

Ordinance Summary published in the Miami County Republic on April 18, 2018 and the full text of the Ordinance made available at www.cityofpaola.com for a minimum of 1 week from the date of publication.

Ordinance No. 3124 Summary

On April 10, 2018, the City of Paola, Kansas, adopted Ordinance No. 3124, amending Section 03.210 Accessory Uses, Residential of Article 03, Use Regulations of the Paola Land Development Ordinance to amend regulations pertaining to the construction of accessory structures in residential areas. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street or at www.cityofpaola.com. This summary is certified by Lee H. Tetwiler, Paola City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NUMBER 3124

AN ORDINANCE AMENDING SECTION 03.210 ACCESSORY USES, RESIDENTIAL OF ARTICLE 03, USE REGULATIONS, OF THE LAND DEVELOPMENT ORDINANCE FOR THE CITY OF PAOLA, KANSAS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS:

Section 1. That Section 03.210 Accessory Uses, Residential of Article 03, Use Regulations of the Paola Land Development Ordinance is amended as shown in “Attachment A”.

Section 2. That all ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. That this ordinance shall become effective after its passage, approval and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

PASSED AND APPROVED by the Governing Body this 10th day of April, 2018.

APPROVED by the Mayor this 10th day of April, 2018.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk

Attachment A to Ordinance No 3124
Adopted April 10, 2018

SECTION 03.210 ACCESSORY USES, RESIDENTIAL

Residential uses may have accessory buildings provided they conform to the following standards.

- A. **General.** Unless specified in Subsections B. and C., all accessory structures shall meet the following:
1. Not more than two (2) detached accessory structures shall be permitted for each principal residence. There may be one detached garage or carport and one detached accessory building used for storage.
 2. No accessory structure shall be constructed or placed on lots in residential zoned districts upon which no principle dwelling is located.
 3. Freestanding accessory structures shall not be permitted in front of the principal structure or within the front yard in any residential zoning district.
 4. Freestanding structures shall not be located in side yards.
 5. Freestanding structures may be located in the rear yard provided:
 - a. A single-family lot less than ten thousand (10,000) square feet shall have a setback from the rear and side property lines of at least five (5) feet. For lot line and village house types, the Planning Commission may waive the side yard setback. (Ordinance 2734, 1/11/00)
 - b. A single-family lot between ten thousand (10,000) square feet and one (1) acre shall have a setback from the rear and side property lines of at least ten (10) feet. (Ordinance 2734, 1/11/00)
 - c. A single-family lot one (1) acre or more shall have a setback from the rear and side property lines of at least twenty-five (25) feet. (Ordinance 2734, 1/11/00) The Zoning Administrator may approve unique setbacks to blend with existing nearby structures but shall not reduce the setbacks to less than ten (10) feet. (Ordinance 2884, 7/26/05)
 - d. For attached units, freestanding accessory structures shall be permitted only as provided in 6. below. Walled units, patio houses, and atrium houses shall contain all accessory structures within their walls.
 6. For multi-family or attached housing, where freestanding structures must be accessible from private roads and fire lanes, their location shall be approved in the site plan review process to ensure essential access is safe and the structures do not create a nuisance to adjoining properties.

B. Detached Garages, Carports and Storage/Utility Sheds.

1. Setbacks and size

- a. No accessory structure shall have a minimum setback of less than five (5) feet from any property line, provided that detached garages with vehicle access facing an alley shall maintain a minimum rear setback of fifteen (15) feet. All accessory structures exceeding 120 sq.ft. shall be no closer than ten (10) feet to the principle residence.
- b. The aggregate size of all permitted detached accessory structures of lot size greater than one (1) acre shall not exceed the ground floor area of the primary structure.
- c. The aggregate size of all permitted detached accessory structures on lots one (1) acre or smaller shall not exceed 360 sq.ft. of floor area for every 3,000 sq.ft. of lot size, to a maximum size of a single structure not exceeding 900 sq.ft. or that of the ground floor area of the principle residential structure. There is no pro rata for fractions of 3,000 square feet. The principal residence shall include only that portion of the main floor of the residence used for actual dwelling area, and does include an attached garage, shop or other work area not used principally as the actual dwelling area.
- d. No single accessory building in a zoning district where residences are a permitted use 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. In the case of a corner lot no accessory building shall project closer to the street side yard than the front yard abutting. In a corner lot all accessory structures must comply with the street setbacks on the street side yard.

