

**ARTICLE 6**

**RESIDENTIAL ZONED DISTRICTS (R-1 : R-3)**

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**SECTION 6-1 INTENT**

**6-101.** It is the intent of the residential zoning districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with residential development.

**SECTION 6-2 RESIDENTIAL ZONING DISTRICTS**

**6-201.** The following three residential zoning districts are hereby created: R-1, Low Density Residential District; R-2, Medium Density Residential District; and R-3, High Density Residential District.

**SECTION 6-3 PERMITTED AND CONDITIONAL USES**

**6-301.** In the residential zoning districts the uses listed in Table 6-1 within the designated zoning districts are permitted uses or conditional uses as designated. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26. No building or land shall be used and no building or structure shall be hereafter erected, enlarged or altered, unless otherwise provided for in these zoning regulations, except as listed in Table 6-1.

**TABLE 6-1  
RESIDENTIAL ZONED DISTRICTS  
PERMITTED AND CONDITIONAL USES**

**P** = Indicates Permitted Uses

**C** = Indicates Conditional Uses

<b>USE</b>		<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
1.	Any public building or land use by any department of the City, county, state or federal government.	<b>C</b>	<b>C</b>	<b>C</b>
2.	Bed and breakfast inns.	<b>C</b>	<b>C</b>	<b>P(1)/C</b>
3.	Churches and similar places of worship.	<b>P</b>	<b>P</b>	<b>P</b>
4.	Convents.	<b>P</b>	<b>P</b>	<b>P</b>
5.	Day care facilities: adult day care homes, child care centers, day care homes, family day care homes, group day care homes and preschools.	<b>P(3)/C(2)</b>	<b>P(3)</b>	<b>P</b>
6.	Dormitories or residence halls for students of universities and theological institutions.		<b>C</b>	<b>P(8)/C</b>
7.	Dwellings: a. Single family b. Two- or three-families c. Four or more families	<b>P</b> <b>C(9)</b>	<b>P</b> <b>P</b> <b>C(9)</b>	<b>P</b> <b>P</b> <b>P</b>
8.	Golf courses.	<b>P(6)</b>	<b>P(6)</b>	<b>P(6)</b>
9.	Group boarding homes for adults.	<b>C(7)</b>	<b>C(7)</b>	<b>P(2)/C(6)</b>
10.	Group boarding homes for minors.	<b>C</b>	<b>P(5)/C(5)</b>	<b>P(2)/C(6)</b>
11.	Group homes.	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>
12.	Hospitals and related medical facilities including, but not limited to, medical, dental and health clinics.	<b>C(1)</b>	<b>C(1)</b>	<b>C(1)</b>
13.	Large group homes.		<b>C(3)</b>	<b>P(2)/C(4)</b>
14.	Lodging houses.			<b>P(1)/C</b>
15.	Nonprofit institutions of an educational, philanthropic or eleemosynary nature.			<b>P</b>
16.	Nursing homes, rest homes, convalescent homes, hospices and similar facilities.			<b>C</b>
17.	Rehabilitation houses.			<b>P(2)/C(4)</b>
18.	Safe houses.	<b>P(4)</b>	<b>P(4)</b>	<b>P/C(8)</b>
19.	Schools: a. Public and private elementary schools. b. Public and private secondary schools. c. Post-secondary educational institutions.	<b>C</b> <b>C</b> <b>C</b>	<b>C</b> <b>C</b> <b>C</b>	<b>P</b> <b>P</b> <b>P</b>
20.	Telephone exchanges, electric substations, pumping stations and similar public utilities.	<b>P(7)</b>	<b>P(7)</b>	<b>P(7)</b>

**TABLE 6-1  
Residential Zoned Districts**

**Permitted Uses Footnotes:**

- (1) When having nine (9) or fewer sleeping rooms.
- (2) When having twenty (20) or fewer residents, including staff.
- (3) When having twelve (12) or fewer children or twelve (12) or fewer adults for whom care is provided and is conducted in owner-occupied dwelling.
- (4) When having six (6) or fewer sleeping rooms.
- (5) When having eight (8) or fewer residents plus no more than two (2) staff.
- (6) Excluding miniature and pitch and putt courses and commercially operated golf driving ranges.
- (7) Subject to screening requirements as determined by the Zoning Administrator.
- (8) When having thirty (30) or fewer sleeping rooms.

