

ARTICLE 20

SUPPLEMENTAL DISTRICT REGULATIONS

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SECTION 20-1 GENERAL

20-101. The regulations set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in these regulations.

SECTION 20-2 HEIGHT AND YARD REGULATIONS

20-201

- a. Height. Chimneys, cooling towers, elevator headhouses, fire towers, monuments, stacks, watertowers, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy are not subject to the height limitations contained in the district regulations.
- b. Yard.
 - 1. *Front yards.* The front yards established by the district regulations shall be adjusted in the following cases:
 - (a) Where there is no recorded front building setback line established by platting and all of the structures on one side of a block are set back greater than required by the district regulations, a new or

enlarged structure may be set in line with the structure closest to the street.

- (b) Where there is no recorded front building setback line established by platting and fifty (50) percent or more of the structures on one side of a block are setback less than required by the district regulations a new or enlarged structure may be set in line with the average of the existing structure or structures adjacent to the new or enlarged structure. However, no new or enlarged structure may be set closer to the front property line than ten (10) feet in a residential, commercial or industrial zone.

2. *Accessory buildings and structures.*

- (a) Except as otherwise provided in Section 20-8 for residential districts, detached accessory buildings or structures must be located behind the front building line and may be located no closer than five (5) feet from the principal building, side or rear lot line, except if the structure has a vehicular entrance directly from an alley such accessory building or structure shall be set no less than twenty (20) feet from the property line adjacent to the alley.
- (b) Existing accessory buildings or structures which do not meet the minimum setbacks may be rebuilt, reconstructed or enlarged, providing they do not further decrease the existing setbacks.
- (c) Except as otherwise permitted or further restricted by the regulations in this Article, the total area of all detached accessory buildings or structures shall not exceed the provisions of section 20-7.

3. *Structural projections.* Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings or structures, and except for:

- (a) Eave projections, sills, cornices and other ornamental features may project a maximum of twelve (12) inches into a required yard or setback.
- (b) Open fire escapes, balconies opening onto a fire escape, chimneys and fireplaces may project no more than three and

one-half (3.5) feet into a required side yard and five (5) feet into a required rear yard.

- (c) Patios or decks no more than three (3) feet above grade may project up to ten (10) feet into a front or rear yard, however front yard setbacks shall be no less than ten (10) feet,

- 4. Additional setback requirements are set out at Section 20-11.

SECTION 20-3 NUMBER OF STRUCTURES ON A LOT

20-301. Where a lot is used for other than a single family residence, more than one principal use or structure may be located on such lot, provided that such buildings conform to all requirements for the district in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as a condominium.

SECTION 20-4 SIGHT DISTANCES

20-401. Lots in all zoning districts shall comply with sight distance requirements as set out in Section 20-11.

SECTION 20-5 SCREENING FOR COMMERCIAL AND INDUSTRIAL-ZONED PROPERTY

20-501.

- a. Commercial or industrial use adjacent to a residential zone. Whenever a commercial or industrial zoned tract adjacent to a residential zoning district is used, screening which is adequate to protect the residential land from the affect of the commercial or industrial use shall be erected by the commercial or industrial property owner.
- b. Type of screening required. Screening shall consist of a wall, fence or evergreen plantings six (6) to eight (8) feet in height having a visual density of at least ninety percent (90%). Screens adjacent to the front yard of a residential zone shall not exceed forty-eight (48) inches in height.
- c. Location of screen. All required screening shall be located within three (3) feet of the property line adjacent to the residential zone.

- d. Evergreen hedges or shrubs. Evergreen plantings shall be planted at a height of at least thirty-six (36) inches and shall reach the required height and effective screening within eighteen (18) months.
- e. Maintenance of screens. All required screens shall be permanently maintained in good and effective condition, and whenever necessary, repaired or replaced.
- f. Installation prior to occupancy. Whenever screening is required, it shall be installed before occupancy of the commercial or industrial use is allowed. However, where plantings are being used to accomplish the required screening and the season is unsuitable for planting, the owner shall submit a written verification, satisfactory to the Zoning Administrator, of when the required screening shall be planted.

SECTION 20-6 TEMPORARY USES

20-601.