2. Building Standards.

- a. All accessory structures shall be constructed as required by the 2006 International Building Code.
- b. All accessory structures in any zoning district shall not be constructed of scrap material and will comply with architectural requirements described in this section.
- c. Any detached accessory structure in any residential zoning district constructed on a trenched footing must have perpendicular walls, sidewall heights shall not exceed ten (10) feet, a roof with a minimum pitch of three (3) feet vertical inches for each twelve (12) horizontal inches, and siding materials and colors consistent with similar

buildings in the residential area except as provided for in paragraph e. of this section.

- d. The lower one-third of the front of any accessory structure in excess of 120 sq. ft., as well as any side facing a street or alleyway shall be faced with an architectural element complementary to the main dwelling as approved by the city zoning official. For sides facing adjoining lots, the lower one-third shall be masonry or other architectural element as used on the front elevation or shall have screening of three (3) foot high shrubs at three (3) foot on center. The remaining metal panel or siding color(s) are to be similar in tone and complementary to those used on the main dwelling and of architectural quality and profile as to compliment the materials used on the main dwelling, as approved by the city zoning official.
 - e. Prohibited are high-gloss exterior finishes, including silver or any other highly –reflective materials. These provisions are not applicable to fabricated storage buildings less than 120 sq.ft. in size and detached car ports, except that silver and highly – reflective finishes are prohibited.
 - f. Construction, projections, openings, and penetrations of the exterior walls of the accessory building shall be of one-hour fire resistive construction were located within ten (10) feet of a property line or between any other buildings located on the same lot (Paola City Code Section 500.200.3.C). This provision is not applicable to fabricated storage buildings less than 120 sq.ft. in size and detached carports.
 - g. Accessory structures greater than 120 sq.ft. constructed in residential zones may incorporate vertical ribbed metal panel siding only if the main dwelling unit was constructed prior to 1997. In such instances where vertical ribbed metal panel siding is allowed all other provisions of this section shall apply.
3. **Adoption.** Adoption of Ordinance No.3124. No accessory structure constructed prior to the adoption of Ordinance No. 3124 shall be enlarged, modified, or remodeled in any way as to not be in conformance with the standards set forth in this section.

C. **Fences.** Fences, except for walls on patio and atrium units (Table 08.141) may be permitted to enclose rear yards subject to the following.

1. **General.** All fences shall be constructed of materials expressly designed for fences. No hog-wire fences or fences made of discarded material shall be permitted. Fences in the front yard shall not exceed four (4) feet in height and shall be constructed of decorative materials (i.e. picket, wrought iron, split rail, etc.). Chain link is not considered decorative material. No fence shall exceed six (6) feet in height.
2. **Developments platted after November 18, 1997.** Fences along streets (front, rear, or side yards - see Figure 03.210) shall be permitted only if specified in

the landscaping plan and final plat. The fence design along street frontages shall ensure uniform appearance.

3. **Chain link fences.** No chain link fence shall exceed four (4) feet in height. Chain link fences are prohibited in the front yard. For street yards on corner lots, chain link fence setbacks are as shown in Figure 03.210 D.1. Chain link fences with inserts for opacity are prohibited.
- D. **Satellite Dish or Antenna.** Satellite dishes or antennas over three (3) feet in diameter shall be mounted on the ground in the rear yard. These dishes shall be screened from view with an evergreen hedge or shrubs, and understory trees to their rear. The dish shall be located so that the screening protects neighboring homes. Evergreen trees shall be used to block other views from neighboring homes to the dish's front where plantings cannot be placed close to the dish. Figure 03.210 E. illustrates the type of planting required. Staff shall, upon submission of a site plan, approve the landscaping that meets this requirement.
- E. **Storage of Boats, Recreational Vehicles, or Trucks.** No boats, recreational vehicles (RVs), trailers with cars or other vehicles, or commercial trucks shall be stored in the driveway or in front of the house. Such vehicles shall only be permitted in rear yards provided they meet the setback requirements for a storage shed. No vehicle greater than thirty (30) feet shall be permitted on lots of less than two (2) acres. Boats or RVs of up to forty-five (45) feet shall be permitted on lots greater than two (2) acres.
- F. **Private Stables.** Stables are permitted on lots over three (3) acres, in equestrian subdivisions, and on lots of record existing as of this Ordinance's adoption date which legally had stables located on them. All stables shall conform to the following.
1. The stable shall be for the owner's private use only. No horses owned by others shall be permitted to be boarded. Such a use would become a commercial stable.
 2. Stables shall not exceed three thousand five hundred (3,500) square feet. Larger stables may be permitted as a Conditional Use of the property.
 3. Stables shall have a setback of one hundred (100) feet from property lines. No corral or riding area shall be permitted within twenty-five (25) feet of a property line, except that a trail may connect to an off-lot riding trail.