

ARTICLE 24
BUILDING SETBACKS

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SECTION 24-1 GENERAL PROVISIONS

24-101. For purposes of determining the applicability of building setback lines established in these regulations, the following rules shall govern:

- a. Except as otherwise provided at b. and c., below, whenever any two or more provisions in these regulations establish building setback lines that are applicable to a given building or structure, the regulation establishing the more restrictive standard shall be the regulation which controls.
- b. Where a building setback line for a front, side or back yard is established on any plat approved and recorded in accordance with regulations in existence at the time of recording, which platted setback is more restrictive than the yard requirements established in these regulations, such platted setbacks shall control and building permits shall not be issued for any building or structure outside of such platted setback.
- c. Where a building setback line for a front, side or back yard is established on any plat approved and recorded in accordance with regulations in existence at the time of recording, which platted setback is less restrictive than the yard requirements established in these regulations, such platted setbacks shall control, and building permits may be issued for a building or structure which would be located in the yard under these regulations.

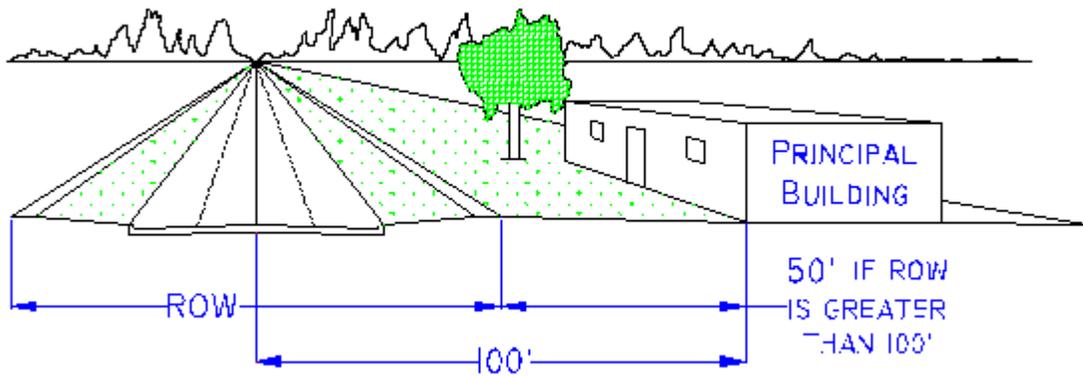
SECTION 24-2 ARTERIAL AND COLLECTOR STREETS

24-201. Building setback lines are hereby established for all arterial and collector streets in the planning area as shown on the major street map of the comprehensive

plan. The setback lines as established in this article shall be held to be the minimum for the purpose of promoting the public health, safety, order, convenience and economy in the process of development.

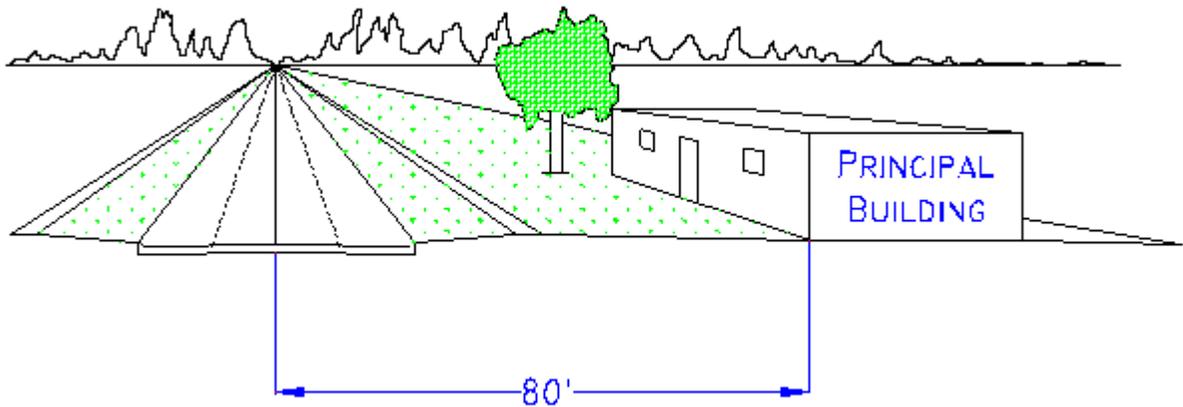
24-202. No lot which is adjacent to an arterial street having a right-of-way width of one hundred (100) feet or less shall have any building or structure altered, constructed, enlarged or erected closer than one hundred (100) feet from the center line of the arterial street right-of-way (See Figure 24-1 below). Where the right-of-way width is greater than one hundred (100) feet the building or structure shall set back fifty (50) feet from the adjoining street right-of-way line.