- a. Only the following temporary uses may be permitted.
 - 1. Carnivals and circuses, located in a commercial or industrial zone or on public property, when located at least two hundred (200) feet from the boundary of a residential zone and for a time period not exceeding two (2) consecutive weeks.
 - 2. Contractor's office and equipment sheds on the site of a construction project only during the construction period.
 - 3. Model homes or development sales offices located within the subdivision or development area to which they apply, with such use to continue only until sale or lease of all units in the development.
 - 4. Outdoor temporary sales on private property and not incorporated or in partnership with the existing business located on this property in a commercial or industrial zone, including commercial sales, swap meets or similar activities providing they do not operate for more than ten (10) consecutive days and there are no more than four (4) such sales on any one property in any calendar year.
 - 5. Seasonal sales of farm or garden produce, bulbs, plantings or cut flowers, on an individual's place of residence and raised by the same individual, provided no structure is constructed for such use.

6. One mobile home or manufactured home to be used as a temporary office for any allowable use in an industrial or commercial zoning district, provided that such home shall not be used for more than a one (1) year period starting the day the home is set upon the property.
- b. Persons seeking approval for a temporary use authorized by items 1,2 and 4 in subsection a. of this section shall make application to the Zoning Administrator at least ten (10) days in advance of the time desired for usage. Such application shall include a site plan showing existing and proposed usage. The Zoning Administrator may issue a certificate of temporary use upon the payment of the temporary use permit fee imposed by the fee ordinance and upon finding:
1. The temporary use will not impair the normal, safe and effective operation of any permanent use on the same or adjoining site.
 2. The temporary use will not impact the public health, safety, or convenience and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of use and activities in the vicinity.
 3. That adequate off-street parking is available for the temporary use and any permanent use on the site.
- c. The following conditions for a temporary use shall apply:
1. Each site used by an authorized temporary use shall be left free of debris, litter and all evidence of such use.
 2. Such use when conducted upon a parking lot of another business shall not occupy more than twenty (20) percent of the required parking spaces of such uses.
 3. No temporary use shall be located within the required setback of the site.
 4. Any sign used in conjunction with the temporary use shall comply with all requirements of the Article 27 sign regulations for temporary signs, including the obtaining of a sign permit.

SECTION 20-7 ACCESSORY USES

20-701. Accessory uses are permitted in any zoning district in connection with any permitted principal use, consistent with the provisions of this section and section 20-8.

- a. **Definitions.** An accessory use is a structure or use which:
 1. Is subordinate to and serves a principal building and principal use.
 2. Is subordinate in area, extent or purpose to the principal building or buildings served.
 3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served.
 4. Is located on the same tract as the principal building or principal use served.
- b. **Permitted accessory uses.** Any structure or use that complies with the terms of subsection a. of this article may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following:
 1. Private garages and carports, whether detached or attached, as further regulated by section 20-8.
 2. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed one hundred forty-four (144) square feet in gross floor area.
 3. A children's playhouse.
 4. A private swimming pool and bathhouse.
 5. A guest house or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units or permanent occupancy as house-keeping units.
 6. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges and radio and television antennas.
 7. Storm shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.

8. Off-street parking and loading spaces as regulated by Article 22 of these regulations.
 9. Retail sales of products manufactured, processed or fabricated on site.
 10. Storage of recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, motor homes, provided no such equipment is occupied for dwelling purposes.
 11. Restaurants, drug stores, gift shops, club and lounges and newsstands when located in a permitted hotel, motel or office building.
 12. Offices for permitted business and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
 13. The storage of retail merchandise when located within the same building as the principal retail business.
- c. **Prohibited accessory uses.** None of the following shall be permitted as an accessory use:
1. Outdoor storage or overnight parking in a residential district of trucks of a gross vehicle weight of 12,000 pounds or mobile homes, provided such storage or parking may be permitted upon the issuance of a waiver by the Zoning Administrator following a finding by the Zoning Administrator that such waiver would not be adverse to public health, safety or welfare.
 2. Outdoor storage, except as specifically permitted in the district regulations.
 3. Storage of containers typically transported by tractor-trailer rigs, in a residential district, except where completely enclosed within a structure. Further, in the event any such container, lawfully placed as of the effective date of these regulations, is removed, no replacement container may be placed on the property.

SECTION 20-8 ACCESSORY USES; ADDITIONAL REQUIREMENTS IN RESIDENTIAL DISTRICTS

20-801. No detached accessory building shall occupy a required front yard or be located within ten (10) feet of any dwelling existing or under construction on the building site.

20-802. No single accessory building in a residential district (R-1, R-2, R-3, MHP, MHS, MU, CS) shall occupy more than 30%, nor shall all such buildings collectively occupy more than 40% of the required yard spaces in the rear half of the lot. No accessory building shall be located closer than five (5) feet to any lot line. In the case of a corner lot no accessory building shall project closer to the street side yard than the front yard abutting.

