

**AN ORDINANCE AMENDING TWIN OAKS ZONING CODE SECTION 400.080  
“DEFINITIONS”, SECTION 400.130 “USE REGULATIONS”, AND SECTION  
400.180 “USE REGULATIONS” RELATING TO PRIVATE GARAGES**

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**WHEREAS**, the City of Twin Oaks (the “City”), pursuant to Section 400.510 of the Code of Ordinances of the City of Twin Oaks (“Code”), has the authority to make amendments to the written text of its Zoning Code; and

**WHEREAS**, the Planning and Zoning Commission has considered and made a recommendation to the Board of Aldermen to approve proposed amendments to existing Zoning Code Section 400.080 (“Definitions”), Section 400.130 (“Use Regulations”), and Section 400.180 (“Use Regulations”) all pertaining to garages and accessory buildings (the “Amendments”); and

**WHEREAS**, the Board of Aldermen has held a duly noticed public hearing on August 2, 2017 in accordance with Twin Oaks Zoning Code, Section 400.510, and Chapter 89 RSMo., pertaining to the Amendments; and

**WHEREAS**, the Board of Aldermen finds it in the City’s best interest to adopt the Amendments.

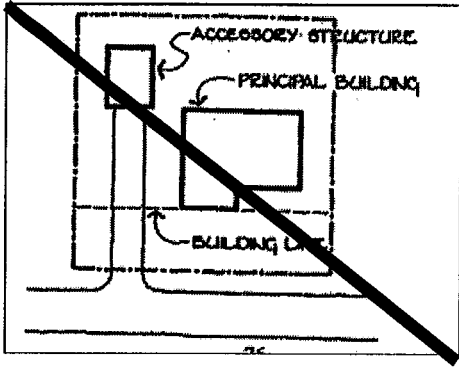
**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:**

**Section 1.** The recitals contained in the WHEREAS clauses of this Ordinance are adopted by the Board and integrated as though fully set forth in this Section 1.

**Section 2.** Section 400.080 of the Zoning Code, entitled “Definitions” is hereby amended by (1) deleting the diagram associated with the definition of “Accessory Use” and (2) adding the underlined words and deleting the ~~struck-through~~ words as follows:

**ACCESSORY USE OR BUILDING**

A subordinate use, or roofed building enclosed on all sides, clearly incident to and located on the same lot occupied by the principal use or building.



**CARPORT**

~~A private garage not completely enclosed by walls or doors. For purposes of this Chapter, a “carport” shall be subject to all provisions prescribed for a private garage. A structure not completely enclosed by walls or doors which is designed or used for the storage of vehicles, whether attached to or detached from the Principal Building. A Carport is not a Private Garage.~~

**GARAGE, ATTACHED**

~~A pPrivate gGarage which has a roof or wall, or a major portion of a roof or wall, in common with a dDwelling uUnit. Where attached to a dDwelling uUnit in this manner, the aAttached gGarage shall be considered part of the dDwelling uUnit and shall be subject to for purposes of all yard requirements of the pPrincipal bBuilding.~~

**GARAGE, DETACHED**

~~A Private Garage not having a roof or wall, or a major portion of a roof or wall, in common with a Dwelling Unit.~~

**GARAGE, PRIVATE**

~~An accessory building to or a component of a Dwelling Unit, enclosed on all sides and roofed, designed or used for the storage of vehicles owned and used by the occupant of and located on the same lot as the building Dwelling Unit to which it is accessory and in which no occupation or business is carried on.~~

**Section 3.** All other definitions in this Section 400.080 shall remain in full force and effect on and after passage of this Ordinance.

**Section 4.** Section 400.130.A.7 of the Zoning Code, entitled “Use Regulations” is hereby amended by adding the underlined words and deleting the ~~struck-through~~ words as follows:

A. The following are permitted uses in the "A" Single-Family Dwelling District:

...

7. Accessory buildings or accessory uses as specified below, provided that no accessory building or accessory use shall be located in the Front Yard or less than eleven (11) feet from any side lot line or less than five (5) feet from the rear lot line:

Accessory Building or Accessory Use	Maximum Area	Maximum Height
<del>Storage building</del> Accessory Building, enclosed on all sides and roofed, not including a Private Garage	144 square feet	8 feet
Doghouse, dog run or combination	50 square feet	6 feet including fencing
Swimming pool, constructed and fenced as required by St. Louis County Codes	1,000 square feet water surface area	4 feet
Private Garage	700 square feet	Height regulations as described in Section 400.140

Detached Garages must have an associated Driveway that provides direct access to the Detached Garage for the storage of vehicles. Failure to have an associated Driveway to the building will be conclusive evidence that the Accessory Building is not a Detached Garage.

