

Jefferson City  
Planning & Zoning Commission

August 13, 2015

**Case No. P15009**

**Zoning Text Amendments**

- A. Driveway Standards**
- B. Fence Standards**

**PLANNING STAFF REPORT**  
**JEFFERSON CITY PLANNING AND ZONING COMMISSION**  
**August 13, 2015**

**Case No. P15009 – Zoning Code Text Amendments.** Staff initiated proposal to amend the text of Chapter 35, Zoning, including sections 35-58 Driveway Standards and 35-59 Fence Standards. The complete text of the amendment is available for review at the Department of Planning and Protective Services, 320 E. McCarty Street, or may be viewed at the Planning and Zoning Commission webpage at: [www.jeffcitymo.org](http://www.jeffcitymo.org).

**Proposed Amendments:**

1. Apartments in the RA-1 district – *Previously approved by P&Z, on hold pending finalization of other amendments.*
2. Maximum Driveway width – increase from 24 feet to 30 feet for single family and duplex uses.
3. Permitted Fencing materials – list permitted materials, expand list of prohibited materials, strengthen code language requiring repair of unsightly fences.

**Apartment Buildings in the RA-1 district**

The amendment proposing to establish multi-family buildings with more than 4 units as a conditional use in the RA-1 district was recommended for approval by the Planning and Zoning Commission at the July meeting. It is included on the draft council bill and will be forwarded to the City Council with the other proposed amendments.

**Maximum Driveway Width**

The Zoning Code permits a maximum width for residential driveways of 24 feet. Staff have been approached by a local homebuilder with a request to raise the maximum width in order to allow for a driveway width that would accommodate three car garages. The maximum width allowance is measured at the right-of-way/street connection, and can be widened once on the property.

Staff have researched driveway requirements of similar sized cities with the following results:

Chesterfield – Maximum width of 26 feet. Minimum width of 10 feet.

Blue Springs – maximum of 30 feet.

Columbia – 12 foot minimum. 25 foot max for 2 car garage, 30 foot max for three car garage.

Springfield – Maximum 22 feet. Minimum 12 feet.

**Permitted Fencing Materials**

The Zoning Code regulates fences, including height, location and the material the fence is made of. The Zoning Code currently lists prohibited fencing materials, but does not list which materials are permitted and does not offer staff much guidance when uncommon fencing materials are proposed by property owners. Staff recommend listing permitted fencing materials within the Code, and adoption of language that allows for a Directors determination when uncommon materials are proposed. An expansion of the current list of prohibited materials and strengthening of code language relating to maintenance of fences is also recommended.

**Current Prohibited Materials**

Cloth, canvas and sheet metal.

Barbed wire, chicken wire and hog wire are only permitted when associated with an agricultural use.

**Materials Proposed to be Added to Prohibited List**

Plywood, rolled plastic, debris, junk, or any other materials not specifically manufactured for permanent fencing.

**Proposed List of Permitted Materials**

Wood, brick, composite, vinyl, chain link, decorative metal and other materials manufactured for permanent fencing and compatible with the character of the area.

**Staff Recommendation**

Staff recommends approval of the proposed Zoning Code amendments.

**Form of Motion**

Motion for approval of the proposed amendments to the Zoning Code.

BILL NO.

SPONSORED BY COUNCILMAN GRAHAM

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING SECTIONS OF CHAPTER 35, THE ZONING CODE, PERTAINING TO MULTI-FAMILY USES IN THE RA-1 ZONING DISTRICT, RESIDENTIAL DRIVEWAY WIDTHS AND STANDARDS FOR FENCES.

**WHEREAS,** It appears that the procedures set forth in the zoning code relating to zoning code text amendments have in all matters been complied with.

**NOW, THEREFORE, BE IT ENACTED** BY THE COUNCIL OF THE CITY OF JEFFERSON, MISSOURI, AS FOLLOWS:

Section 1. Exhibit 35-28.(Land Uses Authorized in Zoning Districts) Section 1.Residential Use, A. Household Living, is amended as follows to establish residential buildings with more than 4 units as a conditional use in the RA-1 district:

Exhibit 35-28: Land Uses Authorized in Zoning Districts																	
Use Category	Specific Use Type	Zoning Districts															
		RU	RS-1	RS-2	RS-3	RS-4	RD	RA-1	RA-2	N-O	RC	C-O	C-1	C-2	C-3	M-1	M-2
<b>1. Residential</b>																	
A. Household Living	<del>5.</del> <u>5.</u> Multi-Family (4 or fewer units in building)	-	-	-	-	-	-	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-	-
	<del>6.</del> <u>6.</u> Multi-Family (7 or fewer <u>5 to 7</u> units in building)	-	-	-	-	-	-	<u>P</u> <u>C</u>	P	-	-	-	-	-	-	-	-
	<del>6.</del> <u>7.</u> Multi-Family (8 or more units in building)	-	-	-	-	-	-	<u>P</u> <u>C</u>	P	-	-	-	-	P	-	-	-
	<del>7.</del> <u>8.</u> Bed and Breakfast Home, see "Lodging" for B&B Inn	P	-	-	-	-	-	C	P	-	-	-	-	-	-	-	-
	<del>8.</del> <u>9.</u> Boarding House	-	-	-	-	-	-	-	C	-	-	C	C	-	-	-	-
	<del>9.</del> <u>10.</u> Residential Use in Non-residential Building - Second floor or above	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	-
	<del>10.</del> <u>11.</u> Night Watchman or Caretaker quarters	-	-	-	-	-	-	-	-	-	-	C	C	C	P	P	P

