

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; R-3, High Density Residential District;

SECTION 6-3 PERMITTED USES

6-301. In the residential zoning districts the uses listed in Table 6-1 within the designated zoning districts are permitted as designated. 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

✓ = Permitted

Use		R-1	R-2	R-3
1.	Single-family dwellings	✓	✓	✓
2.	Two-family dwellings		✓	✓
3.	Three or more family dwellings			✓
4.	Bed & breakfast inns			✓(1)
5.	Lodging houses			✓ (1)
6.	Group homes	✓	✓	✓
7.	Large group homes			✓(2)
8.	Day care facilities: adult day care homes and centers, child care centers, day care homes, family day care homes, group day care homes and preschools	✓(3)	✓(3)	✓
9.	Safe houses	✓(4)	✓(4)	✓
10.	Group boarding homes for minors	✓(5)	✓(5)	✓(6)
11.	Group boarding homes for adults			✓(6)
12.	Rehabilitation houses			✓(6)
13.	Golf courses(7)	✓	✓	✓

- (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 for which care is provided.
- (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) When having twenty (20) or fewer total residents and staff.
- (7) Excluding miniature and pitch and putt courses and commercially operated golf driving ranges.

SECTION 6-4 CONDITIONAL USES

6-401. In the residential districts the uses listed in Table 6-2 are allowed upon the issuance of a Conditional Use Permit in accordance with the provisions of Article 26.

Table 6-2

✓ = Permitted with a Conditional Use Permit

Use		R-1	R-2	R-3
1.	Lodging houses			✓
2.	Animal shelters, Animal foster home, Animal rescue home	✓ (9)	✓ (9)	✓ (9)
3.	Barber-beauty shops			✓(1)
4.	Bed and breakfast inns	✓	✓	✓
5.	Cemeteries and crematories	✓	✓	✓
6.	Day care facilities: adult day care homes and centers, child care centers, day care homes, family day care homes, group day care homes and preschools	✓(2)	✓(2)	
7.	Large group homes	✓(3)	✓(3)	✓ (4)
8.	Rehabilitation houses			✓ (4)
9.	Group boarding homes for minors	✓ (5)	✓ (5)	✓ (6)
10.	Group boarding homes for adults	✓ (7)	✓ (7)	✓ (6)
11.	Safe houses	✓ (8)	✓ (8)	
12.	Public and private schools, elementary and secondary	✓	✓	✓
13.	Public parks and public recreation areas	✓	✓	✓
14.	Fraternal organizations, lodges			✓
15.	Nursing homes, rest homes, convalescent homes and similar facilities			✓
16.	Telephone exchanges, electric substations and similar public utilities	✓	✓	✓
17.	Churches and similar places of worship	✓	✓	✓
18.	Any public building or land use by any department of the City, County, State or Federal government.	✓	✓	✓
19.	Fraternity and sorority housing			✓
20.	Student activity centers			✓

- (1) When located within a dwelling unit and operated by a resident of said dwelling unit and further providing that the use does not exceed twenty-five (25) percent of the floor area of the floor on which it is located.
- (2) For facilities having thirteen (13) or more children 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) The facility be located in a single family dwelling and permitted accessory structures and be contingent upon licensure by the State of Kansas under the Kansas Pet Animal Act.

SECTION 6-5 HOME OCCUPATIONS

6-501. Home occupation regulations for the residential districts are set out in Section 20-10.

SECTION 6-6 INTENSITY OF USE

6-601. 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 6-3

Use		R-1	R-2	R-3
1.	Single-family dwelling	9,000	9,000	9,000
2.	Two-family dwelling	NA	4,500	4,500
3.	Three and four family dwelling	NA	NA	3,000
4.	Five or more family dwelling	NA	NA	2,000

Additional requirements:

- (1) Maximum lot coverage by principal buildings not to exceed forty (40) percent.
- (2) County Sanitation code requires that tracts without public utilities be a minimum of ½ acre. Tracts without an approved public sewer treatment system require approval from the County Health Department.
- (3) Where lot has less area than required in Table 6-3 and was in existence as a separate lot prior to August 1, 1999, a zoning certificate may be issued for such lot in accordance with Section 21-2.

SECTION 6-7 HEIGHT AND YARD REGULATIONS

6-701. 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 approval of the Zoning Administrator and with additional front, rear and side yard setbacks 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.

6-702. Yard Regulations: Minimum front, side and rear yards shall conform with the following table.

Table 6-4

District	Front (1) (feet)	Side (2) (feet)	Rear (3) (feet)
R-1	30	5	30
R-2	25	5	25
R-3 (4)	25	5	25

- (1) Front yards on arterial or collector streets shall comply with Article 24.
- (2) 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 platted on the same street.
- (3) Or twenty (20) percent of the depth of the lot whichever is less.
- (4) See Section 8-402 for yard requirements in the HO-O, Housing Opportunity Overlay District.
- (5) See Section 7-602 for yard requirements in the EH-O, Elderly Housing Overlay District.

6-703. Additional yard regulations are set out in Section 20-2.

SECTION 6-8 ACCESSORY USES

6-801. All accessory uses or structures shall be in the side or rear yard only.

6-802. Regulations relating to accessory uses and structures in residential districts are set out in

Article 20, at Section 20-11.

SECTION 6-9 SIGN REGULATIONS

6-901. Sign regulations for the residential districts are set out in Article 27.

SECTION 6-10 PARKING REGULATIONS

6-1001. Parking regulations for the residential districts are set out in Article 22.

SECTION 6-11 SUPPLEMENTAL REGULATIONS

6-1101. Additional Supplemental regulations for the residential districts are set out in Article 20.

6-1102. Screening of Property in the R-3 District. When property abuts property in the R-1 District, a solid or semi-solid fence or wall from six (6) to eight (8) feet in height and having a visual density of not less than eighty percent (80%) 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. Plantings may be used for screening subject to the approval of the Zoning Administrator as to type, size and number of plants. All required screening shall be maintained by the owner of the property zoned R-3.

6-1103. 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 Emporia-Lyon County Joint Board of Zoning Appeals as a variance under Article 20 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.

6-1104. Attached single-family, townhouses and condominiums. Attached single-family dwellings, townhouses and condominiums may be built by applying for and building as planned unit development as per Article 24 of these regulations or upon existing tracts by meeting the following stipulations:

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. *Townhouse.* 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. *Condominium.* Multi-unit structures with each unit under separate ownership and each owner owning only air space occupied by his unit. All owners jointly own all common areas and land.

b. Conditions:

1. Attached single-family dwellings, as defined, may be erected within the R-2 and R-3 districts subject to 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 ownership shall contain less than two thousand two hundred (2,200) 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 party walls which are of

two (2) hour fire resistive construction.

- (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 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.
 - (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 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-3 District subject to the district regulations and the following conditions:
 4. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - (a) Each unit shall be separated from each other as required for a multiple - family unit provisions of the building code.
 - (b) 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.
 - (c) 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 register of deeds. Such agreements shall be in accordance with K.S.A. 58-3101 et seq.
 - (d) Parking shall be as required for multiple-family residences in Article 22.