**Conditional Uses Footnotes:**

- (1) Hospitals to be situated on a lot, plot or parcel of land five (5) acres or larger.
- (2) For facilities having thirteen (13) or more children or thirteen (13) or more adults for whom care is provided.
- (3) For group homes having more than ten (10) residents, including staff.
- (4) For facilities having more than twenty (20) residents, including staff.
- (5) When having more than ten (10) residents, including staff.
- (6) When having more than twenty (20) residents, including staff.
- (7) When having fewer than twenty (20) residents, including staff.
- (8) When having seven (7) or more sleeping rooms.
- (9) When eligible under the intensity standards of Section 6-5.
- (10) When having twelve (12) or more sleeping rooms.

**SECTION 6-4 HOME OCCUPATIONS**

**6-401.** Home occupation regulations for the residential districts are set out in Article 23.

**SECTION 6-5 INTENSITY OF USE**

**6-501.** Every dwelling structure erected, enlarged, relocated or reconstructed in the residential districts shall be upon lots or tracts containing the following minimum areas measured in square feet per dwelling unit.

**TABLE 6-2  
MINIMUM LOT AREAS, SQUARE FEET PER DWELLING UNIT**

Use		R-1	R-2	R-3
1.	Single-family dwelling	7,000	6,500	6,000
2.	Two-family dwelling	4,500	4,500	4,000
3.	Three-family dwelling	4,500	3,500	2,500
4.	Four or more family dwelling	NA	3,500	2,250

*Additional requirements:*

Maximum lot coverage by principal buildings shall not exceed fifty percent (50%). Where a lot has less area than required in Table 6-2 and was in existence as a separate legal lot prior to the effective date of these regulations, a zoning certificate may be issued for such lot.

**6-502. Density Requirements for R-1 and R-2 Conditional Use Permits.**

a. The following dwelling unit density standards must be met before any application for a conditional use permit under Table 6-1, item 7 Dwellings, may be considered by the Planning Commission.

1. R-1 District Conditional Uses. In the R-1 low-density residential district two- and three-family dwelling units are allowed as conditional uses. To be considered for such a conditional use permit the Zoning Administrator must make the following analysis and reach a finding that the subject property meets the requirements of this section:

- (a) All dwelling units on lots on the same block as the subject property and the one-half of the block facing the subject property shall be counted. Only those dwelling units on lots zoned for residential use shall be included in the count. Undeveloped lots zoned R-1 shall be counted as one (1) dwelling unit. Undeveloped lots zoned R-2 shall be counted as two (2) dwelling units.
- (b) The number of dwelling units from (a) above shall be divided into the total square footage of the lots included in the count in (a) above.
- (c) The resulting calculation of dwelling units/square footage cannot be less than the minimum lot area for single-family dwellings in R-1 in Table 6-2 (7,000 sq. ft.).
- (d) In addition to the above requirement, the subject property itself must meet the minimum lot area/dwelling unit as set forth in Table 6-2 (4,500 sq. ft. for both two-family and three-family dwelling units, per unit.
- (e) Upon the Zoning Administrator’s finding that density requirements would be met, the application for conditional use permit may then proceed in accordance with Article 26.

