

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY
AMENDING TITLE IV, LAND USE, CHAPTER 405, ZONING REGULATIONS, ARTICLE
VII, ADDITIONAL DISTRICT PROVISIONS, REGARDING ACCESSORY STRUCTURES**

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City of Republic has recognized the need to continually review and revise Land Use Regulations as the City continues to grow and develop; and

WHEREAS, the City's BUILDS Department did, thereafter, submit revisions to the Planning and Zoning Commission, which did set May 10, 2021, as the date a public hearing would be held on such application and proposed revisions regarding accessory structures (herein called "Revisions"); and

WHEREAS, notice of the time and date of the public hearing on the Revisions was given by publication on April 21, 2021, in the *Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least 15 days before the date set for the public hearing; and

WHEREAS, the public hearing was conducted by the Planning and Zoning Commission on May 10, 2021; and

WHEREAS, on May 10, 2021, the Planning and Zoning Commission, by a vote of 5 Ayes to 0 Nays, recommended the approval of the Revisions and thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the Revisions were submitted to the City Council at its regular meeting on May 18, 2021, after which the City Council did proceed to vote to approve the Revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC AS FOLLOWS:

Section 1. Title IV, Land Use, Chapter 405, Zoning Regulations, Article VII, Additional District Provisions, is hereby amended by amending Section 405.640, Accessory Structures, to read as follows:

Section 405.640 Accessory Structures.

A. *Permitted Accessory Structures*. Any structure or use that meets the definition in Section 405.020 and does not violate any of the following regulations may be allowed as an accessory structure.

1. Accessory structures shall include, but are not limited to, the following

permitted structures:

- a. Structures incidental to a principal structure, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use.
 - b. Barn.
 - c. Playhouse.
 - d. Greenhouse.
 - e. Pool and bathhouses.
- B. *Use Limitations.* All accessory structures shall comply with the use limitations applicable in the zoning district in which they are located and with the following additional use limitations:
1. Accessory structure shall not be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory, unless the property is within the Agricultural Zoning District (AG).
 2. Accessory structures shall not be permitted in any required front yard.
 3. No accessory structure allowed under this Section shall be used as a residence unless a certificate of occupancy is issued for residential use of that structure.
- C. *Bulk, Setback And Spacing Regulations.* All accessory structures shall comply with the bulk, setback and spacing regulations applicable in the zoning district in which they are located and with the following additional regulations:
1. Accessory structures shall be set back a minimum of three (3) feet from the rear property lines.
 2. Accessory structures shall be set back a minimum of three (3) feet from the side property lines.
 3. Accessory structures shall otherwise comply with the bulk regulations applicable in the zoning district in which they are located.
 4. Accessory structures which include habitable spaces shall maintain the same setbacks as is required for the principal structure located on the lot.

This only applies to accessory structures in the following zoning districts: Single-Family Low Density ("R1-L"), Single-Family Medium Density ("R1-M"), Single-Family High Density ("R2-H"), and Two-Family Residential ("R-2"). Habitable spaces, as used in this Section, refers to any building space that is used for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closet, halls, storage or utility spaces and similar areas are not considered habitable spaces.

5. Excepting swimming pools, **spas, pergolas, and unwalled carports**, accessory structures shall not be constructed closer than ten (10) feet of the principal structure on the lot.
6. Swimming pools shall not be constructed closer than five (5) feet of the principal structure on the lot.
7. On a corner lot, accessory structure shall not project beyond the front yard setback line on the adjacent lots.
8. **An accessory structure may not obstruct any site triangle. The definition and validity of a given site triangle shall be determined by the City Engineer.**
- 8.9. The maximum building height of accessory buildings shall be determined by measuring the height of the tallest sidewall of the building from the finished floor to the top plate of the wall. The maximum height of the tallest sidewall of accessory buildings shall not exceed fifteen (15) feet in height when located at least six (6) feet from the nearest property line. Accessory buildings located less than six (6) feet from any property line shall not have the tallest sidewall exceeding a height determined according to the table below based upon the distance from the building to the nearest property line.

GRADUATED INCREASE IN ACCESSORY STRUCTURE SIDEWALL HEIGHT	
Distance From Nearest Property Line	Maximum Sidewall Height
≥ 3 feet and < 4 feet	= 12 feet
≥ 4 feet and < 5 feet	= 13 feet
≥ 5 feet and < 6 feet	= 14 feet
≥ 6 feet	= 15 feet

- 9.10. Accessory structures to a residence on a single property shall not singularly or in total exceed seven percent (7%) of the total area of the lot. No accessory structure may exceed an area of six thousand (6,000)

square feet for each five (5) acres of property owned.

~~10.11.~~ All accessory structures shall comply with the percentage of required landscaped area in the applicable zoning district in Section 405.770.

D. Additional Regulations For Accessory Structures.

1. All driveways accessing accessory structures from a public right-of-way or alley shall obtain approval from the City of Republic prior to installation of the driveway.
2. All driveways accessing an accessory structure shall be constructed of a concrete or asphalt surface to the limits of the front of the accessory structure. Driveways accessing accessory buildings within the Agricultural (AG) zoning district shall be exempt from the requirement of this Subsection (D)(2).

EXPLANATION –Matter in **bold-face** type in the above is added language. Matter in ~~striketrough~~ in the above is deleted.

Section 2. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 3. The whereas clauses are hereby specifically incorporated herein by reference.

Section 4. The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 5. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.05.12 09:52:48 -05'00', Scott Ison, City Attorney

Final Passage and Vote: _____