

CHAPTER XVIII. SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

ARTICLE 1. General Provisions

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ARTICLE 1. GENERAL PROVISION

18-101. APPLICATION. The regulations set forth in this Article qualify or supplement the district regulations appearing elsewhere in these Regulations.

18-102. MODIFICATION OF HEIGHT REGULATIONS.

1. The height regulations as prescribed in these Regulations shall not apply to the following:

- Agricultural buildings and structures
- Belfries
- Chimneys
- Church Spires
- Conveyors
- Cooling Towers
- Elevator Penthouses
- Fire Towers
- Flag Poles
- Grain Elevators
- Monuments
- Ornamental Towers and Scenery Lofts
- Tanks
- Water Towers
- Lighting Poles or Standards

Provided, however, that the setbacks of the structures from all lot lines are equal to the height of the structures.

2. Public or semi-public service buildings, hospitals, institutions, or schools, when permitted, may be erected to a height not exceeding 75 feet, when the required side and rear yards are increased by at least 1 foot for each 1 foot of additional building height above the height regulations for the district in which the building is located.

MODIFICATIONS OF AREA REGULATIONS.

1. YARDS, GENERALLY.

- a. Except as herein provided for accessory buildings and structures, whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
- b. Every part of a required yard shall be open to the sky, except as authorized by this Article. Ordinary projections of sills, awnings, canopies, belt courses, air conditioning units, chimneys, cornices, and ornamental features may project to a distance not to exceed 24 inches into a required yard setback.
- c. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, school, institutional, hotel, or motel purposes, there may be more than one main building on the lot where such buildings are arranged around a court having a direct street access; provided however:
  - (1) That said court, between buildings that are parallel or within 45 degrees of being parallel, shall have minimum width of 30 feet for 1-story buildings, 40 feet for 2-story buildings, and 50 feet for 3-story buildings, and in no case may such buildings be closer to each other than 15 feet;
  - (2) Where a court having direct street access in more than 50 percent surrounded by a building, the minimum width of the court shall be at least 20 feet for 1-story buildings, 30 feet for 2-story buildings, and 40 feet for 3-story buildings.
- d. Where a lot is used for commercial or industrial purposes, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements on the lot.

2. ACCESSORY BUILDINGS AND STRUCTURES.

a. Accessory Buildings defined:

An accessory building is defined as a structure that:

- (1) Is not affixed to a permanent foundation;
- (2) Is less than 400 square feet in total area; and
- (3) Contains no living space or fixed utility services.

- b.* Except as herein provided, no accessory building shall require a building permit for placement or construction.
- c.* Except as herein provided, no accessory building shall project into a required yard setback along any street.
- d.* Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the property line, and further provided that canopies and other similar coverings over the pumps and pump islands shall have at least 14 feet of vertical clearance and shall not project beyond the property line.
- e.* Accessory, open and uncovered swimming pools, and permanent barbecue grills may occupy a required rear yard, provided they are not located closer than 5 feet to the side or rear lot line. No alley may be used in meeting this requirement.
- f.* Accessory storm caves which are not a part of the building may occupy required rear yard, provided they are not located closer than 5 feet to the side or rear lot lines. No alley may be used in meeting this requirement.

### 3. FRONT YARDS.

- a.* When an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- b.* On double frontage lots (including a lot referred to as a “corner lot”), the required front yard shall be provided on each street frontage.
- c.* Open, unenclosed porches, platforms, or paved terraces not covered by a roof or canopy, which extend or project into the front and side yard, shall not extend or project into the required front yard more than 10 feet or into the required side yard more than 6 feet.
- d.* Where 25 percent or more of the street frontage within 330 feet of the property in question is improved with buildings that have front yard (with a variation of 6 feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.

4. SIDE YARDS.

- a. The minimum depth of side yards for schools, colleges, libraries, churches, community houses, and other public and semi-public buildings in “R-1” Single-Family Residential, “R-2” Two-Family Residential, and “R-3” Multi-Family Residential districts shall be 25 feet, except where a side yard is adjacent to a lot used for commercial or industrial purposes in which case the depth of the yard shall be as required in the district in which the building is located.

5. REAR YARDS.

- a. Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than 5 feet, but only where the same are so placed as not to obstruct light and ventilation.

6. CORNER VISIBILITY.

- a. No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of 3 feet above the established street grade, measured from the crown of the street, shall be erected, planted, or maintained within the visibility triangle area of a corner lot.

7. EASEMENTS.

- a. No building, either a main or an accessory building, shall be constructed moved, or altered so as to encroach onto or within a platted or recorded easement.

8. FENCES.

- a. All fences, regardless of whether or not a permit is required for their construction, that are constructed, repaired, expanded, or enlarged, shall be constructed only of approved fence materials. Approved fence materials shall mean materials normally manufactured for, used as, and recognized as fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing materials that are approved by the Board of Zoning Appeals. Approved fence materials shall be approved for exterior use and shall be weather and decay-resistant. The Board of Zoning Appeals is authorized to evaluate proposed fence materials, and to determine if the proposed materials, and to determine if the proposed material is satisfactory and complies

with the intent of the provisions of this code, and that the material is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, durability and safety.

- b. No permit is required for any fence six feet (6') or less in height, on or inside the property line. Fences higher than six feet (6') require a permit.
- c. Corner Plots. No hedge, fence (except a transparent fence such as chain link, in which the solid area is not more than five percent (5%) of the total area of the fence), or wall over three feet (3') high shall be located within the visibility triangle. The visibility triangle is the triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines at points which are thirty (30) feet distant from the point of intersection, measured along said right-of-way lines.
- d. Fences and walls.
  - (1) Except as provided in Section 8(c) of these Regulations, no solid fence, hedge or freestanding wall more than four and one-half feet in height, may be constructed in front of the residence. On interior lots which have double frontage, a six-foot-high fence may be constructed in the area between a platted building setback line and the property line in the rear yard.
  - (2) On corner lots, a solid fence, hedge or freestanding wall of up to a height of six feet (6') may be placed in the side yard of the platted setback line; between the platted setback line and the property line, the fence may not exceed four and one-half feet in height. The board of zoning appeals may grant a variance to the regulation and allow a fence up to six feet (6') in height within a platted side yard setback line and the property line, provided the following conditions are met in addition to other items considered when reviewing a variance request: the fence will not create a sight problem for traffic; and the side yard is not adjacent to the front yard of an adjoining lot.
  - (3) On corner lots with three frontages, a six foot (6') fence may be placed between the platted setback line and the property line on that frontage which constitutes the rear yard of the adjacent lot, provided the adjoining yard is not a front yard. Properties which are not platted shall measure setbacks from the standards prescribed for rear and side yards in the applicable zoning district.
  - (4) For the purposes of this section, a solid fence is described as fencing which does not meet the standards of a

transparent fence as identified in Section 8(c) of these Regulations.

- (5) All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.
- (6) No barbed wire fences shall be allowed in the residential zoning districts, unless the owner of property has a valid livestock permit, or the planning commission has approved a site plan which includes barbed wire fencing for security purposes.
- (7) No electric or electrified above-ground fences shall be allowed within the city limits of the City of McLouth, Kansas.