Section 2. Exhibit 35-58C (Driveway Standards) is amended as follows to increase maximum driveway width for One-Family and Two-Family Residential uses from 24 feet to 30 feet, as follows:

**Exhibit 35-58C. Driveway Standards.**

Land Use	Minimum Private Driveway Setback from Property Line	Minimum Width of Driveway	Maximum Width of Driveway	Minimum Width of Driving Lane <sup>2</sup>
One-Family and Two-Family Residential	2 feet	12 feet	24 feet <u>30 feet</u>	n/a
Multi-Family Residential	2 feet	12 feet <sup>1</sup>	24 feet <sup>2</sup>	10 feet
Commercial and Non-Residential	5 feet	24 feet <sup>2</sup>	40 feet	12 feet
Notes: <sup>1</sup> One-way traffic. <sup>2</sup> Where two-way traffic is designated.				

Section 3. Section 35-59.F (Standards for Fences and Walls Used Outside of Required Bufferyards) is hereby amended as follows:

F. Standards for Fences and Walls Used Outside of Required Bufferyards.

1. Standards in All Districts. No fence shall be erected without a permit. At a minimum, unless specified otherwise at the time of development approval, fences and walls erected shall comply with the following:
  - a. Visual Clear Zone: Fences and walls shall comply with the provisions of Section 35-55 Visual Clear Zone.
  - b. Fences and Walls Erected by Public Entities Exception. Fences and walls erected by public entities for public recreational and other public purposes, including but not necessarily being limited to fencing for tennis courts and baseball fields, shall be exempt from the fence height regulations provided that the fence is more than 25 feet from the nearest property line.
  - c. Fences and Walls Erected for Public Utilities Exception. Public Utilities may erect fences and walls up to a maximum of 10 feet in height for public utility sites including but not necessarily limited to water towers, telecommunication towers, and electrical substations, provided that the fence is located 25 feet from the nearest property line. Barbed wire may be used provided the lowest strand of barbed wire shall be located at least six feet above the ground. No concertina wire shall be permitted. Design standards for fences for public utility purposes may be established by the Board of Adjustment when ruling on a conditional use permit.
  - d. Design Standards.
    - (1) Fences shall be constructed in a workmanship-like manner. The property owner shall repair, paint, remove or otherwise attend to any fencing that has become unsightly or a menace to public safety, health or welfare.
    - (2) No more than two different types of fencing material (such as wood and chain link or two types of wood) are permitted. Missing boards, pickets, or posts shall be replaced with material of the same type.
    - (3) Permitted fencing materials shall include wood, brick, composite, vinyl, chain link and decorative metal. Other materials manufactured for permanent fencing and compatible with the character of the area may be approved by the Director.
    - (3) (4) No fence shall be made of, in whole or in part, cloth, canvas, or sheet metal, plywood, rolled plastic, debris, junk, or any other materials not specifically

Drafters Note: Deleted text shown as thus. Inserted text shown as thus

manufactured for permanent fencing. Barbed wire, chicken wire and hog wire is permitted only when associated with a legal nonconforming or permitted agricultural activity or in conformance with Section 35-59.F.3.b below. Concertina wire is prohibited in all districts.

(4) (5) The finished side of the fence shall face outward. Posts and support beams must face in toward the subject property or shall be designed as an integral part of the finished surface.

2. Standards for Fences and Walls in the RU, RC, RS, RA and N-O Districts.

- a. Except as modified by Section 35-55 Visual Clear Zone, fences and walls having a height of four (4) feet or less may be located on any part of the lot.
- b. Except as modified by Section 35-55, Visual Clear Zone, fences and walls having a height of six feet or less may be erected on those parts of a lot that are as far back or farther back from the street than the front plane of the main building.
- c. For through lots (as defined in Section 35-92 and as distinguished from corner lots) fences and walls having a height of six feet or less may extend into the yard area at the rear of the building subject to a minimum 10 foot setback from the right-of-way line or, where houses front said right-of-way, at a setback equal to or greater than houses on adjacent lots, whichever is greater.
- d. ~~Barbed wire, chicken wire and hog wire is permitted only when associated with a legal nonconforming or permitted agricultural activity.~~
- e. ~~Use of concertina wire is prohibited.~~

3. Standards for Fences and Walls in the C and M Districts.

- a. Except as modified by Section 35-55 Visual Clear Zone, fences and walls having a height of four feet or less may be erected on any part of a lot and fences and walls having a height of ten feet or less may be erected on those parts of a lot that are as far back or farther back from the street than the front plane of the main building or the front setback line, whichever is less.
- b. Barbed wire may be used on fences or walls provided the lowest strand of barbed wire shall be located at least six feet above the ground. ~~No concertina wire shall be permitted in these districts.~~

4. Standards for Fences and Walls in the PUD Planned Unit Development District: Height of fences and walls shall be determined under the plan review procedures set forth in Section 35-74.C.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Counselor