Nothing in this Section 400.130 shall prevent the owner of a Dwelling Unit, or the owner's authorized agent, from constructing and maintaining both an Attached and Detached Garage on a single lot, each up to a maximum of 700 square feet; provided that the lot and structures thereon comply with the Area Regulations outlined in Section 400.150.

No Private Garage shall be used as a Dwelling Unit; nor shall a Private Garage be constructed to contain a Dwelling Unit within said Private Garage.

Carports are prohibited in the "A" Single-Family Dwelling District.

All above-grade accessory buildings shall be landscaped with evergreens so that the outline of the accessory building is interrupted. All aAccessory bBuildings shall be compatible with the pPrincipal bBuilding on the lot in terms of architectural treatment and harmony and shall be maintained in compliance with the City's Property Maintenance Code (Chapter 500, Article XIV), Dangerous Building Code (Chapter 505) and Nuisance Code (Chapter 215). If the Code Enforcement Official determines that more than fifty percent (50%) of an Accessory Building is damaged or dilapidated or that the Accessory Building is damaged or dilapidated by more than fifty percent (50%) of its value, the Code Enforcement Official shall give notice to the lot owner of such determination and the owner shall cease to use the Accessory Building and remove it from the lot within the time frame indicated in the notice.

No ~~a~~Accessory ~~b~~Building shall be erected or placed upon a lot until the construction of the ~~p~~Principal ~~b~~Building has commenced.

Nothing in this Section 400.130.7 shall prevent the Board of Aldermen from approving a Detached or Attached Private Garage, Carport, covered parking or other accessory structure or waiving the size requirements in association with an approved planned development (“PD-MxD” or “PD-R”) under Section 400.355 of this Chapter.

**Section 5.** All other provisions of this Section 400.130 shall remain in full force and effect on and after passage of this Ordinance.

**Section 6.** Section 400.180.A.8 of the Zoning Code, entitled “Use Regulations” is hereby amended by adding the underlined words and deleting the ~~struck through~~ words as follows

A. The following are permitted uses in the "B" Single-Family Attached Dwelling District:

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8. Accessory buildings or accessory uses as specified below, provided that no accessory building or accessory use shall be located l in the Front Yard or less than eleven (11) feet from any side lot line or less than five (5) feet from the rear lot line:

<b>Accessory Building or Accessory Use</b>	<b>Maximum Area</b>	<b>Maximum Height</b>
<del>Storage building</del> <u>Accessory Building, enclosed on all sides and roofed, not including a Private Garage</u>	144 square feet	8 feet
Doghouse, dog run or combination	50 square feet	6 feet including fencing
Swimming pool, in conjunction with a single-family dwelling constructed and fenced as required by St. Louis County Codes	1,000 square feet water surface area	4 feet
<u>Private Garage</u>	<u>700 square feet</u>	<u>Height regulations as described in Section 400.190</u>

All Detached Garages must have an associated Driveway which provides direct access to the Detached Garage for the storage of vehicles. Failure to have an associated Driveway to the building will be conclusive evidence that the Accessory Building is not a Detached Garage.

Nothing in this Section 400.180 shall prevent the owner of a Dwelling Unit, or owner's authorized agent, from constructing both an Attached and Detached Garage on a single lot, each up to a maximum of 700 square feet; provided that the lot and structures thereon comply with the Area Regulations outlined in Section 400.200.

No Private Garage shall be used as a Dwelling Unit; nor shall a Private Garage be constructed to contain a Dwelling Unit within said Private Garage.

Carports are prohibited in the "B" Single-Family Dwelling District.

Nothing in this Section 400.180.8 shall prevent the Board of Aldermen from approving a Detached or Attached Private Garage, Carport or other accessory structure or waiving the size requirements as part of an approved planned development ("PD-MxD" or "PD-R") under Section 400.355 of this Chapter.

Accessory Buildings shall be compatible with the Principal Building on the lot in terms of architectural treatment and harmony and shall be maintained in in compliance with the City's Property Maintenance Code (Chapter 500, Article XIV), Dangerous Building Code (Chapter 505) and Nuisance Code (Chapter 215). If the Code Enforcement Official determines that more than fifty percent (50%) of an Accessory Building is damaged or dilapidated or that the Accessory Building is damaged or dilapidated by more than fifty percent (50%) of its value, the Code Enforcement Official shall give notice to the lot owner of such determination and the owner shall cease to use the Accessory Building and remove it from the lot within the time frame indicated in the notice.

**Section 7.** All other provisions of this Section 400.180 shall remain in full force and effect after passage of this Ordinance.

**Section 8.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 2<sup>nd</sup> DAY OF AUGUST 2017.



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Russ Fortune, Mayor

Attest:

  
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Kathy A. Runge, City Administrator/Clerk