

SECTION 23

ADDITIONAL HEIGHT AND AREA REGULATIONS

23-010 ADDITIONAL HEIGHT AND AREA REGULATIONS

This district regulation hereinafter set forth in this article shall qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

- a. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet, and churches and temples may be erected to a height not exceeding ninety (90) feet, if the building, or the portion thereof exceeding the height limit, is set back from each property line one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built provided, however, that such exceptions shall not be permitted within three thousand (3,000) feet of any airport or landing field.
- b. Except as provided in Paragraph D of this article, single family dwellings and two family dwellings in the dwelling districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height; provided, however, that such additional heights shall not be permitted within two thousand (2,000) feet of an airport or landing field.
- c. Except as hereinafter provided, especially in Paragraph D of this article, chimneys, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, wireless towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height.
- d. No building or structure or any portion thereof shall be erected within the approach zone of any existing runway or landing strip in excess of a height above the elevation at the end of said runway, equal to one-fortieth (1/40) of the horizontal distance from the end of said runway, measured along the centerline of said runway extended. The approach zone is considered to be a trapezoidal area extending from the end of, and in the same direction as said runway for a distance of two (2) miles. Such area is, in the case of an instrument runway, one thousand (1,000) feet wide at the end of the runway for four thousand (4,000) feet wide two (2) miles from the end of the runway, and in the case of a non-instrument runway, five hundred (500) feet wide at the end of the runway and twenty-five hundred (2,500) feet wide two (2) miles from the end of the runway. Engineering calculations shall be verified by federal and state regulatory agencies.

Further, no building or structure or any portion thereof shall be erected in the transition zones on either side of an approach zone of any existing runway or landing strip in excess of a height above the elevation at the end of said runway, computed as

follows: one-fortieth (1/40) of the horizontal distance from the end of said runway measured along the centerline of said runway extended, plus one seventh (1/7) of the horizontal distance to the near edge of the approach zone, measured perpendicular to the centerline of said runway extended. For the purpose of computing glide angles for the zoning of approaches to any airport in Tonganoxie City, Kansas, in all cases where an airport is bounded by a public road the effective length of runways directed over any such public road shall be computed (using a slope of 40 feet horizontal to one foot vertical) to produce a height of fourteen (14) feet at the right-of-way line of such road nearest to the airport.

- e. Buildings on through lots and extending through from street to street may waive the requirements for a rear yard by furnishing an equivalent open space in lieu of such required rear yard.
- f. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens onto an alley, none of the alley width may be included as a portion of the rear or side yard as the case may be.
- g.
 - 1. Accessory buildings which are not a part of the main building may be built in a rear yard not closer than two (2) feet to the rear lot line. Total square footage of all accessory buildings which are not part of the main building shall not occupy more than thirty (30) percent of the required rear yard. A swimming pool is not considered an accessory building. *The rear yard shall be computed by multiplying the lot width times the rear setback.*
 - 2. Accessory buildings which are not a part of the main building may be built two (2) feet from the side lot line when located on the rear twenty-five (25) percent of the lot. Except for corner lots, in such cases where the side lot abuts a street right-of-way the accessory building must be setback not closer than thirty (30) feet to the side lot line. (Amended by Ordinance # 1184 5/9/05)
- h. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
- i. Every part of required yard not utilized by accessory buildings shall be open to the sky unobstructed, except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches. (Amended by Ordinance #1233, May 29, 2007)
- j. Open or lattice-enclosed fire escapes fireproof outside stairways, and balconies opening upon fire tower projecting into a rear yard not more than five (5) feet, and the ordinary projection of chimneys and flues are permitted.
- k. One directional name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use

regulations of this ordinance, provided such sign is of not more than 30 square feet in area, does not contain flashing, moving, or intermittent illumination and provided the requirements of other ordinances or regulations are complied with.

- l. For the purpose of side yard requirements, a two family dwelling shall be considered as one building occupying a single lot, except that 2 single family attached dwellings may be built along common lot lines, when located in a two family or multiple family district and when both lots are owned by one person, provided all other Area and Parking Regulations are adhered to, in accordance with "RMF-1" requirements.
- m. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, institutional, hotel or motel purposes, there may be more than one main building on the lot when such buildings are arranged around a court having direct street access; provided, however:
 1. That said court between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for one story buildings, 40 feet for two story buildings, and 50 feet for three story buildings, and in no case may such building be closer to each other than 15 feet.
 2. Where a court having direct access is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 30 feet for one story buildings, 40 feet for two story buildings, and 50 feet for three story buildings.
- n. Accessory, open and uncovered, swimming pools and home barbecue grills may occupy a required rear yard, provided they are not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line. All swimming pools must be fenced and secured
- o. An open unenclosed, paved porch or paved terrace, deck or /patio may project into a front or rear yard for a distance not exceeding sixteen (16) feet.
- p. Filling station pumps and pump islands may occupy the required yards; provided, however, that they shall not be less than twenty (20) feet from street right-of-way lines.
- q. Condominium ownership shall not constitute violation of the lot and yard requirements of this ordinance (Amended by Ordinance 1230, 5/29/07)

23-011 OPEN STORAGE

The storage of salvage or scrap materials, inoperable motor vehicles, household goods or furniture, or business equipment or supplies for more than nine (9) consecutive days shall not be allowed unless such items are stored in a completely enclosed building and are clearly secondary to the primary use of the property.