2. R-2 District Conditional Use. In the R-2 medium-density residential district four-plus family dwelling units are allowed as a conditional use. To be considered for such a conditional use permit the Zoning Administrator must make the following analysis and

reach a finding that the subject property meets the requirements of this section:

- (a) All dwelling units on lots on the same block as the subject property and the one-half block facing the subject property shall be counted. Only those dwelling units on lots zoned for residential use shall be included in the count. Undeveloped lots zoned R-1 shall be counted as one (1) dwelling unit. Undeveloped lots Zoned R-2 shall be counted as two (2) dwelling units.
  - (b) The number of dwelling units from (a) above shall be divided into the total square footage of the lots included in the count in (a) above.
  - (c) The resulting calculation of dwelling units/square footage cannot be less than the minimum lot area for a two-family dwelling in R-2 in Table 6-2 (4,500 sq. ft. per dwelling).
  - (d) In addition to the above requirement the subject property itself must meet the minimum lot area/dwelling unit as set forth in Table 6-2 (3,500 sq. ft. per dwelling unit for four or more family dwellings).
  - (e) Upon the Zoning Administrator's finding that density requirements would be met, the application for conditional use permit may then proceed in accordance with Article 26.
- b. The density standards set out in this section may be varied from not to exceed 10 percent (10%) of the applicable standard, if approved by action of the Planning Commission. The Board of Zoning Appeals shall have no authority to issue variances or exceptions from these standards. The Board of Zoning Appeals shall hear appeals from any determination by the Zoning Administrator as to any of the calculations of this section affecting eligibility for a conditional use permit, in the same manner as all other appeals are heard.

#### **6-503.**

- a. For the purpose of encouraging the construction of housing in the R-2 medium density zoning district that is designed for elderly and/or disabled residents, the density bonus set out in paragraph b. below is established.
- b. For residential developments in the R-2 medium density district, for property on which there is constructed one-, two- or three-family dwellings for each 1,000 square feet of property area, the developer shall be allowed to construct one additional unit above what would otherwise be allowed under these regulations, when such additional unit is designed for elderly and/or disabled residents, as determined by the Zoning Administrator.

## **SECTION 6-6 HEIGHT AND YARD REGULATIONS**

**6-601. Height Regulations.** No building or structure shall exceed three (3) stories or thirty-five (35) feet in height except in the R-3 district where a building or structure may:

- a. Be up to fifty (50) feet in height with the written approval of the Zoning Administrator subject to additional front, rear and side yard setbacks required at a rate of one (1) additional foot of yards for every two (2) feet of height above thirty-five (35) feet; or

- b. Be higher than fifty (50) feet upon approval of the Board of Zoning Appeals and with additional front, rear and side yard setbacks as required in (a) above for all height above thirty-five (35) feet.

**6-602. Yard Regulations.** Front, side and rear yards shall conform with Table 6-3.

**TABLE 6-3  
MINIMUM YARD REGULATIONS**

District	Front (1),(5) (feet)	Lot Width (2) (feet)	Side (3) (feet)	Rear (4) (feet)
R-1	20	50	6	20
R-2	20	50	6	20
R-3	25	50	6	20

Footnotes:

- (1) Front yards on arterial or collector streets shall comply with Article 24.
- (2) Lot width as measured at the front setback line.
- (3) Where a lot is located at the intersection of two or more streets, there shall be a setback from the side street of the lot of one-half of the required front yard setback; except that when lots have been platted facing said side street, the setback from the side street shall be no less than five (5) feet less than the required front yard setback of the lots on the same street.
- (4) Or twenty (20) percent of the depth of the lot whichever is less.
- (5) In the R-1 and R-2 districts where a garage is the same distance from the street as is the residence, the garage is subject to the twenty (20) foot setback. Provided, however, where a garage is closer to the street than is the residence, the minimum front yard setback is twenty-five (25) feet.

**6-603. Yard Regulations in Certain Residential Blocks.**

- a. Notwithstanding any other regulations to the contrary, garages on double-frontage lots located in the blocks described in subsection b. of this section may be located to within ten (10) feet of a property line.
- b. In order to allow for the continuation of the existing orientation of houses and garages on the following blocks with double frontage lots, garages on such lots may be located in accordance with subsection a. of this section:
  - 1. 500-900 blocks of N. Main, East side of blocks only.
  - 2. 700-800 blocks of S. Main, East side of blocks only.
  - 3. 700-800 blocks of S. Locust, West side of blocks only.

