

**INTRODUCED BY: ALDERMAN THOMPSON**

**AN ORDINANCE AMENDING WARSON WOODS MUNICIPAL CODE SECTIONS 400.020, 415.010 AND 415.030 PERTAINING TO CERTAIN DEFINITIONS AND THE PLACEMENT OF FENCES, POOLS AND GENERATORS IN THE RESIDENTIAL DISTRICTS.**

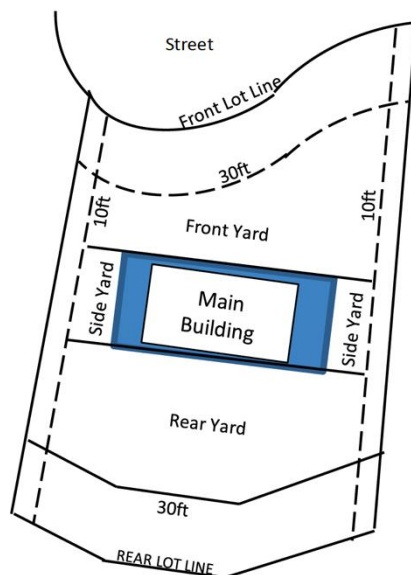
**Whereas**, on March 14, 2018, the Planning and Zoning Commission considered proposed amendments to the City’s Zoning Code pertaining to certain definitions and the location and placement of fences, swimming pools and emergency generators in the “A” and “B” residence districts (the Amendments), and after reviewing the matter, recommended that the Amendments be approved; and,

**Whereas**, on May 15, 2018, the Board of Aldermen held a duly noticed public hearing regarding the Amendments; and,

**Whereas**, after reviewing the Amendments, public comments, and all other information and data available to it, the Board finds that approval of the Amendments 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 400.020, “Definitions,” is hereby amended adding to the existing definition of YARD REQUIREMENT(S) (ALSO SOMETIMES CALLED "SETBACK(S)" OR "SETBACK REQUIREMENT(S)"), the following new diagram of an “Irregular Lot”:



**Irregular Lot**

**Section 2:** Subsections A.3 and A.6 of Municipal Code Section 415.060, “Additional Height Area, Fence and Screen Exceptions,” are hereby amended adding the underlined words and illustrations, and by deleting the struck-through words below, 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:

3. Fences.

- a. Fence Types. Picket/slat and solid-face types of fences shall not exceed five (5) feet in height; provided such fences may be erected up to six (6) feet where spaces between the pickets or slats make up twenty percent to thirty percent (20% — 30%) of the fence surface area. Fences of a shadow box design may be erected up to an overall height of six (6) feet above the original ground level. Any aforementioned type fence separating property in the "C" District from property in the "A" or "B" Residential District may be erected up to an overall height of six (6) feet above the original ground level.
- b. Shadow box design. Construction of shadow box type fences shall adhere to the following requirements:
  - (1) The fence shall have the same general appearance from both sides; however, if any support or framing members are exposed they shall only be visible from the fence side facing the owner's property;
  - (2) The design of the fence shall provide indirect observation (daylight) through gaps created by spacing of slats (pickets) alternating on either side of the support rails;
  - (3) Alternating slats (pickets) shall not overlap more than one-fourth (1/4) the width of the slat (picket);
  - (4) The fence design shall comply with any additional written design specifications for shadow box fences established by the Building Commissioner in conformity with the above requirements; and
  - (5) No fence of shadow box design shall exceed six (6) feet in overall height above the original ground level.
- d. Confined to rear yard; interpretation. All fences are to be confined to the rear yard except that, subject to the provisions of subsection (e), a fence may extend up to, but may not cross, the rear and side lot lines. When interpreting the “rear yard” for locating fences, the following are illustrative:

For each illustration –

**A**

represents the forward limit of the fence on the west side.

**B**

represents the forward limit of the fence on the east side.

Illustration 1.

