

INTRODUCED BY: ALDERMAN THOMPSON

AN ORDINANCE AMENDING WARSON WOODS MUNICIPAL CODE SECTIONS: 235.020 “DEFINITIONS”; 400.020 “DEFINITIONS”; 415.010 “USE REGULATIONS – ‘A’ AND ‘B’ RESIDENCE DISTRICTS”; 415.020 “USE REGULATIONS – ‘C’ MANCHESTER ROAD COMMERCIAL DISTRICT”; AND 415.060 “ADDITIONAL HEIGHT, AREA FENCE AND SCREEN EXCEPTIONS;” ALL RELATING TO SHEDS AND ACCESSORY STORAGE UNITS.

Whereas, over the past several months, the City of Warson Woods has been contemplating new regulations and clarifications of the City’s Municipal Code pertaining to sheds and other accessory storage structures and units some of which affect the City’s Zoning Code (the “Amendments”); and,

Whereas, on October 24, 2016, after previous meetings regarding the Amendments, the Planning and Zoning Commission considered the Amendments and recommended that they be approved; and,

Whereas, on December 20, 2016, the Board of Aldermen held a duly noticed public hearing on the Amendments; and,

Whereas, after reviewing the Petition, public comments, and all other information and data available to it, the Board finds that adopting the Amendments including those involving the Zoning Code is in the best interest of the citizens of the City of Warson Woods;

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

Section 1: Municipal Code Section 235.020, “Definitions,” is hereby amended by repealing the definitions of “Accessory Building” and “Structure” and adopt in their places new definitions of “Accessory Building” and “Structure” to read as follows:

Section 235.020. Definitions

BUILDING, ACCESSORY

A subordinate and separate building detached from the main building, customarily incidental to and located on the same lot occupied by the main use or building. A detached garage is not considered an Accessory Building.

STRUCTURE

Anything constructed or erected, whether on-site or prefabricated [pre-assembled], the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. Without limiting the generality of this definition, a “structure” shall include detached garages, tennis courts, swimming pools, fences, billboards, pagodas, decks, crib walls and retaining walls. Swimming pools, decorative timbers, crib and retaining walls under eighteen (18) inches in height are not included in this

definition. The word “structures” includes the words “building”, “dwelling”, or “accessory building” in addition to the foregoing.

Section 2: Municipal Code Section 400.020, “Definitions,” is hereby amended by adopting the following new definitions of “Accessory Storage Unit,” “Shed” and “Structure,” and to add a cross reference to the end of the definition of “Accessory Building or Structure,” all to read as follows:

Section 400.020. Definitions.

ACCESSORY STORAGE UNITS

A subordinate and separate structure detached from the main building, the use of which is incidental to that of the principal structure. Accessory Storage Units shall include deck boxes and other similar outdoor storage containers. Accessory Storage Units that meet the size requirements of Section 415.060.A.7 shall not be considered a Shed or an accessory structure.

BUILDING OR STRUCTURE, ACCESSORY

A subordinate and separate building detached from the main building, customarily incidental to and located on the same lot occupied by the main use or building. A detached garage is not considered an Accessory Building. **See § 235.020.**

SHED

An Accessory Building or other construction whether permanently located on or affixed to the ground or not, designed to store property or protect from the elements or loss. An Accessory Storage Unit shall not be considered a shed. Generally speaking, a shed is an Accessory Building that is one hundred fifty (150) square feet in floor area or less, and ten (10) feet in height or less. Accessory Buildings that exceed these dimensions are generally considered detached garages.

STRUCTURE

Anything constructed or erected, whether on-site or prefabricated [pre-assembled], the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

Section 3: Subsection A of Section 415.010 (Use Regulations – “A” and “B” Residence Districts) of Chapter 415 (Zoning Rules and Regulations), is hereby amended to add a new Subsection A.3.f and A.5 to read as follows:

Section 415.010. Use Regulations – “A” and “B” Residence Districts

A. In the "A" and "B" Residence Districts, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided in this Title except for one (1) or more of the following uses:

3. *Accessory uses.* In addition to the principal uses above, the following accessory uses shall also be permitted:

f. Accessory Storage Units.

5. Sheds. Sheds are not permitted in the A or B residential districts.

Section 4: Subsection E of Section 415.020 (Use Regulations – “C” Manchester Road Commercial District) of Chapter 415 (Zoning Rules and Regulations), is hereby amended to read as follows:

Section 415.020. Use Regulations – “C” Manchester Road Commercial District

E. *Accessory Uses.* Subject to Building Code, permitting and application requirements of the City as well as the redevelopment plan process, the following accessory uses, **other than Accessory Storage Units**, are allowed in the "C" District:

Section 5: Subsection A of Section 415.060 (Additional Height, Area, Fence and Screen Exceptions) of Chapter 415 (Zoning Rules and Regulations), is hereby amended to add a phrase to Subsection A.5 and to add new Subsections A.7 and A.8, to read as follows:

Section 415.060. Additional Height, Area, Fence and Screen Exceptions.

A. The foregoing height and area requirements shall be subject to the following exceptions and regulations:

5. *Structures other than the main building or detached garage.* Permitted accessory structures, **other than Accessory Storage Units**, fences, screens, detached garages, may be placed up to ten (10) feet from the required setback for the rear yard except for corner lots where no structures shall be within thirty (30) feet of the side lot line abutting the street.

7. Accessory Storage Units. To be permitted in the A&B Districts, Accessory Storage Units must meet the following minimum standards:

- a. Shall not exceed six (6) feet eight (8) inches in height,**
- b. Shall not exceed six (6) feet five (5) inches in width,**
- c. Shall not exceed a total of thirty (30) square feet in area,**
- d. Shall not have a storage capacity greater than one hundred eighty (180) cubic feet,**
- e. Shall be located off the ground on paved surfaces or other hard surfaces including open porches and decks,**
- f. Shall integrate the architectural aesthetic character of the associated principal residential structure or shall be constructed of cedar, or prefabricated plastic,**
- g. Shall be located in the rear yard, outside of the setbacks and within the curtilage of the principal residential structure,**
- h. Shall serve to protect materials or equipment from damage, theft or visibility, and**
- i. Shall not be supplied with utilities such as plumbing or electrical service.**

The provisions stated herein do not apply to Accessory Storage Units located on enclosed or screened-in porches.

8. Storage Rooms. Nothing herein shall prohibit a single-family dwelling from having an externally accessed storage room incorporated into the principal structure so long as it is structurally and architecturally integrated into, by use of the same or compatible materials as those used in the single-dwelling structure.

Section 6: This Ordinance shall be in full force and effect from and after its passage and approval.

THIS BILL PASSED AFTER HAVING BEEN READ IN FULL TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI, THIS 20th DAY OF DECEMBER, 2016.

Laurance M. Howe, Mayor

ATTEST:

Kathy Mahany, City Clerk