ARTICLE 6

SUPPLEMENTARY DISTRICT REGULATIONS

1. Height Regulations: Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, and 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. In all districts, one additional foot of height above the specified height limitation shall be permitted for each foot of additional yard provided over the minimum requirement on all sides of the lot.

**2.** Accessory Structures: Unless otherwise provided, no accessory structure shall be erected in any required or established front yard, or a required side yard and no detached accessory structure shall be erected closer than 7 seven feet to the principal structure on the lot. Accessory structures may be located in the rear yard, but shall not be closer than 7 seven feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district. No accessory structure shall cover more than 25 percent of the required rear yard. The following permitted accessory structures and uses shall be allowed in any zoning district in connection with any permitted principal use:

 **Specifically shall not include camping trailers.**

A. A structure for storage incidental to a permitted use; provided, however, that no storage structure that is accessory to a residential building shall exceed 200 square feet in gross floor area, the use shall be in keeping with the principal structure, and no part of such structure shall be located in the front yard setback.

B. A child’s playhouse, provided it shall not be more than 120 square feet in gross floor area, and it shall not be located in the front yard setback.

C. A detached garage or other accessory structure, no greater in gross floor area than ten percent of the lot area, provided that no part of such structure exceeds 800 square feet in gross floor area; and shall not exceed 12 feet in height at the sidewall.

D. A private swimming pool and bathhouse, provided that a swimming pool shall be allowed within required rear and side yards. See Article 6.11

And 6.9.h

E. Statuary, arbors, trellises, flagpoles, fences; walls and hedges shall be allowed within the required setback areas.

F. Signs, when permitted by these Regulations and by the individual district regulations. See Article 8

G. Off-street parking and loading spaces, as permitted by these regulations. See Article 7

H. Restaurants, drug stores, gift shops, clubs, lounges and newsstands, when located in a permitted hotel, motel or office structure.

I. Employee restaurants and cafeterias, when located in a permitted business, manufacturing or industrial structure.

J. Satellite dish antennas exceeding 36” diameter shall not be allowed within established front yards.

K. Home occupations subject to limitations set forth in Section 11 of this Article.

3. Use Limitations of Accessory Structures: Accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located, but no accessory structure shall be occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

A. No accessory structure shall be used for dwelling purposes.

B. Portable storage metal container/c-van in “R-1”, “R-2”, and “R-3” Districts are allowed only for the duration of the building permit.

4. Number of Structures and Uses on a Zoning Lot: Where a lot or tract is used for other than a single-family dwelling, more than one principal use and structure may be located upon the lot or tract, but only when the structure or structures conform to all requirements for the district in which the lot or tract is located.

5. Site Triangle: On a corner lot in any district, except "B-1", development shall conform to the requirements of the sight triangle as defined by this regulation.

6. Access to Business and Industrial Districts: No land, which is located in a residential district, shall be used for a driveway, walkway or access to any land which is located in any business or industrial district.

7. (TEMPORARY USES PERMITTED)

**Temporary Uses Permitted**:

A. Christmas Tree Sales: Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.

B. Contractor’s Office: Contractor’s office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.

C. Real Estate Office: Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.

D. Seasonal Sales: Seasonal sale of farm produce grown on the premises, in an "R-S" District and R-2 Residential Medium Density. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.

E. Carnivals and Circuses: A carnival or circus, but only in an "R-S", "B-1", "B-2", or "I-1" District, and then only for a period that does not exceed three weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets, shall conform to the requirements of the sight triangle as defined by these regulations.

F. Housing: During construction of the principal residential structure, a basement, garage, camper or manufactured home may be utilized for temporary housing of full-time, regular workers for a period not to exceed six months. The Zoning Administrator may extend the period six additional months upon showing of good cause by the owner. Upon conclusion of the permitted time period or completion of the principal structure, whichever occurs first, the owner shall remove the temporary housing or make the necessary changes for the property to be in conformance with the regulations of the district in which the property is located.

G. Garage or Porch Sales: The sale of used or second-hand merchandise shall be permitted in any district providing that such use shall not exceed three consecutive days in duration nor shall it occur more than three (3) times a year at any particular location.

8. Determination of Structure Setback Line:

The structure setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structures, except that certain architectural projections listed below may extend beyond the structure setback line, subject to the following conditions:

ALTERNATE A:

1. Projections for new construction shall conform to the provisions of the adopted International Building Code in effect at the time of application, with regard to construction details, property setbacks and public property encroachment.

B. Projections shall be defined as: Any structural or non-structural portion or appendage attached to the main structure which by design protrudes outward beyond the structure floor; wall, roof or foundation line. Projections include, but are not limited to:

 1. Roof eaves 6. Dormers

2. Cornices 7. Combustible or Non Combustible

 3. Porches Ornamentation

4. Stairs 8. Sofits

5. Bay and Egress 9. Balconies

 Windows

C. Architectural or structural projections from structures shall be measured from the outside of the structure floor, wall, roof or foundation line, which is directly adjacent or parallel to the projection.