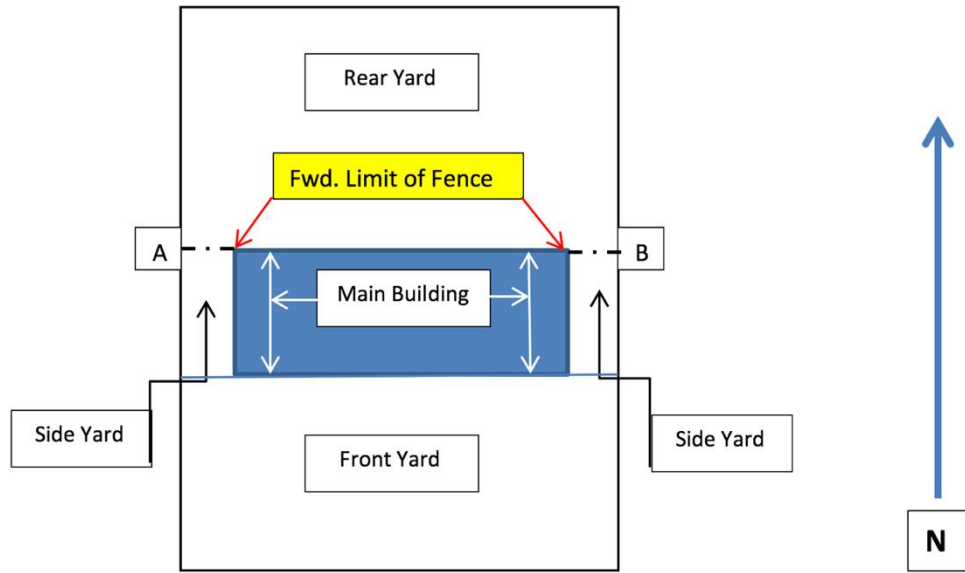


Illustration 2.

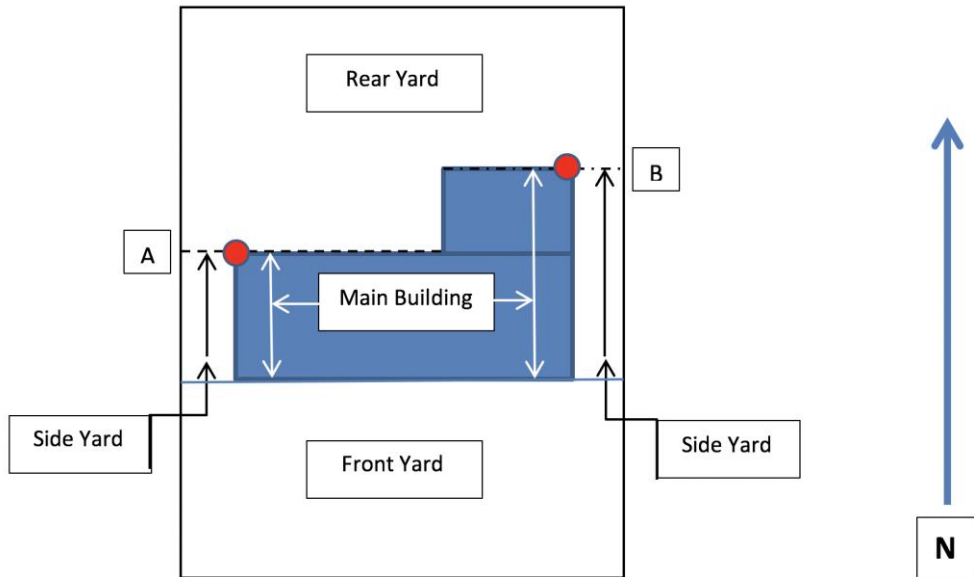
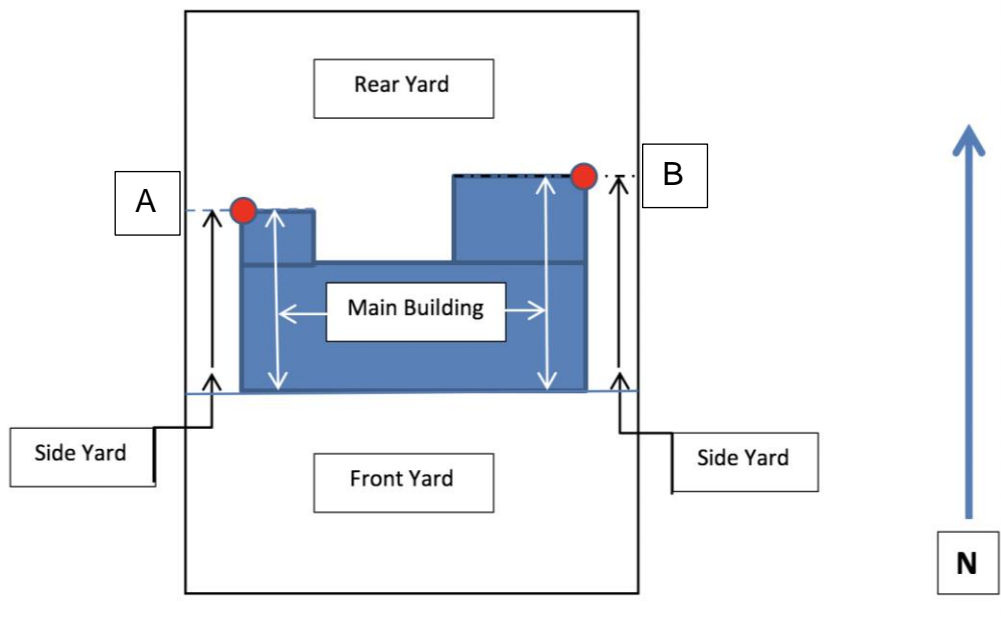


Illustration 3.



