

Article 11

Residential Zoning Districts

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11.100 R-R, Rural Residential District

1. Purpose and Intent. This district is intended to provide residential subdivisions served by individual on-site wastewater disposal facilities, within the extra-territorial area. The intent is to allow platted subdivisions to promote a rural environment or lifestyle.
2. Uses Permitted. The following uses shall be permitted within the Rural Residential District.
 - a) Single family dwelling units (one unit per lot or tract) which may include a living suite for the care of family members.
 - b) Mobile homes and manufactured homes shall be located in a manufactured home park.
 - c) Residential-design manufactured homes, subject to the provisions of Article 15, Supplementary Use Regulations.
 - d) Place of worship and customary accessory residential use.
 - e) Child or adult day care homes for six (6) persons or less, subject to registration by the State of Kansas.
 - f) Congregate housing (limited to State pre-empted categories for disabled).
 - g) Public and private park and recreation facilities, including a golf course and ancillary uses such as club house, tennis courts, storage sheds and driving ranges.
 - h) Public utilities and facilities; governmental office(s) and storage facilities; public water and sewer service district facilities.
 - i) Club or lodge.
 - j) Bed and Breakfast enterprise, subject to the provisions of Article 15, Supplementary Use Regulations.
 - k) Commercial orchards, gardens, and nurseries with sale of produce or product grown on premises.
 - l) Home occupations, subject to the provisions of Article 15, Supplementary Use Regulations.
 - m) Limited stock animals such as horses, cows, sheep, swine, or goats for show, pleasure and care provided that the stock is maintained in good order and in such quantities as not to become a public or private nuisance.

- n) Poultry, rabbits, guinea pigs and other small animals. Commercial dog kennels are not permitted.
 - o) Sale of agricultural produce and crafts in roadside stands.
 - p) Accessory structures and uses, subject to the provisions of Article 7.
 - q) Uses, which in the opinion of the Zoning Administrator, are similar in nature to the above listed uses.
3. Conditional Uses. Aviation fields, cemeteries, communication towers and antennas, commercial kennels, riding academies and/or stables, and veterinary clinic and supplies may be permitted, subject to procedures listed in Section 4.102 and, when applicable, provisions in Article 15.
4. The following property development regulations shall apply to all sites in the R-R District.
- a) Minimum District size is 20 acres.
 - b) Minimum lot area:
 - i. Five (5) acres served by private water well and individual lagoon.
 - ii. Three (3) acres served by public water service and individual lateral fields.
 - c) Minimum lot width is 200 feet.
 - d) Minimum lot depth is 330 feet.
 - e) Minimum front yard setback is 80 feet.
 - f) Minimum side yard setback is 30 feet.
 - g) Minimum rear yard setback is 35 feet.
 - h) Maximum building height is 45 feet.
 - i) The Zoning Administrator may adjust setbacks for averaging with adjacent buildings.
 - j) A letter of zoning compliance is required. See section 3.103.2.
5. Sewage Disposal System Requirements
- a) All uses within the city limits shall be connected to the city's sewer system.
 - b) All uses in the extra territorial zone shall provide an individual sewage treatment and sewage disposal system that complies with the requirements of the "Code of Sanitation, Pottawatomie County".
6. Required Dedication of Right-of-Way
- a) The owners of tracts abutting an existing public road that contains less right-of-way than required shall, by plat or warranty deed, dedicate or convey the additional right-of-way necessary to comply with the minimum right-of-way standard for that road as set forth by city or county regulations.
 - b) For developments within the city limits, building permits shall not be issued until the city accepts the dedications or conveyances required by this section.

- c) For developments in the extra territorial zone, a Certificate of Zoning Compliance will not be issued until the county accepts the dedications or conveyances required by this section.
7. Legally Established Property Development Regulations. For “lots-of-record” established prior to adoption of this ordinance, the Zoning Administrator shall issue building permits to new uses and structures within the city determined to be consistent with the original building, yard, setback and lot size requirements. For lots of record established in the extraterritorial zone prior to the adoption of this ordinance, the Zoning Administrator shall issue a Certificate of Zoning Compliance to new uses and structures determined to be consistent with the original building, yard, setback, and lot size requirements.