**ALTERNATE B** -Projections into Required Yards:

A. Certain architectural features may project into required yards or courts as follows:

1. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two and one-half feet.

2. Fire escapes may project a distance not exceeding four and one-half feet.

3. An uncovered stair and necessary landings may project a distance not to exceed three feet, provided that such stair and landing shall not extend above the entrance floor of the structure except for a railing not exceeding four feet in height.

4. Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the structure wall on which they are located.

B. Patios may be located in side and rear yards; provided further, that they are **not** closer than (3) three feet to any adjacent property line.

C. Fences, walls and hedges may be located in required yards as follows:

1. If not exceeding at any point eight feet in height above the elevation of the surface of the ground at such point, they may be located in any required yard or court, provided that on a corner lot abutting in the rear the side lot line of another lot in a residential district, no such fence, wall or hedge within 25 feet of the common lot line shall be closer to the side street lot line than one-half the least depth of the front yard required on such other lot fronting the side street.

2. On any corner lot, no fence, wall, hedge, or other structure or planting more than three feet in height above curb level shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points whose distance from the point of intersection is equal to the sum of the required front and exterior side yards.

FENCES

**9. Fences:**

Fences are regulated in all areas of the City. In some subdivisions,

fences are regulated by deed restrictions that run with the land and

which are not related to City regulations.

A permit is required before a fence is installed or rebuilt and the

location, height, materials and alignment of the fence are set out in

the zoning ordinance. Generally, fences up to six feet in height are

permitted for rear yard privacy; only small, low profile ornamental

fences and walls are permitted in the front yard.

The following regulations shall apply to the construction of fences:

 This Article establishes the fence and screening requirements for all districts in the city limits of Carbondale.

 R-1 Single Family

 R-2 Single Family

 R-3 Multiple Family

a. “FENCE PERMIT” shall be obtained from City hall, and shall be required for all installation, removal, or replacement of any fence or screening within the city limits.

b. No fence shall be installed or removed without the approval of the Zoning Commission and a building/demolition permit on site while the work is being accomplished. All work must be completed within thirty (30) days or a new permit must be obtained prior to completion. A fee of twenty-dollars ($25.00) shall be charged for any and each permit issued for either residential or commercial properties. **You may request a waiver of the $25.00 for removing a fence.**

c. Fences & structures not requiring a permanent foundation shall be permitted

within the building set back lines as established. If necessary, the property

owner shall show proof of property survey and pin location.

d. In residential districts, the height shall not exceed six (6) feet, except

when abutting a non-residential district, it shall not exceed eight (8) feet in height.

e. No fence shall be constructed in such a manner or design as to be hazardous

or dangerous to persons or animals within the city limits, to include but not

limited to the following: electrified fencing, barbed wire, razor wire, or any

other type of fencing deemed potentially hazardous by the authority having

jurisdiction.

1. All fences shall be erected inside the property line and no fence shall at

anytime, nor under any circumstances, be attached to the fence of a neighboring property without written consent of the property owner.

1. Privacy fences shall be confined to the rear yard area of the residence only.

This type of fencing shall follow along the rear property line and along each side property line and back to the back corner of the house.

1. A six (6) foot security fence shall be maintained around all residential

swimming pools located within the city limits. The fence shall be equipped with a walk through gate of equal height, which can be locked from the outside. See Article 6.11.b and 6.9.g

1. Decorative fencing i.e.: Split Rail, Picket Fence, may be installed around the entire property, inside the property line.
2. Plastic Woven Safety Material: commonly referred to as (Construction/Snow fence) shall not be used within the city limits of Carbondale for anything other than its intended purpose and only on a temporary basis. When used for construction purposes, it shall be removed upon completion of the project. When used as a snow barrier, it shall not be installed prior to October 31st and shall be removed not later than April 1st of the following year. A PERMIT shall be required before installing this material. This section does not apply to: Any employee or entity of the City of Carbondale engaged in the necessary discharge of their duties for the city.

k. For special requirements, See Article 23-SPECIAL ADDITIONAL REGULATIONS.

R-S Suburban-----------------Special requirements- See Article 23

O&I Office & Institutional-- Special requirements- See Article 23

B-1Local Business------------Special requirements- See Article 23

 See Screening - Section- 6.9.L

B-2 General Business---------Special requirements- See Article 23 See

 Screening – Article 6.9.L

B-3 Heavy Business-----------No requirements See Article 23

I-I Light Industrial---------Special requirements- See Article 23

 See Screening - Article 6 9.L

1-2 Medium Industrial--------Special requirements- See Article 23

 See Screening – Article 6.9.l

1-3 Heavy Industrial---------Special requirements- See Article 23

 See Screening – Article 6.9.L

M-P Mobile Home Park---------See MP Screening – Article 6.9.m

L. Screening for all of Section (k)except Mobile Home Parks. A solid or

semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet in height, shall be provided adjacent to any adjoining residential or mobile home district, however, in the event the adjacent residential district and the commercial development are separated by a public street, a ten (10) foot landscape buffer, which shall consist of trees, shrubs, and evergreens, shall be provided along the property line and maintained by the owner or owners of the property.

