



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

NOTICE OF PUBLIC HEARING

**APPLICATION TO PLANNING AND ZONING COMMISSION
#21-025 TEXT AMENDMENT TO SECTION 405.640 FENCES AND WALLS
OF THE CITY'S ZONING ORDINANCE REGARDING PHYSICAL SECURITY
MEASURES IN ASSOCIATION WITH RECENT CHANGES IN STATE LAW
FOR THE MEETING OF: Monday, October 18, 2021 at 6:30 P.M.**

LOCATION: All zoning districts within the City

REQUEST: Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, Planning Division, has submitted a text amendment application for a review of Section 405.640 Fences and Walls regarding physical security measures around private property, including fences and walls, based on recent changes in state law. In association with this review, an amendment to add a new Subsection G to Section 405.640 Fences and Walls to require physical barriers to provide a means of entry for law enforcement and first responders, including fences and walls, is proposed.

Text Amendments to the Zoning Ordinance require review at the Planning and Zoning Commission and approval by the City Council.

ADDITIONAL INFORMATION: The Planning and Zoning Commission will conduct a Public Hearing on this request on Monday, October 18, 2021 for recommendation to the City Council. Additional information is available at the Government Center, Planning Division offices. Meetings are held at 6:30 P.M., in the Council Chambers of the Creve Coeur Government Center located at 300 North New Ballas Road.

We encourage you to attend if you have any questions or wish to make a statement. In addition, you can submit written or e-mail comments in advance or at the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects. You may also call (314) 872-2504 or e-mail jjaggi@crevecoeurmo.gov.

APPLICANT: Jason Jaggi
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code
- Are the changes consistent with the purposes of the Comprehensive Plan

Creve Coeur 2030 Comp. Plan References

- Residential Development & Preservation

Zoning Code References

- Section 405.640 Fences and Walls

STAFF CONTACT: Jason Jaggi, AICP, Director of Community Development

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE REGARDING FENCE AND WALL REGULATIONS OF THE CITY OF
CREVE COEUR**

WHEREAS, the Missouri Legislature has enacted legislation (Section 67.494 RSMo SB 26 2021) declaring that “the general assembly hereby occupies and preempts the entire field of legislation regarding in any way the regulation of physical security measures around private property to the complete exclusion of any order, ordinance, policy, or regulation by any ... city ... in this state; and

WHEREAS, such legislation declares null and void any existing and future order, ordinance, policy, or regulation in the aforesaid field; and

WHEREAS, such legislation nonetheless makes exception for and allows for certain regulation in such field; and

WHEREAS, the Director of Community Development applied to the Planning and Zoning Commission for a review of the regulations set forth in the City’s Code of Ordinances regarding physical security measures around private property including fences and walls in light of such legislation; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on _____, 2021, beginning at 6:30 p.m., or immediately following the close of the previous public hearing; and

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, on _____, 2021 the Planning and Zoning Commission of the City of Creve Coeur, Missouri, completed the requested review and by a vote of _____ recommended that the City Council ratify, confirm, and reenact such regulations, determining that all such regulations fall within the allowed exceptions of the legislation; and

WHEREAS, all persons who presented themselves and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and

WHEREAS, the City Council being fully informed finds that all such regulations in the City Code of Ordinances address: (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;

WHEREAS, the City Council further finds that all such regulations remain in the public interest, and

WHEREAS, the City Council further finds that it is in the public interest and consistent with such legislation to require that such physical security measures shall in all instances have a means to enter the subject property so that law enforcement and first responders are able to access the property in an emergency;

NOW THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

Section 1. All regulations set forth in the City Code of Ordinances and in effect on August 27, 2021 regarding physical security measures around private property are hereby ratified, confirmed and reenacted as of the effective date of this Ordinance, based upon the legislative findings set forth in this Ordinance. Such ratification, confirmation and reenactment are hereby made on a severable basis, such that in the event any court were to hold that a specific regulation is not enforceable under Section 67.494 RSMo or other applicable law, such ruling shall not affect the enforceability of any other regulation not specifically invalidated by such ruling.

Section 2. A new subsection G to Section 405.640 Fences and Walls of the Creve Coeur Code of Ordinances is hereby added to read as follows:

G. Physical security measures around private property, including fences and walls, shall have a means to enter the property so that law enforcement and first responders are able to access the property in an emergency.

Section 3. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2021.

HEATHER SILVERMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2021.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK