

ARTICLE 24

SUPPLEMENTAL DISTRICT REGULATIONS

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SECTION 24-1 GENERAL

24-101. The regulations set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in these regulations.

SECTION 24-2 HEIGHT AND YARD REGULATIONS

24-201.

- a. **Height.** Chimneys, cooling towers, elevator headhouses, 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) 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.

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 rear yard.
- (c) Unenclosed porches open to the sky and no more than three (3) feet above grade may project up to ten (10) feet in to a front or rear yard, however front yard setbacks shall be no less than ten (10) feet.

SECTION 24-3 NUMBER OF STRUCTURES ON A LOT

24-301. 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.

SECTION 24-4 SCREENING FOR COMMERCIAL AND INDUSTRIAL-ZONED PROPERTY

24-401.

- a. *Commercial, industrial and certain public uses adjacent to a residential zone.* Whenever (1) a commercial or industrial zoned tract, or (2) a public use involving development of over 10,000 square feet of ground area, adjacent to a residential zoning district is developed, screening to protect the residential land from the affect of the use shall be required.
- 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 plated 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 as allowed. 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 24-5 TEMPORARY USES

24-501.

- 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 manufactured home to be used as a temporary office for any allowable use in an industrial zoning district, provided that such manufactured home shall not be used for more than a one (1) year period starting the day the manufactured home is set upon the property.
- b. Persons seeking approval for a temporary use authorized by items 1, 2 and 4 in subsection 24-501.a. above 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 any required temporary use permit fee 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. No temporary use shall be located within the required setback of the site.

SECTION 24-6 ACCESSORY USES

24-601. Accessory uses are permitted in any zoning district in connection with any permitted principal use.

- 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 24-601.a. may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following:
 1. Permitted accessory uses for square feet area: Private garages or carports or any combination thereof, not to exceed 20% of the total square footage of the lot not to exceed 3,500 square foot in size and adhere to all setbacks.
 2. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed four hundred (400) square feet in gross floor area.
 3. A children's playhouse.
 4. A private swimming pool and bathhouse.
 5. A guest house (without kitchen facilities) 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 Articles 22 and 23 of these regulations.
9. Retail sales of products manufactured, processed or fabricated on site.
10. Storage or 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, clubs and lounges in a permitted business or manufacturing or industrial building.
12. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
13. 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.
14. Retail sales for permitted industrial uses when located on the same site as the industrial use.
15. 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 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. Sea-land containers, trailer boxes and/or truck boxes with the following restrictions:
 - (a) No sea-land container, trailer box or truck box shall be placed or maintained on real estate zoned residential or used residentially.

- (b) A sea-land container, trailer box and/or truck box shall be considered a “structure”, subject to all the restrictions, requirements and other provisions of the Zoning Regulations of La Cygne, Kansas, as in effect and amended from time to time.
- (c) A sea-land container, trailer box and/or truck box shall be placed on a concrete pad, which is four (4) inches in depth. No anchoring shall be required.
- (d) The restrictions set forth in Subparagraphs (a) and (b), above shall not apply to:
 - (1) Sea- land containers, trailer boxes or truck boxes offered for sale or rent from real estate which is zoned for commercial or industrial use; or
 - (2) Sea- land containers, trailer boxes or truck boxes which are utilized in connection with construction or other work for which a current permit, if required, has been issued by the City of La Cygne, Kansas.
- (e) No sea-land container, trailer box and/or truck box shall be used for or adapted for use as a residence, office or other use involving human occupancy.
- (f) The placement of any and all sea- land containers, trailer boxes or truck boxes for any purpose shall be subject to the setback requirements applicable to buildings under the applicable provisions of the La Cygne City zoning regulations.
- (g) Sea- land containers, trailer boxes and/or truck boxes shall not be stacked.
- (h) Existing Non-conforming sea-land containers, trailer boxes and/or truck boxes shall be subject to the conditions of Article 21 of the zoning regulation, of the City of La Cygne, Kansas.

SECTION 24-7 FENCES

24-701. Except as specifically provided otherwise in these regulations, the following shall apply to the construction of fences:

- a. No fence shall be constructed without first obtaining a building permit approved by the Planning Commission.
- b. No fence shall be constructed in the established or required front yard, except as permitted in the following paragraph c.

- c. A fence four feet (4') or less in height may be constructed along the side yard line in the required front yard, provided such fence in the required front yard has a visual density of 50 percent (50%) or less per square foot.
- d. No fence greater than four feet (4') in height shall be erected or constructed in the required or established front yard setback area; however, if the front yard setback is established closer to the street right-of-way than the required front yard setback, a fence greater in height than four feet (4') shall not be erected closer to the street right-of-way than the front corner of the main structure.
- e. No fence shall be constructed in such manner or be of such design as to be a traffic hazard, hazardous or dangerous to persons or animals.
- f. No fence shall be erected or constructed of a height greater than eight feet (8') above grade level.
- g. All fences shall conform to the construction standards of the Uniform Building Code and other applicable City-adopted laws and codes.

SECTION 24-8 RESIDENTIAL-DESIGN MANUFACTURED HOUSING STANDARDS

24-801.

- 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 known 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 inches (4") for every 12 inches (12") 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 inches (10") 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 Uniform Building Code as 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 twenty-five (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.
- b. For purposes of these regulations, the term “manufactured home,” when used by itself, shall not include a “residential-design manufactured home” as herein defined.