20-803. Garages shall not be constructed upon lots in residential-zoned districts upon which no principle dwelling is located.

SECTION 20-9 FENCES

20-901. Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations of the City the following restrictions shall apply to the construction of all fences or improvements, replacements or extensions of existing fences.

- a. No fence shall be constructed without first obtaining a fence permit from the Zoning Administrator.
- b. No fence shall be constructed closer to the street than the front setback line established for the district in which such fence is to be erected; provided however, that a fence not exceeding four (4) feet in height may be constructed within a required front yard setback if the Zoning Administrator determines that such a fence otherwise complies with the regulations of this section.
- c. No fence shall be constructed in the sight distance area or any other location by which it would constitute a traffic hazard.
- d. A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.
- e. No fence shall be constructed, repaired, replaced or reconstructed in such a manner or be of such design, or constituted of such materials, as to be hazardous or dangerous to persons or animals. No person shall erect or

repair, replace or reconstruct any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence will adversely affect the public health, safety or welfare.

- f. For corner lots the following rules shall apply: All sides adjacent to a street shall be considered front yards, with the one on the non-address side having the lesser setback requirement. The primary front yard shall meet the applicable district setback. However, on corner lots back to back with another corner lot, the fence may be installed up to the non-address side property line, in the front yard setback area.
- g. For institutional uses in residential districts, such as schools, parks, hospitals and cemeteries, a fence may be constructed in the front yard setback provided it complies with subsections c, d and e of this section, with a maximum of six (6) foot height.
- h. A fence may be erected in a commercial district to not more than ten (10) foot maximum height, however no barbed wire or electrification shall be attached.
- i. A fence may be erected in an industrial district to not more than ten (10) feet maximum height.

SECTION 20-10 RESIDENTIAL-DESIGN MANUFACTURED HOUSING STANDARDS

20-1001.

- a. In order to be classified as a Residential-Design Manufactured Home a structure must be manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards generally know as the HUD Code established in 1976 pursuant to 42 U.S.C. Sec. 5403. Such structures shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable City regulations. Such a structure shall be on a permanent-type, enclosed perimeter foundation which has minimum dimensions of 22 body feet in width excluding bay windows, garages, porches, patios, pop-outs and roof overhangs; a pitched roof; siding and roofing materials which are customarily used on site-built homes; and which complies with the following architectural or aesthetic standards so as to ensure their compatibility with site-built housing:
 - 1. The roof must be predominantly double-pitched and have a minimum vertical rise of four (4) inches for every twelve (12) inches of horizontal run, and must be covered with material that is customarily used on

site-built dwellings, including but not limited to approved wood, asphalt composition shingles, clay or concrete tile, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of ten (10) inches which may include a gutter.

2. Exterior siding shall be of a nonreflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with City-adopted building codes.
3. The home shall be installed in accordance with the recommended installation procedure of the manufacturer and the building code adopted by the City.
4. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. Either a basement or a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home.
5. At the main entrance door there shall be a landing that is a minimum of 25 square feet which is constructed to meet the requirements of City-adopted building codes.
6. On level sites, the main floor shall be no greater than twenty four (24) inches above the finished grade at the foundation. On sloping or irregular sites, the main floor at the side closest to grade level shall not be greater than twenty-four (24) inches above the finished grade at the foundation.
7. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City-adopted building codes and attached permanently to the primary structure and anchored permanently to the ground.
8. Any attached addition to such a home shall comply with all construction requirements of the City-adopted building codes, unless designed and constructed by a manufactured home factory.

9. If fifty (50) percent or more of the frontage of existing site-built housing on both sides of the street on which the residential-design manufactured home is to be installed have a garage and/or a similar percentage have a covered porch or recessed entry, such a home shall also provide a garage and/or porch or entry based on the percentages determined by the Zoning Administrator. On a corner lot, "street" shall mean that street on which the frontage of the facade has been designated for the household address number. External roofing and siding material of such garage, porch or entry shall be similar in appearance to the materials on the roofing and siding of the residential-design manufactured home.
- b. For purposes of these regulations, the term "manufactured home", when used by itself, shall not include a "residential-design manufactured home".

