

Article 7

Accessory Buildings, Structures, and Fences

Section 7.100
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Accessory Buildings and Structures
Fences

7.100 Accessory Buildings and Structures

1. General Provisions.

- a) An accessory building or structure shall be incidental and subordinate to the normal operation of the principal structure, building, or use.
- b) All accessory buildings or structures shall be located on the same lot as the principal use, or on a lot owned by the same taxpayer adjacent to the principal use.
- c) All accessory buildings over 150 square feet, shall be placed on a permanent foundation, slab, or piers approved by the Zoning Administrator. Any building less than 150 square feet and any accessory building that is equipped with skids or any other devices designed to make the building portable, shall require proper anchoring to a recognized standard.

2. Location.

- a) Accessory buildings shall not be located within the front yard setback.
- b) An accessory building shall not be located closer than five (5) feet to any side or rear lot line.

3. Use Limitations.

- a) All accessory buildings, uses, and activities shall comply with the general use regulations of each zoning district.
- b) No accessory structure shall be constructed and occupied on any lot prior to the completion of the principal structure.

4. Height Limitations.

An accessory building or structure shall not exceed the height restrictions of the zoning district in which it is located except those structures listed in Article 5 Section 5.101.

7.101 Fences

1. General Provisions.

- a) Permit Required. A permit shall be obtained before installation of any fence, except for fences to be used for agricultural purposes. The Zoning Administrator shall review and approve, approve with conditions, or deny the permit.

- b) Easements. Fences that intrude on public utility easements may be installed but at the land owner's risk and responsibility. The public utility has the right to remove the fence if needed for repair and maintenance work. If time permits, the owner will be given an opportunity to remove the fence, otherwise it will be removed by the public utility with such due care as is possible given the circumstances and the land owner will have no recourse for compensation by the public utility. If the land owner reinstalls the fence after repairs are done, the cost is entirely the land owner's responsibility.
- c) All fences shall be constructed to allow for proper surface drainage.
- d) Barbed wire fences and electric fences are not allowed in all residential districts in St. Marys. Agricultural fences and livestock fences are not allowed in the front yards of all residential districts in St. Marys.
- e) A functional access gate shall be installed in a fence when a fence places a city-serviced utility meter or service connection within the fenced in area.

2. Location Details

- a) Setbacks: Fences may be placed within the property lines.
- b) Sidewalks: Fences may be placed up to the sidewalk when one is present. However, if this places the fence in a public right of way, the landowner assumes the same risks and responsibilities as if the fence were in an easement.
- c) Corner Lots: KDOT sight triangle requirements must be followed if they require a fence to be placed inside a lot line on a corner lot.

3. Height. The following height standards shall apply to fences in all zoning districts.

- a) Residential Districts. Fences shall not exceed 8 feet in the side and rear yards, and 5 feet in the front yard.
- b) All other districts: Fence heights in districts other than Residential shall not exceed 8 feet.
- c) The Board of Zoning Appeals may grant a variance in all fence heights.

Note: Reference UDC Chapter 1, Article 11.101.6 Special Regulations