

BILL NO. 2215 AMENDED

ORDINANCE NO. 2215

AN ORDINANCE TO AMEND SECTION V OF ORDINANCE 1175 – THE ZONING ORDINANCES OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI – TO AMEND CERTAIN REQUIREMENTS REGARDING ACCESSORY STRUCTURES AND OTHER YARD AND SETBACK REQUIREMENTS IN LADUE

WHEREAS, the City of Ladue recognizes that certain types of accessory structures may be desirable for many Ladue residents; and

WHEREAS, the City of Ladue would like to ensure that the regulations regarding accessory structures are in the best interest of residents; and

WHEREAS, a height restriction regarding accessory structures within a certain distance of property lines and roads has been identified as a reasonable measure to reduce the potential visual impact of accessory structures; and

WHEREAS, the City has determined that accessory structures should have a minimum setback distance from all roadways, but that this may vary based on zoning district and certain lot attributes; and

WHEREAS, the City has determined that consistent standards regarding the designation of yards for irregular lots is in the best interest of the City; and

WHEREAS, Section V of the Zoning Ordinance (Ordinance 1175) has been reorganized to accommodate new requirements, delete obsolete requirements, and make this Section more user-friendly; and

WHEREAS, the Zoning and Planning Commission met on January 31, 2018; March 28, 2018; April 25, 2018; and November 28, 2018 to discuss amendments to the Zoning Ordinance regarding setbacks, yards, and accessory structures and voted to recommend approval of amendments to the Zoning Ordinance by a vote of 7 in favor and 0 opposed; and

WHEREAS, the City Council considered this issue and held public hearings on December 17, 2018, and February 19, 2019, in order to ensure that this proposed text amendment is in the best interests of the City; and

WHEREAS, a duly noticed and published public hearing was held on March 18, 2019 regarding the proposed amended regulations in conformity with all requirements of Section 89.060 of the Missouri Revised Statutes and Zoning Ordinance 1175; and

WHEREAS, the City Council finds it in the best interest of the City to amend the City's regulations regarding setbacks, yards, and accessory structures in Section V; and

WHEREAS, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Ordinance 1175 – The Zoning Ordinance of the City of Ladue – is hereby amended to enact the following new Subsections B and C in Section V to replace the current Subsections V.B and V.C.

B. Minimum Yard, Lot Area, Frontage and Lot Width Requirements [Ords. 1595, 1620, 1895, 2178]

(1) Required Yards (Setback) for Main Buildings, Required Minimum Lot Area, Required Minimum Frontage and Required Minimum Lot Widths in All Districts

District	Depth of Re quired Front Yard	Width of Re quired Side Yard	Depth of Required Rear Yard	Required Minimum Lot Area	Required Minimum Frontage	Required Minimum Lot Width
A	75 Ft.	50 Ft.	50 Ft.	3.0 Acre	150 Ft.	200 Ft.
B	50 Ft.	50 Ft.	50 Ft.	1.8 Acre	135 Ft.	180 Ft.
C	50 Ft.	(1)	30 Ft.	30,000 S.F.	90 Ft.	120 Ft.
D	40 Ft.	(2)	30 Ft.	15,000 S.F.	55 Ft.	75 Ft.
E	40 Ft.	10 Ft.	30 Ft.	10,000 S.F.	50 Ft.	70 Ft.
E-1	25 Ft.	10 Ft.	30 Ft.	10,000 S.F.	50 Ft.	70 Ft.
F	NA	NA	NA	NA	NA	NA
G1	20 Ft. or 60 Ft.	5 Ft. or none	30 Ft.	NA	50 Ft.	50 Ft.
G2	50 Ft.	5 Ft.	30 Ft.	NA	75 Ft.	100 Ft.
H	40 Ft.	20 Ft.	30 Ft.	1.0 Acre	150 Ft.	

(1) 10 feet or 10 percent of lot width at the required front yard setback line, whichever is greater, need not exceed 20 feet.

(2) 10 feet or 10 percent of lot width at the required front yard setback line, whichever is greater, need not exceed 15 feet

(2) Required Yards (Setback) for Accessory Buildings and Structures in Residential Zoned Districts

District	Depth of Required Front Yard	Width of Required Side Yard	Depth of Required Rear Yard	<u>Maximum Building Height</u>
A	75 Ft.	50 Ft.	50 Ft.	45
B	50 Ft.	50 Ft.	50 Ft.	45
C	50 Ft.	(1)	10 Ft.	45
D	40 Ft.	No accessory building or structure shall be located within 5 feet of any side or rear lot		20 or 45 (2)
E	40 Ft.			20 or 45 (2)

E-1	25 Ft.	line except a structure permitted by Section V-C(1)(b).	20 or 28 (2)
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- (1) 10 feet or 10% of lot width at the required front yard setback line, whichever is greater; need not exceed 20 feet.
- (2) If accessory structure meets all minimum setbacks for a main building in the table in subsection V.B.(1), accessory structure may be built to the maximum allowed height in the zoning district. If accessory structure meets only the accessory setbacks, structure shall be limited to 20 feet in height.

