

AN ORDINANCE AMENDING SECTION 400.150, REGARDING ENCROACHMENTS INTO REQUIRED YARDS, TO ALLOW FOR COVERED DECKS AND PATIOS, IN THE CITY OF PECULIAR, CASS COUNTY, MISSOURI.

WHEREAS, the Planning Commission considered a request that covered patios and decks with roof areas not exceeding one hundred (100) square feet be able to encroach no more than five (5) feet into required rear yards; and

WHEREAS, the Planning Commission, after conducting a public hearing on this request to amend Section 400.150 of the Zoning Ordinance on August 8, 2024, and after discussing the request, forwarded this application to the Board of Aldermen with no recommendation as no motion was made or seconded at the Planning Commission Meeting; and

WHEREAS, the Board of Aldermen considered the Planning Commission recommendation and conducted a public hearing on the issue and wish to permit the limited encroachment into rear yards.

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

SECTION 1. The City Code is hereby amended by adding subsection A (2) regarding encroachments into the required rear yard for covered decks and patios with roof areas not exceeding 100 sq. ft.

Section 400.150 **Encroachments Into Required Yards.**

- A. The regulations and requirements as to the area of required yards which may be occupied shall be subject to the following exceptions and additional regulations:
 - 1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, belt courses, canopies, cornices, chimneys, buttresses, ornamental features and eaves projecting up to thirty-six (36) inches; canopies or open porches having a roof area not exceeding sixty (60) square feet may project not more than six (6) feet into the required front or rear yard; open paved terraces may project not more than ten (10) feet into a front yard; existing open porches extending into a required yard shall not be enclosed.
 - 2. In rear yards with a depth of at least thirty (30) feet, either a deck or patio with a roof area not exceeding one hundred (100) square feet, but not both, may project not more than five (5) feet into the required

rear yard. The deck and patio may be enclosed, unenclosed, covered or uncovered, but only the deck or patio.

2. An open fire escape may project into a required side yard not more than one-half (1/2) the width of such yard, but not more than four (4) feet. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four (4) feet into a required rear yard.
3. No rear yard shall be required in Districts "O-C," "C-1," "C-2," "C-P," "I-1" or "I-2" on any lot for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway tract connection. [Ord. No. 07012013A, 7-1-2013]
4. In computing the depth of a rear yard for any building where such yard abuts an alley, one-half (1/2) of such alley may be included. However, such portions of alley shall not be fenced in.
5. The Board of Aldermen may waive yard measurements up to ten percent (10%) without the referral to the Board of Zoning Adjustment, when in their discretion doing so will aid in the creative development of a parcel.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, as such holding shall not affect the validity of the remaining portion thereof.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval subject to the provisions herein contained which provide for voter approval or for specific dates of effectiveness.

First Reading: SEPTEMBER 5, 2024

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ____ DAY OF SEPTEMBER, 2024, BY THE FOLLOWING VOTE:

Alderman Wells _____
Alderman Conrad _____
Alderman Smith _____

Alderman Shatto _____
Alderman Poland _____
Alderman Gallagher _____

APPROVED:

ATTEST:

Doug Stark, Mayor

Cama Suess, Deputy City Clerk