**6-604.** Additional yard regulations are set out in Article 24.

**SECTION 6-7 ACCESSORY USES**

**6-701.** All accessory uses or structures shall be located in the side and/or rear yard only.

**6-702.** Regulations relating to accessory uses and structures in residential districts are set out in Article 24.

**SECTION 6-8 SIGN REGULATIONS**

**6-801.** Sign regulations for the residential districts are set out in Article 27.

**SECTION 6-9 PARKING REGULATIONS**

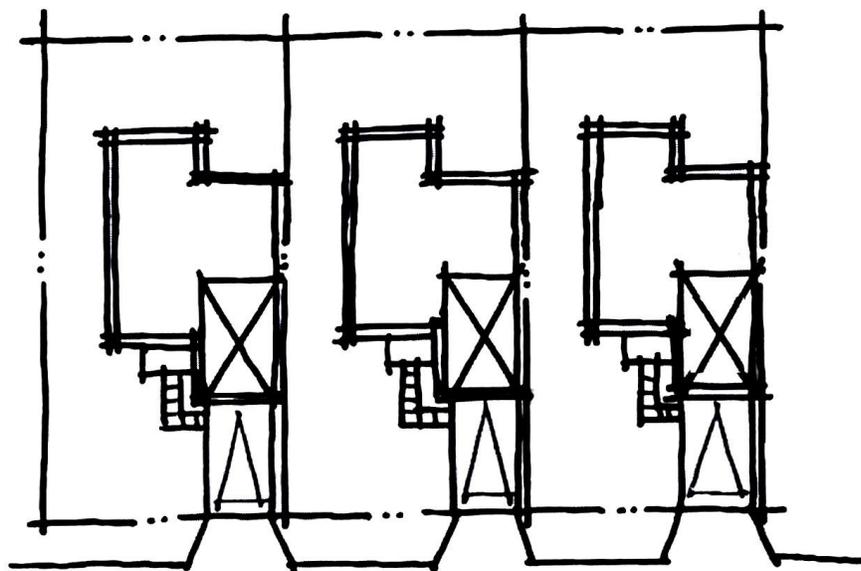
**6-901.** Parking regulations for the residential districts are set out in Article 22.

**SECTION 6-10 SUPPLEMENTAL REGULATIONS**

**6-1001.** Additional supplemental regulations for the residential districts are set out in Article 24.

**6-1002.** Screening of Property in the R-3 District. Except where otherwise provided in this section, when R-3 zoned property abuts property in the R-1 District plantings may be used for screening subject to the approval of the Zoning Administrator as to type, size and number of plants. A solid or semi-solid fence or wall up to six (6) feet in height and having a visual density of not less than ninety percent (90%) per square foot shall be erected upon the property zoned R-3, within three feet of the property line(s) abutting the property zoned R-1. All required screening shall be maintained by the owner of the property zoned R-3. The requirements of this section are not required of a property within the R-3 District which has as its only use single-family residences.

**6-1003. Zero Lot Line.**



- a. Zero lot line concept is where a one or two (2) family dwelling has one exterior wall on or within one (1) foot of a side property line and the remaining side yard is double the normal side yard required by district regulations. Zero lot line developments may be built under the following conditions:

1. When submitted as part of a new subdivision plat or an amendment to an existing subdivision and each lot to be developed using the zero lot line concept is so designated showing which lot line is the zero lot line.
  2. On an existing lot in a partially developed subdivision when submitted to and approved by the Board of Zoning Appeals as a variance under Article 25 of these regulations.
- b. On any lot approved for the zero lot line concept by platting, re-platting or approval of the Board of Zoning Appeals, the following stipulations shall apply:
1. A maintenance easement of at least four (4) feet in width shall be provided and recorded on the property adjoining the designated zero lot line.
  2. There shall be no door or window openings on the side of the house which is built on the zero lot line.
  3. No portion of a roof, gutter or other part of the structure shall project past the zero lot line and all roof drainage will be installed so as to keep all run-off water off of the adjoining property.
  4. If an owner or builder does not build on a designated zero lot line, the double side yard must still be observed.