(3) Diagram Showing Yard Locations and Yard Setback Lines of a Typical Lot.

As a supplement to the foregoing schedules of this Subsection B and to facilitate a better understanding thereof, and of yards, required yards and yard setback lines in general, a diagram entitled "Diagram Showing Yard Locations and Yard Setback Lines of a Typical Lot" is annexed to this Ordinance and hereby made a part hereof with the same force and effect as though fully set forth herein. Should there be any conflict between the text of this Ordinance and the information displayed in the Diagram, the text of the Ordinance shall prevail.

C. Yard and Setback Requirements

- (1) All yards must comply with the following, except as otherwise allowed by this Section V:
 - (a) Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt course, cornices, buttresses, ornamental features, and eaves; provided, however, that none of the above projections shall extend into a minimum side yard more than 24 inches.
 - (b) No main building, accessory building or structure shall be located in any part of a front yard, or in a required side or required rear yard of any lot in any residential district, except for permitted fences, permitted entry monuments, permitted retaining walls and waterway stabilization walls, driveways and sidewalks and except for parking spaces which are in addition to the number of parking spaces required for the building or use served on such lot as established in Section VI.
 - (c) Open fireproof outside stairways and balconies projecting into a yard not more than three and one-half feet, and the ordinary projections of chimneys and flues may be permitted by the Building Commissioner where same are so placed as not to obstruct the light and ventilation.
 - (d) More than one industrial, commercial or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, and each building shall be separated from each other building on the lot by 24 feet or more; provided, however, that in cases of hardship, as

defined in the Zoning Ordinance of the City of Ladue, the Zoning Board of Adjustment shall have authority to grant relief.

- (e) Terraces, patios or decks which are higher than the natural grade of the lot may not extend into a required side or rear yard except in the D, E and E-1 districts, where they may extend a distance of five (5) feet. [Ord. 1649, Ord. 1895]
 - (f) Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered except as allowed by Section IV-D-(7). [Ord. 1637]
 - (g) Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lot lines.
 - (h) The required front, rear and side yards for any building or structure of schools, libraries, churches, community buildings, and other public and semi-public use shall be not less than the setback required in the District in which the building, structure or use is located, and in no event shall such setback be less than twenty-five (25) feet in the C, D, E and E-1 Districts. A greater distance for a side or rear yard setback may be required for a use which is subject to the Special Use Regulations if the increased setback is deemed necessary by the Zoning and Planning Commission and by the City Council for the reasonable protection of the privacy and value of adjacent residential property. [Ord. 1595, Ord. 1895]
 - (i) If a portion of a lot is within more than one "yard" or "required yard" as defined in the Ordinance, the more restrictive regulation or setback distance shall apply to such portion of the lot. [Ord. 1637]
 - (j) In the E-1 District, if deemed necessary by the Building Official for rear or side garage access, in lieu of a front yard garage, a driveway not to exceed ten (10) feet in width may be placed in one (1) side yard. In such a situation, the 25% maximum side yard coverage limit may be waived for one side yard. Additional paving or construction may take place in the rear yard up to the 30% maximum rear yard coverage limit. A separate rear or side yard garage shall not be allowed on a property in addition to a front access garage. [Ord. 2148]
 - (k) For lots in the G District, a side yard shall be required on lots that abut a residential district and shall be the same as the adjacent residential district. [Ord. 1595]
- (2) The following shall apply to front yards in all zoning districts, except as otherwise allowed in this Section V:
- (a) All yards abutting a street shall be front yards except as specifically provided in this Section V. Yards abutting a limited access highway such as I-170, I-64 (U.S 40), or Lindbergh Boulevard (U.S.-67) shall not be considered front yards. Such yards abutting a limited access highway shall be considered side or rear yards based on the provisions of this Section V. [Ord. 1637]

- (b) Required front yards shall be devoted entirely to landscaped area, except as allowed under Section V-C-(1)-(b).
 - (c) The total area of parking spaces, sidewalks and driveways in any residential district shall not exceed thirty (30) percent of the entire front yard and the portion of such area lying within the required front yard shall not exceed thirty (30) percent of the required front yard, with the remaining parts of the required front yard devoted entirely to landscaped area. *[Ord. 1595, 1637, 1661, 1752, 1785]*
 - (d) Where, on the effective date of this ordinance, 40 percent or more of a frontage on the same street, road or land within 500 feet of a lot was occupied by two or more buildings, then the required front yard shall be not less than the average of the nearest building on each side; however, no such front yard shall be required to exceed the basic front yard requirement of the district by more than 50 percent and no front yard shall be less than the required yard.
 - (e) Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
 - (f) No part of any building or any structure constructed above ground level hereafter erected or structurally altered shall be located within 110 feet of the center line of Lindbergh Boulevard, except for permitted signs. *[Ord. 1637]*
 - (g) The following additional front setback requirements shall apply in the E-1 District only *[Ord. 2163]*:
 - i. Front facing garages must be set back at least 5 feet behind the front door of the house.
 - ii. Any portion of the home that exceeds 24 feet above grade shall be set back at least 35 feet from the front property line.
- (3) The following shall apply to yards on corner and through lots:
- (a) A front yard shall be provided for those yards abutting a street.
 - (b) The buildable width for a main structure cannot be reduced to less than 28 feet, except that there shall be a yard along the side street of such lot of at least five feet.
 - (c) The following shall apply to yard orientation and accessory structures on corner lots in residential zoning districts:
 - i. On corner lots with two front yards, the primary front yard shall be the yard between the front door or main entrance of the main building and the front lot line. If the main entrance