SECTION 20-11 BUILDING SETBACKS

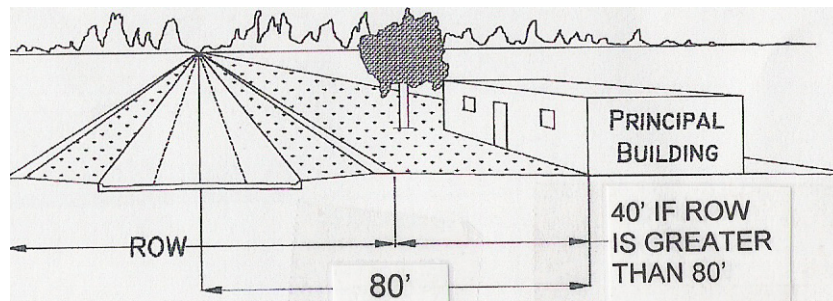
20-1101. For purposes of determining the applicability of building setback lines established in these regulations, the following rules shall govern:

- a. Except as otherwise provided at subsections b. and c., below, whenever any two or more provisions in these regulations establish building setback lines that are applicable to a given building or structure, the regulation establishing the more restrictive standard shall be the regulation which controls.
- b. Where a building setback line for a front, side or back yard is established on any plat approved and recorded in accordance with regulations in existence at the time of recording, which platted setback is more restrictive than the yard requirements established in these regulations, such platted setbacks shall control and building permits shall not be issued for any building or structure outside of such platted setback.
- c. Where a building setback line for a front, side or back yard is established on any plat approved and recorded in accordance with regulations in existence at the time of recording, which platted setback is less restrictive than the yard requirements established in these regulations, such platted setbacks shall control, and building permits may be issued for a building or structure which would be located in the yard under these regulations.

20-1102. Building setback lines are hereby established for all arterial and collector streets as shown on the major street map of the comprehensive plan. The setback lines as established in this Section shall be held to be the minimum for the purpose of promoting the public health, safety, order, convenience and economy in the process of development.

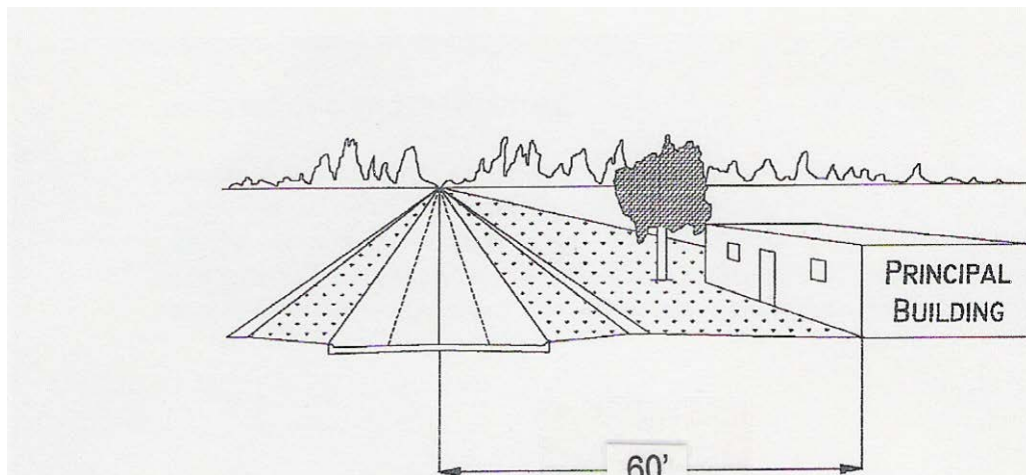
20-1103. No lot which is adjacent to an arterial street having a right-of-way width of one hundred (100) feet or less shall have any building or structure altered, constructed, enlarged or erected closer than one hundred (100) feet from the centerline of the arterial street right-of-way (see Figure 20-1 below). Where the right-of-way width is greater than one hundred (100) feet the building or structure shall set fifty (50) feet from the adjoining street right-of-way.

FIGURE 20-1
BUILDING SETBACK LINE ON ARTERIAL STREETS



20-1104. No lot which is adjacent to a collector street shall have a building or structure altered, constructed, enlarged or erected closer than eighty (80) feet from the center line of the collector street right-of-way. (See Figure 20-2 below.)

FIGURE 20-2
BUILDING SETBACK LINE ON COLLECTOR STREETS



20-1105. Corner lots shall be free from any visual obstruction between a height of two and one-half (2-1/2) feet and eight (8) feet above the grade of the top of the curb of the

adjoining street. This sight triangle area shall be determined by the “Visibility Triangle for Driveways and Sideroads (Stop Condition)” table in the current KDOT Corridor Management Policy Manual. The table distances shall be applicable to all highways or streets without regard to street classification.