1. Screening Section (k)Mobile Home Park only. A solid or semi-solid fence or wall, minimum six (6) feet, maximum. Eight (8)feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the street, which is, zoned for residential purposes other than for mobile homes. Said fence shall be so located as to not be in violation of the intersection site triangle as defined by regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than twenty five (25)feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.
2. In non-residential districts, the height of a fence shall not exceed eight (8)feet.
3. No fence shall be constructed in any right-of-way except by the written

 authority of the governing body.

1. No fence shall be constructed which will constitute a traffic hazard. When the Planning Commission has certified that the proposed fence will not constitute a traffic hazard, then a fence permit may be issued.

r. There shall be no height limitation upon fences constructed on public or

 parochial school grounds or in public parks and public playgrounds

s. No privacy fencing or screening shall be allowed along the side or front of any property abutting a major thoroughfare i.e.; Main Street, South Topeka Ave.

t. The following Sections a, c, e, f, j, k, listed in Residential District

 also apply to districts listed in Section L.

**Walls, Hedges, Shrubbery, & Trees**

a. Walls, hedges, shrubbery, or trees may be erected, placed, maintained or

 grown along a plot line or adjacent thereto as follows:

 1. In residential districts, the height shall not exceed six (6) feet,

 except when abutting a non-residential district, such wall, hedge,

 or shrubbery may not exceed eight (8) feet in height.

 2. In non-residential districts, the height shall not exceed eight (8)

 feet.

 3. No wall, hedge, shrubbery or tree shall be constructed/planted in any

 right-of-way except by authority of the governing body.

 4. No walls, hedges, shrubbery or trees shall be constructed which will

 constitute a traffic hazard, and no permit shall be granted for the

 construction of such, until the appropriate city department has certified

 that the proposed wall, hedge or shrubbery will not constitute a traffic

 hazard.

 5. There shall be no height limitation on public or parochial school

 grounds or in public parks and public playgrounds except as provided by

 11-e above.

(See Article 25)

10. Home Occupations: Home occupations shall be permitted in all districts permitting dwellings.

A. Restrictions and Limitations:

1. The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.

2. All materials or equipment used in the home occupation shall be stored within an enclosed structure.

3. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.

4. No sign shall be permitted except as allowed by Article 8 of these regulations or unless required by State Statute. If required by state statute, it shall not exceed two (2) feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard. No sign shall be permitted except as allowed by Article 8 of these regulations or unless required by State Statute. If required by state statute the sign shall not exceed two (2) feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard.

5. Owner of the home occupation business shall be an occupant of the home.

6. No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.

7. Vehicular traffic generated by the home occupation shall not be abnormal for local residential traffic volumes.

8. Parking generated by patrons of a home occupation shall not be permitted in the required front yard, except that the existing driveways may be used.

B. Particular Home Occupations Permitted: Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation is subject to the requirements of (1) through (8) above:

1. Art, dancing, and music schools, provided that instruction is limited to five pupils at one time.

2. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.

3. Offices for realtors, insurance agents, brokers, sales representatives and manufacturing representatives when no exchange of tangible goods is made on the premises.

4. Barber and beauty services, by special use permit, with certain conditions.

5. Watch, clock, and jewelry repair services.

6. Radio, television, phonograph, recorder, and small appliance repair services.

7. Registered family day care homes, licensed day care homes, group day care homes, child care centers, and preschools as defined by the Kansas Department of Health and Environment (KDHE), are permitted by special use permit. In addition, proper licensing by KDHE and/or the Osage County Health Department or other such agencies as may be required by law shall be required.

(See Article 10.4.A)

8. Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.

9. Tailoring, alterations, and seamstresses.

10. Tool sharpening and filing.

11. Bed and breakfast, by special use permit, with certain conditions.

C. Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include the following:

1. Antiques-retail.

2. Funeral services.

3. Groceries-retail.

4. Second-hand merchandise-retail.

5. Equipment rental.

6. Automobile and other motor vehicle repair services.

7. Physicians.

8. Dentists.

9. Chiropractors.

10. Air conditional repair or installation.

 11. Swimming Pools:

* 1. Shall be located at least ten feet from the nearest property line

 and shall be placed in back yard.

B. All pools at least 160 cubic square feet shall be screened by a solid or semi-solid wall or fence at least six feet high, and no closer than four feet from any edge of the pool, and having a density of not less than 80 percent per square foot, where the property on which the pool is located abuts a residential district. (See Article 6.9.h)