- e. Location. No fence, hereinafter erected, shall be erected within one (1) foot of a sidewalk or beyond a rear or side lot line except on corner lots where no fence shall be built within thirty (30) feet of the lot line abutting the street.
  - f. Permit Required. Before any fence is installed, an application for permit must be submitted along with a lot boundary survey showing the location of the proposed fence.
  - g. Materials. Refer to Section 500.207(B) for acceptable fencing materials and depth of support posts.
  - h. Landscaping. Hedges or shrubbery are not considered fences for the purposes of the regulations in this Section.
6. Swimming pools.
- a. No family pool hereafter erected or structurally altered shall exceed a water surface area of four hundred eighty (480) square feet, and its longest dimension is not to exceed thirty (30) lineal feet.
  - b. All pools, including the peripheral walkways, decking or enclosures, shall be confined to the rear yard. ~~No family pool shall be erected or structurally altered~~ except that the water's edge shall may extend ~~be at least~~ to within twenty (20) feet ~~from~~ of the rear and side lot lines.
  - c. No family pool shall be erected or structurally altered except that a necessitated change in the grade of the entire rear yard shall not exceed a total of forty-eight (48) inches, and not to exceed twenty-four (24) inches at a distance of six (6) feet from any property line. Said changes in grade shall occur not less than six (6) feet from the adjacent property lines, thus maintaining the original grade within six (6) feet from the property lines.
  - d. Application for a permit to erect or structurally alter a family swimming pool shall be accompanied by a site plan showing all existing grades with contours (including those on all adjoining property to within fifteen (15) feet of the

property lines), and all contours for the proposed revised site. Contour lines to be shown at a maximum of one (1) foot intervals.

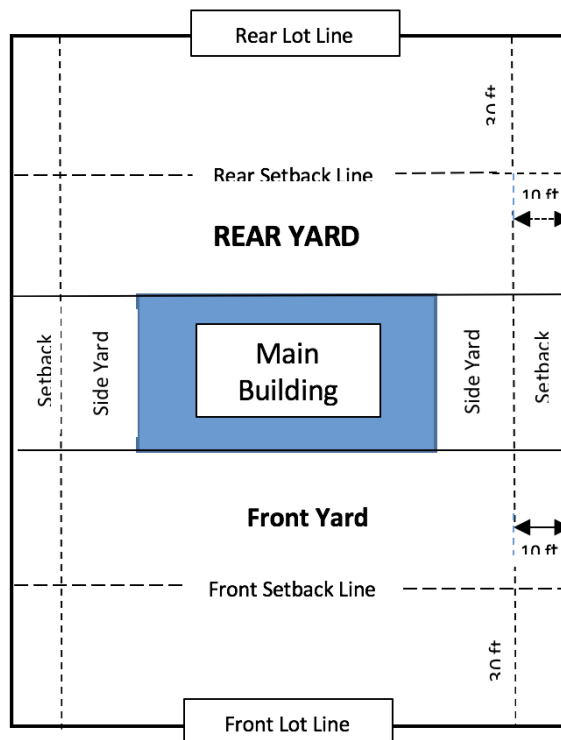
- e. All provisions stated herein apply to in-ground pools only. Above-ground pools shall not be allowed.
- f. The swimming pool and accessory drainage system shall be constructed, and pool equipment operated, both in such a manner that operation of the pool and discharge of pool water and waste water from the pool water treatment system, shall be disposed of in an approved manner that will not create a nuisance to adjoining property or to public streets.

**Section 3:** Subsection A.3 of Municipal Code Section 415.010, “Use Regulations — "A" and "B" Residence Districts,” is hereby amended by adding the underlined words and deleting the struck-through words below, 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:
  - d. HVAC equipment, ~~permanently installed generators (rear yard only)~~, permanent play equipment, barbecue stoves, doghouses and gazebos accessory to single-family dwelling shall not be located in the front yard.
  - e. Stationary emergency generators must be confined to the Rear Yard and may not encroach into the rear or side setback.



**Section 4:** 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 20<sup>th</sup> DAY OF DECEMBER, 2016.

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Laurance M. Howe, Mayor

ATTEST:

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Kathy Mahany, City Clerk