20-1106. Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, shall not be located less than twelve (12) feet from any property line if at least forty (40) feet from the center of any street.

20-1107. Canopies covering gas or other fuel pumps shall be located so that no part of the structure is less than ten (10) feet from the property line. Such structures shall meet all other setback requirements in these regulations.

20-1108. Order of Precedence.

ORDER OF PRECEDENCE FOR BUILDING SETBACKS

NORMAL	As required in the zoning district.
CORNER LOTS	Side yard setback is ½ of the front yard setback except if side street lots have platted front setback, then side yard setback shall be no less than 5' less than adjacent front yard setback.
STREET	As required for Arterial and Collector streets.
PLATTED	As shown on the plat.
SIGHT TRIANGLE	When a structure encroaches on the sight triangle.

SECTION 20-12 HOME OCCUPATIONS

20-1201. Home occupations as defined in Article 2 of these regulations shall be permitted in the A District, MU District, and the CS, R-1, R-2 and R-3 residential districts, subject to the following:

a. Restrictions and Limitations.

1. No more than one employee or volunteer shall engage in such home occupation in addition to the person occupying the dwelling unit as his or her place of residence.
2. There shall be no outdoor storage of materials or equipment used in the home occupation.

3. No exterior alterations or other construction shall be made to the dwelling which changes the character or appearance from its primary residential use.
 4. No new accessory buildings shall be constructed for use, in whole or in part, in the home occupation.
 5. The repair of items as a home occupation may occur only when the delivery and pickup of the item is conducted off the premises by the proprietor of the home occupation or by an employee (as authorized in item 1 above) of the home occupation. No trips shall be generated to or from the home occupation by customers with items which have been or are to be repaired.
 6. No equipment or material shall be used which creates any noise, vibration, smoke or odors perceptible at the boundary lines of the property, which would be in excess of that ordinarily created by a single family residential dwelling.
 7. No merchandise shall be displayed or sold on the premises to members of the general public, except craft or articles made by the person operating the home occupation. In no instance shall there be any outside display of such articles in connection with the home occupation. "Members of the general public" shall not include persons who have prior individualized invitation.
 8. The area within a dwelling exclusively devoted to home occupations shall be limited to twenty-five percent (25%) of the total floor area of the dwelling or three hundred fifty (350) square feet, whichever is less.
 9. The area of an accessory structure devoted to home occupations shall be limited to nine hundred (900) square feet.
 10. The giving of lessons of any type shall be limited to no more than five (5) persons at any one time.
 11. There shall be no advertising of the home occupation on the exterior of a dwelling or accessory structure other than one (1) non-illuminated sign of not more than three (3) square feet, per building, mounted flat against the exterior wall.
- b. **Power of Zoning Administrator.** The Zoning Administrator is hereby authorized to exercise such powers as may be necessary or convenient to carry

out and effectuate the purposes and provisions of this Section, including the power to:

1. Investigate any home occupation or alleged home occupation, to determine whether or not such is in compliance with these regulations.
2. Enter upon premises for the purpose of making examinations: provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

20-1202. Permitted home occupations are primarily of a service nature similar to, but not limited to, the following:

- a. Artists, sculptors and writers.
- b. Custom dressmaking, tailoring sewing of fabrics for custom apparel.
- c. Giving of lessons of any type, provided instruction does not exceed five (5) pupils at a time. Such limitation shall not apply to recitals or other performances.
- d. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, realtors, insurance agents, brokers, sales representatives, contractors, and similar professional offices.
- e. Fabrication and/or assembly of handicraft or hobby articles.
- f. Photographic studios.
- g. Beauty or barber shops having one chair, stand or station.
- h. Multi-level marketing and home party product sales, including but not limited to, Avon, Mary Kay Cosmetics and Tupperware.

20-1203. Prohibited Home Occupations. Except where allowed as a permitted or conditional use, home occupations shall not in any event include the following:

- a. Antiques, either retail or wholesale.
- b. Animal care other than grooming.
- c. Funeral homes or services.

- d. Retail sale or rental of any goods or products, other than where the commercial exchange constituting such sales or rental is accomplished by means of catalog orders, whether in written or electronic form.
- e. Automotive sales, repair or service of any type.
- f. Appliance repairs (other than for hand-held household appliances).