11.101 R-1, Single Family Residential District

- 1. Purpose and Intent. The intent of this district is to encourage single-family, detached residential dwellings together with school sites, churches, civic buildings, and parks necessary to create stable neighborhoods.
- 2. Uses Permitted. The following uses shall be permitted within the R-1, Residential District.
 - a) Single-family dwellings (excluding mobile homes), which may include a living suite in or attached to the principal structure used for the care of family members.
 - b) Public and private schools.
 - c) Places of worship and customary accessory residential uses.
 - d) Child or adult day care homes for six (6) persons or less, subject to registration by the State of Kansas.
 - e) Home occupations, subject to the provisions of Article 15, Supplementary Use Regulations.
 - f) Congregate housing (limited to State pre-empted categories for disabled).
 - g) Hospitals, Adult Care Homes, medical offices, libraries, community centers, historical societies, and museums.
 - h) Public and private park and recreation facilities, including golf courses and ancillary uses such as club houses, tennis courts, storage sheds, and driving ranges.
 - i) Public utilities and facilities and governmental offices, including facilities for public water and sewer districts.
 - j) Temporary buildings for uses incidental to construction work, subject to the provisions of Article 7, provided the buildings are immediately adjacent to the construction work.
 - k) Accessory structures and uses subject to the provisions of Article 7.
 - l) Uses, which in the opinion of the Zoning Administrator are similar in nature to the above listed uses.
 - m) There shall be only one dwelling unit per lot.

3. Conditional Uses. Cemeteries funeral homes, bed and breakfast enterprises, clubs and lodges, communication towers and antennas 60 feet or more in height, and boarding houses may be permitted, subject to procedures listed in Section 4.102 and, when applicable, provisions in Article 15.
4. R-1 Setback regulations and exemptions, and lot size minimums.
 - a) Minimum front yard setback is 20 feet.
 - i. For lots of record which are 7,500 square feet in area (50' x 150'), the minimum front yard setback is 15 feet.
 - b) Minimum side yard setback is 8 feet.
 - i. For corner lots, if KDOT site triangle regulations require a greater setback, then KDOT regulations must be followed.
 - c) Minimum rear yard setback is 25 feet for principal structures.
 - d) Minimum lot depth is 100 feet.
 - e) Minimum lot width is 70 feet.
 - f) Maximum building height is 45 feet.
 - g) The Zoning Administrator may adjust setbacks for averaging with adjacent buildings.
5. Parking Regulations. All development in the R-1 District shall comply with the parking and loading requirements in Article 20.
6. Special Regulations. All principal and accessory use structures built, located, or used in the R-1 District shall incorporate a residential-type design. This design requirement extends to all aspects of buildings, and includes structures used for public facilities, accessory uses, structures or buildings, fences, offices and other allowed non-residential uses. Residential design may vary, but at a minimum, it must include a pitched roof, or partial pitch (3" in 12" on a portion of the building which gives the appearance of a pitch), framed windows, dust-free parking areas, low lighting intensities and no outside storage of extraneous materials. Construction may be of any material normally used for residential construction.

11.102 R-2, Two Family Residential District

1. Purpose and Intent. The intent of this district is to encourage the development of single-family homes on smaller lots, allow for two-family dwellings, and accommodate the mixing of these housing types in a manner that will encourage a stable residential neighborhood. This district can also act as a transitional use between the R-1, Single Family Residential District and other more intense districts.
2. Uses Permitted. The following uses shall be permitted within the R-2, Two-Family Residential District.
 - a) All uses permitted in R-1 Residential Single-Family District, Section 11.101.2, "Uses Permitted" section.

