

**BILL NO. 2253**

**ORDINANCE NO. 2253**

**AN ORDINANCE TO AMEND SECTION IV AND SECTION XV OF ORDINANCE 1175 – THE ZONING ORDINANCES OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI – AND CHAPTER 18 OF THE LADUE CODE OF ORDINANCES REGARDING ACCESSORY STRUCTURES RELATED TO ANIMAL AND GARDEN ENCLOSURES AND THE USE OF WIRE MESH FOR FENCING**

**WHEREAS**, the Ladue Code does not currently have a provision to allow accessory structures for animal and garden enclosures; and

**WHEREAS**, the City would like to allow more flexibility to enable residents to use their property for the raising of pets and gardens; and

**WHEREAS**, many of Ladue’s residential lots have adequate space and screening such that residents could erect accessory structures for garden and animal enclosures that would not be a detrimental to their neighborhoods; and

**WHEREAS**, it is important to the City of Ladue that such accessory structures be of a scale and appearance that is appropriate to the neighborhood; and

**WHEREAS**, the City has determined that the use of wire mesh for fences related to garden and animal enclosures is acceptable if it meets certain criteria that will make it compatible with residential use; and

**WHEREAS**, the City has determined that the regulations for the height of chicken shelters in Chapter 18 of the Ladue Code of Ordinances should be amended to be consistent with the text amendment for animal enclosures in the Zoning Ordinance; and

**WHEREAS**, the Zoning and Planning Commission met on May 27, 2020 and June 24, 2020 to discuss amendments to the Zoning Ordinance regarding animal and garden enclosures and voted to recommend approval of amendments to the Zoning Ordinance on June 24, 2020 by a vote of five (5) in favor and zero (0) opposed; and

**WHEREAS**, the City Council held a duly noticed and published public hearing on July 20, 2020 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 garden and animal enclosures; 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 by repealing Section IV.A (1) and replacing with the following:

- (a) A private non-commercial greenhouse, according to the following:
  - i. Structure shall not exceed in floor area 25 percent of the ground floor area of the main building.
  - ii. Height of structure shall not exceed 20 feet unless additional height is specifically approved by the ARB.
  - iii. The structure should be of metal unless otherwise approved by the ARB.

**Section 2.** Add the following to Section IV.A (1):

- (j) Chicken shelter and enclosure, with the following restrictions
  - i. Property must have a valid current permit issued pursuant to Chapter 18. Article IV. of the Ladue Code of Ordinances.
  - ii. Chicken shelter and enclosure must be approved by the ARB.
  
- (k) Accessory structure for the keeping of animals, according to the following:
  - i. Structure must be located within the rear yard and must comply with the main structure setbacks for the applicable zoning district.
  - ii. Structure must be located at least 50 feet from residential buildings on adjacent or other nearby properties. This does not apply to the property on which the animal enclosure lies.
  - iii. Structure shall not exceed 7 feet in height.
  - iv. Animal enclosure shall be screened from adjacent properties (at ground level) and from all roadways public or private by a privacy fence or vegetative screen.
  - v. Structure may incorporate wire mesh, but such wire mesh shall be 18-gauge or finer, or as otherwise approved by the Architectural Review Board.
  - vi. Structures must be approved by the Architectural Review Board.
  - vii. Nothing in this section shall be construed to allow any property owner to maintain a nuisance on their property. All keeping of animals must comply with the Ladue Code or Ordinances, especially in relation to noise, odor, and disposal of waste, as well as other applicable state and local laws.

- (l) Garden enclosure, according to the following:
  - i. Structure must be located within a side or rear yard and must comply with accessory setbacks.
  - ii. Structure shall not exceed 7 feet in height.
  - iii. Structure should be constructed of wood members or other quality material and may incorporate wire mesh, but such wire mesh shall be 18-gauge or finer.
  - iv. Structures must be approved by the Architectural Review Board.
  
- (m) The Architectural Review Board shall have the authority to allow exceptions to the maximum heights and suggested materials for accessory structures, as regulated by this Subsection IV. A.1., in order to allow the enclosures to be consistent with improvements on the subject property and adjacent properties, and/or due to natural features of the site, such as topographical considerations, but only if such exception is the minimum necessary and would not be out of character with the area or otherwise be detrimental to surrounding property.

**Section 3.** Add the following to the fence regulations as Section IV.C. (7) (f)

- (f) Wire mesh is prohibited for fencing materials except as follows:
  - i. Wire mesh fencing may be approved for a chicken enclosure on a property with a valid current permit issued pursuant to Chapter 18. Article IV. of the Ladue Code of Ordinances.
  - ii. Wire mesh may be added to existing conforming fences that are in a side or rear yard, but such fence must be outside of the accessory setbacks for the property.
  - iii. All wire mesh shall be 18-gauge or finer.
  - iv. Whenever wire mesh is attached to posts or other frame, it shall be attached to the inside of the posts or frame.

**Section 4.** Amend and add the definitions in Section XV, as follows:

Remove the definition of fence and replace with the following:

Fence. A barrier, railing, or other upright structure enclosing an area of ground to mark a boundary or to control access into or out of an area.

Add the following new definitions:

Wire mesh. Metal mesh that is bonded together at the intersections of horizontal and vertical wires. Traditional chain link fences do not meet this definition.

Greenhouse. A structure with walls and a roof of chiefly transparent material, such as glass.

Garden enclosure. A barrier to protect plants from animals.

**Section 5.** Amend the regulation for chicken enclosures to be consistent with the regulations for animal enclosures by amending Section 18-46 (2), as follows:

- (2) A chicken shelter shall be required to house chickens on the property. At least four square feet of space shall be provided per chicken. Such structure shall not be greater than 32 square feet in area, nor shall it exceed ~~15~~ 7 feet in height. No more than one chicken shelter shall be allowed on a property.

**Section 6.** The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds that the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 7.** This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

**PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
President, City Council

**APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Nancy Spewak, Mayor

**ATTEST:**

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Laura Rider, City Clerk