit.**

Figure 400-1 RESIDENTIAL FENCE LOCATIONS





SECTION 2. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS 17th DAY OF August, 2020, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Kim Weir
Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

Becky Bemew
City Clerk

APPROVED ~~FOR~~ FORM AND LEGALITY:

Shannon H. H.
City Counselor

REVIEWED BY:

Zachary Walker
City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.