

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 = Conditional Uses

USE		R-1	R-2	R-3
1.	Any public building or land use by any department of the City, county, state or federal government.	C	C	C
2.	Bed and breakfast inns.			P (1) / C
3.	Churches and similar places of worship	C	P	P
4.	Community recreation building owned and operated by a public agency.		P	P
5.	Day care facilities: adult day care homes, childcare centers, day care homes, family day care homes, group day care homes and preschools.	P (3)	P (3)	P (3) / C (1)
6.	Dormitories for students of colleges and theological institutions.	C (3)	C (3)	C (3)
7.	Dwellings:	P	P	P
	a. Single family (including Modular home and Residential design manufactured home).		P	P
	b. Two family.	C	C	P
	c. Three or more families.			P
8.	Fraternal organizations, lodges.	C	C	C
9.	Golf courses.	P (5)	P (5)	P (5)
10.	Group boarding homes for minors.			P (2) / C (4)
11.	Group homes.	P (4)	P (4)	P (4)
12.	Hospitals and related medical facilities including, but not limited to, medical, dental and health clinics.	C	C	C
13.	Large group homes.		C (3)	P (2) / C (4)
14.	Lodging houses.		C	P (1) / C
15.	Nonprofit institutions of an educational, philanthropic or eleemosynary nature.			C
16.	Nursing homes, rest homes, convalescent homes and similar facilities.		C	C
17.	Rehabilitation houses.		C	C (5)
18.	Safe houses.	P	P	P
19.	Schools:			
	a. Public and private elementary schools	P	P	P
	b. Public and private secondary schools	C	P	P
	c. Post-secondary educational institutions	C	C	P
<u>20.</u>	<u>Short term rentals (including Aribnb, VRBO, HomeAway, etc.).</u>		<u>C</u>	<u>P</u>
20.	Telephone exchanges, electric substations and similar			

Commented [JW1]: Its not all that helpful to have this added. It was originally added for clarification but looking at definitions and other sections of the regulations and we find that it is unnecessary.

Commented [JW2]: Added new use to accommodate short terms rentals as noted in Section 8-5 of the Comprehensive Plan. This provides greater control on where these can be placed. Conditions in R-2 may be on the length of stay, number of guests, owner occupied requirement, etc. Could make it Conditional in R-1 as well but then those conditions should really be included in the regulations.

21.	public utilities.			C
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**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.
- (4) When having eight (8) or fewer residents plus no more than two (2) staff.
- (5) Excluding miniature golf and pitch and putt courses and commercially operated golf driving ranges.

Conditional Uses Footnotes:

- (1) For facilities having thirteen (13) or more children or thirteen (13) or more adults for whom care is provided.
- (2) For facilities having more than ten (10) residents, including staff.
- (3) When having more than ten (10) residents, including staff.
- (4) When having more than twenty (20) residents, including staff.
- (5) If property contains at least 500 sq. ft. of ground lot area per occupant.

SECTION 6-4 HOME OCCUPATIONS

6-401. Home occupation regulations for the residential districts are set out in Article 20, Section 12.

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, PER DWELLING UNIT**

	Use	R-1	R-2	R-3
1.	Single-family dwelling	6,000	5,600	5,600
2.	Two-family dwelling	4,000	3,000	3,000
3.	Three and four family dwelling	NA	2,000	2,000
4.	Five or more family dwelling	NA	2,000	1,500

Additional requirements:

Maximum lot coverage by principal buildings shall not exceed fifty percent (50%). The combined floor area of all accessory buildings constructed in accordance with these regulations shall not exceed twenty-five percent (25%). **Tiny Houses meeting the requirements of Section 20-11, shall not be required to meet these minimums.** ~~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, the provisions in Article 21 for nonconforming lots will govern.~~

Commented [JW3]: Added to note that this situations the developer should refer to Section 20-11.

Commented [JW4]: This language is confusing. Regardless of status of the lot a new structure will not be allowed on a lot that is below the minimum lot size in this table except tiny houses above. Article 21 should always be the source of information in these cases as well.

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) (feet)	Side (2) (feet)	Rear (3) (feet)
R-1	25	20	30
R-2	25	10	20
R-3	15	10	20

Footnotes:

- (1) Front yards on arterial or collector streets shall comply with Article 20.
- (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.

6-603. Additional yard regulations are set out in Article 20.

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 20.

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 20.

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, 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 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. 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. 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, 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 16 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 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 district regulations and the following conditions:
 - (a) No individual unit shall have less than twenty-two (22) feet frontage upon a public street.
 - (b) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.

- (c) 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, whichever standard is greater.
 - (d) 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.
 - (e) Parking shall be as required for single-family residences in Article 22.
 - (f) 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 utility easement ten (10) feet wide and extending from the utility easements to within ten (10) feet of the building. An additional ten (10) foot wide 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 metered unit. Other utilities serving the structure from the front or street side shall be from an 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, 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 utility easement ten (10) feet wide and extending from the utility easements to within ten (10) feet of the building. An additional ten (10) foot wide 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 metered unit. Other utilities serving the structure from the front or street side shall be from an 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 Cowley 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-3 District 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 each other as required for multiple family unit provisions of the building 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 utility easement ten (10) feet wide and extending from the

utility easements to within ten (10) feet of the building. An additional ten (10) foot wide 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 metered unit. Other utilities serving the structure from the front or street shall be from an 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 Cowley 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.

SECTION 6-11 REMOVAL AND RELOCATION OF MANUFACTURED HOMES

6-1101. The removal and relocation of nonconforming manufactured homes, other than residential-design manufactured homes, shall be governed by the provisions of Article 21, Section 5 of these regulations.