**FIGURE 24-1
BUILDING SETBACK LINE ON ARTERIAL STREETS**



24-203. No lot which is adjacent to a collector street shall have a building or structure altered, constructed, enlarged or erected closer than eighty (80) feet from the center line of the collector street right-of-way. (See Figure 24-2 below.)

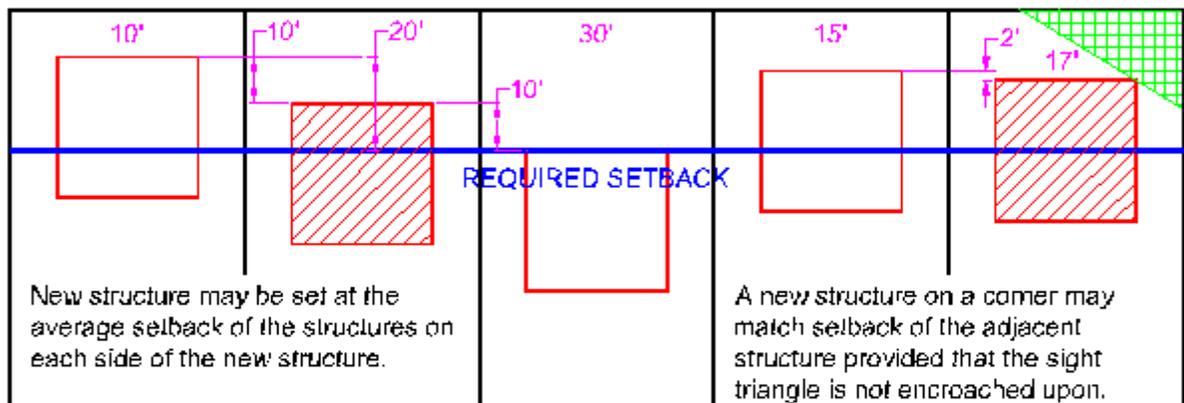
**FIGURE 24-2
BUILDING SETBACK LINE ON COLLECTOR STREETS**



SECTION 24-3 EXCEPTION

24-301. Structures may be located in accordance with the following diagram in any case where fifty (50) percent or more of the existing structures within the same block and fronting on the same street as the subject lot have less than the required setback under these regulations:

EXCEPTION WHEN 50% OR MORE OF STRUCTURES ARE LESS THAN REQUIRED SETBACK



In no case will a structure which qualifies for this exception be set closer to the front property line than 15' in a residential zone or closer than 10' in a commercial or industrial zone.

If more than 50% of the structures in a block meet the required setback, then the new structure must meet the normal setback or apply for a variance.

SECTION 24-4 SIGHT TRIANGLE

24-401. The area of a corner lot within a sight or vision triangle shall be free from any visual obstruction between a height of two and one-half (2-1/2) feet and eight (8) feet above the grade of the top of the curb of the adjoining street. Both sight and visibility triangle clearances may apply to a property on the stop condition of adjacent streets

a. The sight triangle area is measured from the centerline point of an uncontrolled intersection, 90' (ninety feet) in each direction along the centerline of intersecting streets. At the intersection with arterial or collector streets, the 90-foot distance shall be increased to 120' (one hundred and twenty feet) along the centerline of the arterial or collector street.

b. The vision triangle area is applicable to properties adjacent to a controlled intersection and is determined by the "Visibility Triangle for Driveways and Sideroads (Stop Condition)" table in the current KDOT Corridor Management Policy Manual. The table distances shall be applicable to all highways or streets without regard to street classification.

24-402. Driveways within the sight triangle shall comply with the location requirements of the "Basic Driveway Dimensions and Requirements" table in the current KDOT Corridor Management Policy Manual. The Zoning Administrator may approve exceptions to this table.

SECTION 24-5 GAS PUMPS AND CANOPIES

24-501. Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, may be located not less than twelve (12) feet from any property line if at least forty (40) feet from the center of any street.

24-502. Canopies covering gas or other fuel pumps may be located so that no part of the structure is less than ten (10) feet from the property line. Such structures shall meet all other setback requirements in these regulations.

SECTION 24-6 ORDER OF PRECEDENCE

ORDER OF PRECEDENCE FOR BUILDING SETBACKS

NORMAL	As required in the zoning district.
CORNER LOTS	Side yard setback is 1/2 of the front yard setback except if side street lots have platted front setback, then side yard setback shall be no less than 5' less than adjacent front yard setback.
STREET	As required for Arterial and Collector streets.

EXCEPTION	When 50% of the structures in a block exceed the normal setback.
PLATTED	As shown on the plat.
SIGHT TRIANGLE	When a structure encroaches on the sight triangle.

(1) Does not apply when other buildings used for determining exception are in a different zoning district.

(2) The exception setback does not take precedence over the normal setback if the normal setback allows a building to be closer to the street than the exception setback.