**6-1004.** Attached single-family, townhouses and condominiums. Attached single-family dwellings, townhouses and condominiums may be built by applying for and building as a planned unit development pursuant to Article 18 of these regulations or upon existing tracts by meeting the following requirements:

- a. Definitions.
1. Attached single-family dwellings. A series of no more than four (4) single-family dwelling structures which are joined at one or more sides by a common wall and where the units are completely independent of each other, including the parcel of land upon which each unit is built.
  2. Townhouses. A series of three (3) or more single-family residential dwelling structures joined together at one or more sides by a common wall and where the units are independent of each other, including the immediate parcel of land upon which each unit is built, and where portions of the land are held in common ownership with other units in the project.
  3. Condominiums. Multi-unit structures with each unit under separate ownership and each owner owning only air space occupied by his or her unit. All owners jointly own all common areas and land.
- b. Conditions.
1. Attached single-family dwellings, as defined in this section, may be erected within the R-2 and R-3 districts subject to applicable district regulations and the following conditions:
    - (a) No individual unit shall have less than twenty-two (22) feet frontage upon

- a public street.
- (b) No individual unit shall contain less than one thousand two hundred (1,200) square feet.
  - (c) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
  - (d) Each unit shall be separated from other units at common party walls which are of two (2) hour fire resistive construction, or comply with requirements of the City-adopted fire code or building code, whichever standard is greater.
  - (e) Party wall agreements in the form of restrictive covenants which run with the land to define ownership, use and responsibility for maintenance and use of such party wall must be provided.
  - (f) Parking shall be as required for single-family residences in Article 22.
  - (g) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branch off to each individual unit. Other utilities serving the structure from the front or street side shall be from a private easement arrangement as required for the rear of side-yard utilities.
2. Townhouses may be erected within the R-2 and R-3 Districts subject to the applicable district regulations and the following conditions:
- (a) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
  - (b) Each unit shall be separated from other units at common party walls which are of two (2) hour fire resistive construction, or comply with requirements of the City-adopted fire code or building code, whichever standard is greater.
  - (c) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines.

Water services from the street side may be run in a common line from the main to the property line and then branched off to each individual unit. Other utilities serving the structure from the front or street side shall be

- from a private easement arrangement as required for the rear of side-yard utilities.
- (d) All common open space shall be jointly owned by the owners of the individual structures and agreements setting forth the responsibilities of external maintenance of common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Franklin County Register of Deeds. Such agreements shall be in accordance with K.S.A. 58-3101 et seq.
  - (e) Parking shall be as required for multiple-family residences in Article 22.
3. Condominiums may be erected within the R-2 and R-3 District subject to the applicable district regulations and the following conditions:
- (a) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
  - (b) Each unit shall be separated from each other as required for multiple - family unit provisions of the building code or fire code.
  - (c) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branched off to each unit. Other utilities serving the structure from the front or street shall be from a private easement arrangement as required for the rear of side-yard utilities.
  - (d) All common open space shall be jointly owned by the owners of the individual units and agreements setting forth the responsibilities of both external and internal common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Franklin County Register of Deeds. Such agreements shall be in accordance with K.S.A. 58-3101 et seq. and shall further provide assurances satisfactory to the City as to the means whereby open space and other external areas and facilities will be properly maintained in the event owners' agreement is not complied with.
  - (e) Parking shall be as required for multiple-family residences in Article 22.

## **SECTION 6-11 REMOVAL AND RELOCATION OF MANUFACTURED HOMES**

**6-1101.** The removal and relocation of manufactured homes, other than residential-design manufactured homes, shall be governed by the provisions of Article 21 of these regulations.