

(Summary of Ordinance Published in The Morning Sun on October 28<sup>th</sup>, 2016)

**ORDINANCE NO. G-1260**

**AN ORDINANCE**, amending Article 30 Supplementary Use Regulations, Conditional Uses, And Accessory Uses by amending section 30-109 of Zoning Ordinance Number G-663.

**WHEREAS**, the Planning and Zoning Commission of the City of Pittsburg, Kansas, has filed their report with the Board of Commissioners of the City of Pittsburg, Kansas, recommending amendment of Ordinance No. G-663.

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

**Section 1:** Section 30-109 of Zoning Ordinance No. G-663 is hereby amended and shall read as follows:

**30-109. Specialty Accessory Uses.**

The following uses, activities, or items shall be the accessory uses or restrictions allowable:

1. **Hotels, Motels, Motor Hotels:**

The following are accessory uses within a hotel, motel or motor hotel:

Restaurant  
Health clubs, spas and exercise rooms  
Clubs  
Drinking establishments  
Banquet rooms

Notion counters  
Newspaper and magazine counters  
Vending machines  
Arcades  
Beauty and barber shops  
Flower and gift shops  
Swimming pools

Provided all except swimming pools are within the main building and designed to serve the occupants and patrons of the hotel, motel or motor hotel.

2. **Hospitals:**

The following are accessory uses within a hospital:  
Residential quarter for staff and employees

Nursing and convalescent quarters  
Storage and utility buildings  
Food service and vending machines  
Laundry and dry cleaning pickup and delivery  
Flower and gift shops  
Other similar services for hospital personnel, visitors and patients

3. **Construction Sites:**

- a. Construction and hauling trailers may be used as a temporary construction office on the site of a construction project, provided such construction or hauling trailer is removed upon completion of the project.

4. **Recreational Vehicles and Trailers:**

- a. Recreational vehicles may be parked in a trailer park or a recreational vehicle campground. Recreational vehicles or equipment may also be stored within any "R-1A", "R-1B", "R-1C", "R-2", "RP-3", "RP-4", "CP-0" and "CP -1" District, provided; said recreational vehicle or recreational equipment, as defined in this Ordinance, may be stored within an enclosed structure (which structure otherwise conforms to the requirements of this Ordinance), or may be permanently parked upon the private property of the premise if said recreational vehicle or recreational equipment is not parked within 10 feet of any curb line or roadway and does not interfere or impede travel on any public sidewalk or thoroughfare.
- b. At no time shall a permanently or temporarily parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes, except; a recreational vehicle permanently parked in compliance with this Ordinance may be occupied for sleeping purposes only, for a period not to exceed fourteen (14) consecutive calendar days in any three (3) month period. The Zoning Administrator may authorize an extension of time for extenuating circumstances upon receipt of a written request.
- c. A recreational vehicle or recreational equipment may be connected only to the electrical utility system. All other utilities and life support systems must be disconnected when said vehicle is permanently parked. Such connection must be in accordance with the National Electrical Code, and said connection must be available for inspection during regular business hours by the Building Official or his designated agent.
- d. The parking of recreational vehicles or recreational equipment shall be

prohibited in the visibility triangle as defined in this Ordinance, nor shall they be parked or stored so as to hinder visibility of traffic.

- e. Recreational vehicles or recreational equipment shall not be parked on any public street or right-of-way for a period longer than 24 consecutive hours; except, however, light vans, light trucks, and light trucks having a slide-in camper not extending over the top of or wider than the truck cab, may park upon those streets where vehicle parking is otherwise permitted.
- f. The provisions of this Ordinance regarding recreational vehicles do not apply to those businesses displaying recreational vehicles or recreational equipment for sale or service when said business is located in the proper zoning district and licensed in accordance with City Codes.

