

AN ORDINANCE RELATING TO SWIMMING POOL SETBACK REQUIREMENTS

WHEREAS, the Board of Aldermen deems it appropriate to allow one to request consideration for the installation and operation of swimming pools with certain setback requirements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1:

Section 23-165 of the Municipal Code of the City of Eureka, Missouri is hereby repealed, and a new Section 23-165 is hereby enacted in lieu thereof which shall read as follows:

Section 23-165. Accessory Structures.

- (a) Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear and side lot lines, with the exception of those within the "LLRD" zoning district which shall be governed by Section 23-82. An accessory building which is not a part of the main building shall not occupy more than thirty percent (30%) of the required rear yard.
- (b) Accessory buildings which are to be used for storage purposes only may not be erected upon a lot prior to the construction of the main building. A Special Use Permit may be issued for the use of an accessory building which is used as rental property of the Owner of the zoned lot within the Large Lot Residential District zoning after being authorized by the Special Use Permit process subject to conditions including the following:
 - (1) The proposed dwelling unit is only to be used as public rental property by Special Use Permit so as to allow for the occupancy of a single accessory building located on a lot in the Large Lot Residential District zoning by no more than one (1) family who shall reside in the accessory building of the owner of the existing zoned lot.
 - (2) Only one (1) accessory structure with a dwelling unit above is permitted on a lot.
 - (3) The accessory building is to be no greater in height than the principal structure.
 - (4) The accessory structure shall have a minimum seventy-five (75) foot setback from side and rear property lines.
- (c) The Board of Aldermen may give consideration to a rear setback for a swimming pool between the required rear setback of a particular zoning district classification and twenty (20) feet from the rear property line, subject to the following:
 - (1) The swimming pool setback measurement is determined from the vertical wall of the pool and shall exclude appurtenances.
 - (2) Setback consideration may not be given to swimming pools which would result in utility or utility easement encroachment.
 - (3) The Board of Aldermen must make a determination that the proposed placement of such swimming pool will not adversely affect neighboring property and not negatively impact the character of the neighborhood.
- (d) Portable garages or carports as defined in this Chapter are not permitted.

SECTION 2:

The provisions contained herein shall remain in full force and effect in the event the City or the third party Municipal Code codification company the City engages makes non-substantive changes to the language herein contained or section numbers herein referenced.

SECTION 3:

All ordinances, parts of ordinances or provisions of the Municipal Code of the City of Eureka in conflict with any provisions of this ordinance are hereby repealed.

SECTION 4:

This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER, 2018.

(Original with signature on file)

Kevin M. Coffey, Mayor

ATTEST:

(Original with signature on file)

Ralph M. Lindsey, Jr., City Clerk