- b) Two-family dwellings or duplex.
- 3. Conditional Uses. All conditional uses permitted in R-1, Residential Single-Family District, Section 11.101.3, "Conditional Uses" may be permitted subject to the procedures listed in that section.
- 4. Offices for professional services limited to attorneys, real estate agents and brokers, architects, engineers, financial consultants, accountants, and similar services, are permitted by site plan review.
- 5. The following property development regulations shall apply to all sites in the R-2 District.
 - a) Minimum front yard setback is 15 feet.
 - b) Minimum side yard setback is 8 feet.
 - i. For corner lots, if KDOT site triangle regulations require a greater setback, then KDOT regulations must be followed.
 - c) Minimum rear yard setback is 25 feet for principal structures.
 - d) Minimum lot depth is 100 feet.
 - e) Minimum lot width is 50 feet.
 - f) Maximum building height is 45 feet.
 - g) The Zoning Administrator may adjust setbacks for averaging with adjacent buildings.
- 6. Parking Regulations. All development in the R-2 District shall comply with the parking and loading requirements in Article 20.
- 7. Special Regulations. All principal and accessory use structures built, located, or used in the R-2 District shall incorporate a residential-type design. This design requirement extends to all aspects of buildings, and includes structures used for public facilities, accessory uses, structures or buildings, fences, offices, and other allowed non-residential uses. Residential design may vary, but at a minimum it must include a pitched roof, or partial pitch (3" in 12" on a portion of the building which gives the appearance of a pitch), framed windows, dust-free parking areas, low lighting intensities, and no outside storage of extraneous materials. Construction may be of any material normally used for residential construction.

11.103 R-3, Multiple-Family Residential District

- 1. Purpose and Intent. This district is intended for the purpose of allowing the placement of compatible single-family, two-family dwellings, apartments, home occupations, and community facilities.
- 2. Uses Permitted. The following uses shall be permitted within the R-3, Multiple-Family District.
 - a) Multiple- family dwellings.
 - b) Townhouse.
 - c) All uses permitted in R-2, Two-Family Residential District, Section 11.102, "Uses Permitted" section.

3. Conditional Uses. All uses permitted in R-1, Residential Single-Family District, Section 11.101.3, "Conditional Uses" section may be permitted subject to the procedures listed in that section.
4. The following property development regulations shall apply to all sites in the R-3 District.
 - a) Minimum front yard setback is 15 feet.
 - b) Minimum side yard setback is 8 feet. For corner lots, if KDOT site triangle regulations require a greater setback, then KDOT regulations must be followed.
 - c) Minimum rear yard setback is 25 feet for principal structures.
 - d) Minimum lot depth is 150 feet.
 - e) Minimum lot width is 50 feet.
 - f) Maximum building height is 45 feet.
 - g) The Zoning Administrator may adjust setbacks for averaging with adjacent buildings.
5. Parking Regulations. All development in the R-3 District shall comply with the parking and loading requirements in Article 20.
6. Special Regulations.
 - a) Any multi-family development that abuts an area zoned for R-1 or R-2 shall provide a fifteen (15) feet buffer zone between the development and the R-1 or R-2 zoned area. The Planning Commission may modify this requirement and require an appropriate wall or screening in conformance with the requirements of Article 18.
 - b) Principal and accessory use structures built, located, or used in the R-3 District shall incorporate a residential-type design. This design requirement extends to all aspects of buildings, and includes structures used for public facilities, accessory uses, structures or buildings, fences, offices, and other allowed non-residential uses. Residential design may vary, but at a minimum it must include a pitched roof, or partial pitch (3" in 12" on a portion of the building which gives the appearance of a pitch), framed windows, dust-free parking areas, low lighting intensities, and no outside storage of extraneous materials. Construction may be of any material normally used for residential construction.

11.104 MHP, Mobile Home Park District

Notice of Kansas Statutes: The Kansas Mobile Home Code is found at K.S.A. 75-1211 et. seq. Two of the requirements of specific interest to mobile home park owners and renters are:

- a) Municipal Construction Code Exemption - K.S.A. 75-1218.
- b) Tie Downs, Piers, and Foundations - K.S.A. 75-1226, K.S.A. 75-1227, and K.S.A. 75-1228.

- c) Kansas law also establishes the duties of a mobile home park landlord and a mobile home tenant.
 - d) A landlord's duties are set forth in K.S.A. 58-25,111.
 - e) A tenant's duties are set forth in K.S.A. 58-25,113.
1. Purpose and Intent. This district provides medium density mobile home park development compatible with the character of the surrounding neighborhood
 2. Uses Permitted. The following uses shall be permitted in the Mobile Home Park District.
 - a) Mobile homes either single or double wide.
 - b) Recreational vehicles for a period not to exceed 8 weeks.
 - c) Residential design manufactured homes.
 - d) Single family residential units for management or other park purposes.
 - e) Accessory units to the manufactured home, such as storage buildings and expansion devices.
 - f) Buildings and structures used for storm shelters, community buildings, storage areas, laundry, garages and similar uses.
 - g) Child or adult day care homes.
 - h) Home occupations subject to K.S.A. 58-25,101 *et. seq.*
 3. Conditional Uses. The following uses may be permitted, subject to procedures listed in Section 4.102.
 - a) Retail and personal services outside of the mobile home.
 - b) Child care for seven (7) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420).
 4. Property Development Regulations.
 - a) Mobile homes shall be placed:
 - i. No closer to each other than 20 feet side to side.
 - ii. No closer than 13 feet end to end.
 - iii. No closer than 22 feet from the edge of the access road paving (or curb) serving the mobile home, and no closer than 10 feet from the edge of an access road that is on the side of the mobile home.
 - iv. No structure in a mobile home park may be placed closer than eight feet to the park's boundary lines.
 5. Use Limitations. Each manufactured home park shall be designed in accordance with the following minimum standards:
 - a) Minimum Design Standards:

- i. Lot arrangement shall be designed to provide positive drainage to the municipal storm water system.
- ii. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- iii. All subdivisions shall conform to the requirements of the St. Marys Flood Plain Regulations. All subdivisions in the extra-territorial zone shall conform to the requirements of the Pottawatomie Flood Plain Regulations.
- iv. All manufactured home spaces shall front upon a private roadway of not less than 25 feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to 30 feet; and if parallel parking is permitted on both sides of the street, the width shall be increased to 36 feet. All roadways shall have unobstructed access to a public street.
- v. Each manufactured home space shall provide for two off-street parking spaces. Each space shall have a minimum dimension of 10' x 20'.
- vi. All roadways, parking spaces, and sidewalks within the manufactured home park shall be of all-weather surfacing.
- vii. Parking spaces shall be located adjacent to the street frontage.
- viii. All mobile home parks shall be provided with street lighting units at such heights and spacing as will provide acceptable levels of illumination for the safe movement of pedestrians and vehicles at night.
- ix. The perimeter of all manufactured homes shall be fully skirted.
- x. All roadways shall be certified by a professional engineer as meeting generally accepted standards for the type of road being constructed and the expected load it will experience
- xi. Storm shelters meeting the following requirements shall be installed in all Mobile Home Park Districts.
 - 1) Storm shelter(s) shall be designed and approved by a licensed engineer.
 - 2) Storm shelter(s) shall accommodate all the residents in a designed area.
 - 3) The designed area shall be at least one storm shelter per 20 mobile home units.

- 4) The storm shelter(s) shall be centrally located in the designed area(s).
 - 5) The storm shelters shall be clearly marked to indicate to the residents and visitors the location(s) of the shelters.
6. A building permit shall be obtained before moving a manufactured home into an MHP District.
7. Water Supply Standards. A mobile home park located within the city limits shall be connected to the city's water supply. Mobile home parks located within the extra-territorial zone shall be connected to a rural water system or supplied by a private water system conforming to state health standards.
8. Sewage Disposal. A mobile home park located within the city limits shall be connected to the city's sewage disposal system. Mobile home parks located within the extra-territorial zone shall be served by a sewage disposal system conforming to state health standards.
9. Electrical. Electrical service shall be installed in accordance with Chapter 17 of the Code of the City of St. Marys.
10. Natural Gas. Liquefied gas systems located in Mobile Home Parks in the extra territorial zone shall be provided with safety devices to relieve excessive pressure; all storage bottles or tanks shall be fastened to prevent accidental overturning. No liquid natural gas vessel shall be stored underneath the manufactured home.
11. Pad Requirements.
 - a) Hard surfaced
 - i. Concrete
 - ii. Asphalt
 - iii. Similar Materials
 - b) Flexible Materials
 - i. Minimum of 5 inches of gravel, stone or compacted earth.
 - ii. Similar Materials
 - iii. Treated to discourage plant growth
12. Application Requirements.
 - a) Information complying with the requirements of Article 8 and Article 11 shall be submitted to the Zoning Administrator for review.