**5. Fences or Walls:**

- a. Fences or walls may be constructed to a maximum height of eight (8) feet above the average grade subject to the restrictions of this Article. For all fences or walls greater than six (6) feet in height, where a new fence or wall is constructed or an existing fence or wall is being extended, a permit shall be obtained from the Code Enforcement Division. A fence permit shall also be required for the replacement or reconstruction of 50 percent (50%) or more of the linear feet of the entire existing fence. Any such replacement or reconstruction shall comply with all the provisions of this Article except setbacks. In determining the height of a fence, the material used in the fence posts shall not be considered.
- b. Fences or walls (including retaining walls) in any planned district shall be approved by the Planning Commission as part of the development plan prior to the issuance of any fence permit.
- c. Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained.
- d. All fences or walls constructed prior to the adoption of this Ordinance which does not meet the standards of this Article may be replaced and maintained resulting in a fence the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in this Article.

e. In all districts, the following restrictions and standards shall apply to all fences and walls:

(1) No fence shall be permitted in any easement of record.(Sec 2, Ord G-704, 2/12/93)

(2) Location.

(a) Front yard. A fence or wall not more than three (3) feet in height may project into or enclose any required front yard or side yard setbacks, except open wire fences which are ninety-five (95) percent open may be constructed to a height of four (4) feet.(Sec 2, Ord G-704, 2/12/93)

(b) Rear yard. A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. In the case of a double frontage lot whose rear yard abuts a collector or local street, a fence or wall may be constructed no closer than fifteen (15) feet to the rear property line.(Sec 2, Ord G-704, 2/12/93)

(c) Side yard. A fence or wall may be constructed on the side property line; provided, however, no fence on a corner lot over three (3) feet in height shall be closer than fifteen (15) feet to any collector or local street right -of-way, except open wire fences which are ninety-five (95) percent open may be constructed to a height of four (4) feet. (Sec 2, Ord G-704, 2/12/93)

(d) Corner lot. A fence or wall not more than three (3) feet in height may project into or enclose any required front or side yard setbacks along the street frontage of the lot, except open wire fences which are ninety-five (95) percent open may be constructed to a height of four (4) feet.(Sec 2, Ord G-704, 2/12/93)

(3) Design Standards.

(a) 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.

(b) All fence segments abutting a designated thoroughfare, except on corner lots, shall provide one (1) gate opening per lot to

allow access to the area between the fence and the edge of the street for maintenance and mowing.

- (c) All fences shall be constructed with materials that are decorative in nature. Generally acceptable fencing materials include, but are not limited to, the following:
1. Wrought iron
  2. Picket
  3. Split rail
  4. Chain link
  5. Masonry
  6. Wood
  7. Composite and/or Vinyl
  8. Other decorative materials approved by the Building Official.

Specifically prohibited are fences constructed with materials commonly defined as "chicken wire" or similar nature.

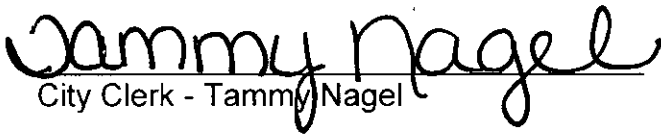
- f. Spiked and Barbed Wire Fences. No person shall place or permit to be placed on any fence or wall, any spikes or sharp pointed cresting, or any barbed wire, or other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith' EXCEPT that such fences will be allowed under the following circumstances:
- (1) Spiked or barbed wire placed not less than six (6) feet above grade and not within five (5) feet of a sidewalk, alley, or street right-of-way, when used as part of a security fence in other than a residential district; or
  - (2) Land used for agricultural purposes when not adjacent to property developed, used, or zoned for residential purposes.
- g. Electric Fences. No person shall erect a fence containing uninsulated electric conductors that may be exposed to human contact anywhere within the City.
- h. Swimming pools. Private swimming pools having a water depth of two (2) feet or more shall be separated from the remainder of the yard by a protective fence of other permanent structure at least four (4) feet in height. The protective enclosure shall be maintained by locked gates or entrances when the pool is not tended by a qualified and responsible person.

**Section 2:** This Ordinance shall take effect and be in force from and after its passage and publication in the official City paper.

ADOPTED AND APPROVED by the Governing Body on this 25<sup>th</sup> day of October,  
2016.

  
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Mayor - John Ketterman

ATTEST:

  
\_\_\_\_\_  
City Clerk - Tammy Nagel

(SEAL)