does not face the street, the primary front yard shall be the yard that borders on the road on which the property is addressed.

- ii. The rear yard shall be the yard opposite the primary front yard.
 - iii. An accessory structure may not be built in either front yard on a corner lot, except that on a lot that has frontage on three or more sides, the yard on the opposite side of the front door may be considered a secondary front yard and may have an accessory structure in the secondary front yard in compliance with this subsection.
- (d) The following shall apply to yard orientation and accessory structures on through lots in residential zoning districts:
- i. The minimum buildable width of 28 feet for main buildings is reduced to 22 feet for accessory buildings.
 - ii. Accessory structures may be built in a secondary front yard, but shall comply with the following minimum front setbacks:

District	Minimum setback for accessory structure in a secondary front yard
A	50
B	50
C	20
D	15
E	15
E1	15

- iii. Side setbacks for accessory structures shall comply with subsection V.B.(2).
- iv. Accessory structures in secondary front yards shall have a maximum height of 20 feet, unless structure meets the yard requirements for a main structure for that zoning district, as listed in Section V.B.(1).
- v. If an accessory structure is built in a secondary front yard, a sight proof screen shall be required between the accessory structure and the right-of-way abutting the property.
 - a. Fences constructed to comply with this subsection shall comply with the fence regulations in Section IV.C of this Zoning Ordinance #1175, except that if a fence is to be constructed to provide the required barrier for pool security, such fence may be built with a maximum height of 48" but must be located at least 10 feet from the road right-of-way.

- b. Landscaping shall be required to provide screening or as otherwise required by Subsection IV.C. Plantings shall comply with Chapter 102 of the Ladue Code of Ordinances, as applicable.
- c. Prior to the granting of a permit for an accessory structure in a secondary front yard, applicant shall submit evidence of existing screening or plans for the installation of new screening. If a fence is to be installed, a fence permit shall be required in compliance with this Zoning Ordinance and all other applicable City of Ladue Ordinances.
- d. Applicant shall be required to sign a statement that they understand that screening of the desired accessory structure is required and must be maintained for the life of the accessory structure.

(4) The following shall apply to flag lots and other lots with irregular shapes:

- (a) For flag lots created prior to the effective date of this ordinance, the required front yard shall be measured from the closest parallel or nearly parallel lot line to the street. The required rear yard shall be measured from the furthest parallel or nearly parallel lot line to the street. Side yards shall be measured from lot lines which are perpendicular or approximately perpendicular to the street. *[Ord. 1637]* This shall apply in any case in which a property has an appendage that does not have an adequate width for a building.
- (b) Properties with irregular shapes, for which the definitions in Section XIV do not easily apply, shall be reviewed by the City Planner to determine appropriate yard assignments, according to the following criteria.
 - i. Whenever practical, among lots that share a property line, side yards will be adjacent to other side yards and rear yards will be adjacent to rear yards, especially when adjacent properties lie on the same road or within the same subdivision. (This may be modified when it is clearly contrary to how the house has been oriented.)
 - ii. A lot with more than 4 sides may be considered to have more than 1 rear yard.
 - iii. When the side lines of a lot converge so as to form a rear lot line of less than ten (10) feet in width or a point in the rear, the rear lot line is that line parallel to the front lot line and measuring ten (10) feet in length between the two (2) side lot lines. The required rear yard is measured from such ten (10) foot line.

Section 2. Add definitions to Section XV, as follows:

Lot Line, Front. The boundary line of a lot that is contiguous to a public or private right-of-way or access easement.

Lot Line. Rear. Generally the lot line that is most parallel to and opposite the front lot line. In the case of multiple front lot lines, the rear lot line shall be opposite the front lot line of the primary front yard.

Setback. A distance from a road, property line, waterway, structure, or other defined area within which structures are prohibited or limited pursuant to the provisions of this Zoning Ordinance 1175.

Yard, Secondary Front. The yard on a through lot that is opposite the primary front yard.

Section 3. Any other code sections that refer to these Subsections V.B. and V.C. shall be modified to be consistent with these modifications.

Section 4. This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED THIS 18TH DAY OF MARCH, 2019.

President, City Council

APPROVED AND ADOPTED THIS 18TH DAY OF MARCH, 2019.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk