

**ORDINANCE NO. 1052**

**AN ORDINANCE ADOPTING A RECOMMENDATION BY THE PLANNING COMMISSION TO AMEND ARTICLE 3 AND ARTICLE 15 OF THE UNIFIED DEVELOPMENT CODE TO INCLUDE UPDATED REGULATIONS APPLICABLE TO SINGLE-FAMILY ATTCHED DWELLINGS IN THE R-2 ZONING DISTRICT**

WHEREAS, the Planning Commission has recommended that Article 3 and Article 15 of the Unified Development Code be amended to include updated regulations applicable to single-family attached dwellings in the R-2 Zoning District; and

WHEREAS, all newspaper and mailed notifications were performed and a public hearing was properly held before the City Planning Commission.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:**

**Section 1.** The portion of Section 3.4 of Article 3 of the Unified Development Code (which is incorporated as part of the Edgerton Municipal Code via Article 1 of Chapter XVI) is hereby amended to read as follows:

**3.4 R-2, Two Family Residence District**

- A. Purpose.** The purpose of the R-2 district is to provide two family residential structures in neighborhood locations close to the community facilities and services.
- B. Use Restrictions.** In District R-2, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted, conditional use and contained below.
- C. Permitted Uses.**
  1. Any use permitted in the R-1 district.
  2. Two-family dwelling units.
  3. Single-Family Attached Dwelling, no more than two dwelling units may be attached in this district.
- D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.
  1. Any use permitted by condition in the R-1 district.
- E. Setback, Yards and Area Regulations.**

<b>Table of Setbacks, Yards, and Area for R-2 Zoning District</b>										
Use	Minimum Lot Area (square feet)		Minimum Lot Width		Minimum Lot Depth	Front Yard Setback	Side Yard Setback (2)	Side Yard (Street) Setback (2)	Rear Yard Setback (2)	Maximum Building Height
	Interior Lot	Corner Lot	Interior Lot	Corner Lot						

Single-Family Detached Dwelling	7,700	8,800	80'	90'	115'	35'	9'	20'	20% of lot depth up to 40'	35'
Two-Family Dwelling	9,200	10,350	80'	90'	115'	35'	9'	20'	20% of lot depth up to 40'	35'
Single-Family Attached Dwelling	4,600	5,750	35'	40'	115'	35'	9' (3)	20'	20% of lot depth up to 40'	35'
Accessory Buildings (1)						35'	9'	20'	6'	35'
(1) Detached accessory buildings in District R-2 shall not exceed one hundred twenty (120) square feet per dwelling unit. (2) Regardless of side or rear yard restrictions, no structure may be placed closer than two (2) feet to a dedicated easement. (3) No side yard setback shall be required along the common party wall										

**F. District Regulations.**

1. No equipment other than non-commercial passenger motor vehicles shall be stored in the R-2 district.
2. Three off-street parking places shall be provided for each dwelling unit, one of which may be in the garage. Such parking space shall be at least nine (9) feet by twenty (20) feet.
3. Each new dwelling unit constructed after the adoption of this ordinance shall construct one attached garage.

**Section 2.** The portion of Section 15.2 of Article 15 of the Unified Development Code (which is incorporated as part of the Edgerton Municipal Code via Article 1 of Chapter XVI) is hereby amended to include the following definition:

**Dwelling, Single Family Attached:** A portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions and must comply with the following requirements:

- a. The Common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are not doors, windows, vents or other openings in the common wall.
- b. Any exterior wall which is not a common wall must meet all yard requirements.
- c. Each lot must have direct access to a public street
- d. The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.

**Section 3.** That City Staff is directed to make all necessary changes to the City's records to reflect this revision.

**Section 4.** This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

**PASSED** by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 23<sup>th</sup> day of March, 2017.



(Seal)

Donald Roberts, Mayor

ATTEST:

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Janeice Rawles, City Clerk

APPROVED AS TO FORM:

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Patrick G. Reavey, City Attorney