

ARTICLE 5

DISTRICT REGULATIONS

"R-S" RESIDENTIAL SUBURBAN DISTRICT

1. Intent: It is the intent of the "R-S" Residential Suburban District to control subdivision and density of development of land for residential and other non-commercial uses for suburban design purposes; and where such uses are not or cannot be connected to a public sewer and/or a public water supply.
2. Permitted Uses: Single-family residences and related public and semi-public uses are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendix "A" of these regulations.
3. Special Uses: For a specific listing of special uses, see Appendix "A".
4. Intensity of Use Regulations: Except as hereinafter provided, all dwellings hereafter erected, enlarged, or reconstructed shall be located upon lots containing the following areas:
 - A. Every lot served with public sanitary sewers and public water system shall have an area of not less than 12,000 square feet and a lot width of not less than 100 feet. (Corner lots shall not be less than 120 feet in width.)
 - B. Every lot not served with a public sanitary sewer shall have an area not less than required by the City of Lyndon Subdivision Regulations, and shall be subject to on-site wastewater testing.
5. Height Regulations: No structure shall exceed 35 feet in height, except that public and semi-public structures, public service and institutional structures, hospitals, schools, and religious institutional structures are permitted two feet of additional height for each one foot of additional structure setback.
6. Yard Regulations:
 - A. Front Yard: The front yard shall be a minimum of 50 feet in depth.
 - B. Side Yard: There shall be a side yard on each side of every single-family dwelling and accessory use which shall be not less than 25 feet in width, and all other permitted and special uses shall provide a 50-foot side yard.
 - C. Rear Yard: There shall be a rear yard of not less than 50 feet.
7. Use Limitations: None, except as limited by regulations governing private, on-site wastewater treatment.

"R-1" RESIDENTIAL - LOW DENSITY DISTRICT

1. Intent: The intent of this district is to provide for low density residential development including those uses which reinforce residential neighborhoods.
2. Permitted Uses: Generally, single-family dwellings, parks, educational and religious uses are permitted. For a specific listing of permitted uses, see Appendix "A" of these regulations.
3. Special Uses: For a specific listing of special uses, see Appendix "A".
4. Intensity of Use Regulations: Except as modified by the provisions of Article 6:
 - A. Minimum lot area: 8,500 square feet.
 - B. Minimum lot width: 70 feet.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations:
 - A. Front Yard: 25 feet.
 - B. Side Yard: Ten percent of the lot width, except that such side yard shall not be less than 8 feet and need not be more than 15 feet. Structure on corner lots shall provide a side yard on the street side of not less than 15 feet.
 - C. Rear Yard: 10 feet.
7. Use Limitations: None.
8. Exception: To allow variance in Old Town of Lyndon only, to address situations that arise due to lot size and limitation of historical neighborhoods.

"R-2" RESIDENTIAL - MEDIUM DENSITY DISTRICT

1. Intent: The intent of this district is to provide for moderate density residential development, including two-family and higher density single-family dwellings, in a manner which will encourage a strong residential neighborhood.
2. Permitted Uses: Generally, single-family dwellings, two-family dwellings, parks, educational and religious uses are permitted. For a specific listing of permitted uses, see Appendix "A" of these regulations.
3. Special Uses: For a specific listing of special uses, see Appendix "A".
4. Intensity of Use Regulations: Except as modified by the provisions of Article 6:

A. Minimum lot area:

- Single-family - 7,000 square feet.
- Two-family - 3,500 square feet/d.u.
- Other uses - 7,500 square feet.

B. Minimum lot width: 60 feet, except as provided in Section 6.2, Yard Regulations.

5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 25 feet.
 - B. Side Yard: Ten percent of the lot width, except that such side yard shall not be less than 8 feet and need not be more than 15 feet. Structure on corner lots shall provide a side yard on the street side of not less than 15 feet.
 - C. Rear Yard: 10 feet.
7. Use Limitations: None.
8. Exception: To allow variance in Old Town of Lyndon only, to address situations that arise due to lot size and limitation of historical neighborhoods.

"R-3" MULTIPLE FAMILY DWELLING DISTRICT - HIGH DENSITY DISTRICT

1. Intent and Purpose of District: The "R-3" Multiple-Family Dwelling District is intended for the purpose of allowing high residential density land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, community facilities and certain uses, yet retain the basic residential quality.
2. District Regulations: In District "R-3", no structure or land shall be used, and no structure altered, enlarged, or erected which is arranged, intended, or designed for other than one of the uses listed in the Use Regulations.
3. Permitted Uses: Single-, two-, and multi-family dwellings, nursing homes and boarding houses are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendix "A" of these regulations.
4. Intensity of Use Regulations: Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

- A. A lot on which there is erected a single-family dwelling shall contain an area of not less than 7,000 square feet. No lot shall be less than 70 feet in width; corner lots shall be not less than 80 feet in width.
 - B. A lot on which there is erected a two-family dwelling shall contain an area of not less than 4,000 square feet per family. No lot shall be less than 70 feet in width; corner lots shall be not less than 80 feet in width.
 - C. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than 7,500 square feet, or 2,500 square feet per family, whichever area is the larger, except that this regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments. The Board of Zoning Appeals may increase the intensity of use for multiple-family dwellings by one residential unit, if all of the following conditions can be met:
 - 1. There is sufficient land area on the site to meet all other requirements, including parking and setbacks;
 - 2. The additional unit permits a more economical design (e.g., an eight-plex rather than a seven-plex); and
 - 3. The variance may be used to achieve an even number of units only.
 - D. Multiple-family uses shall not cover more than 40 percent of the lot area.
5. Height Requirements: No structure shall exceed 45 feet in height, except that for each one foot of additional front yard provided, two additional feet of height will be permitted.
6. Yard Requirements:
- A. Front Yard:
 - 1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line; or on collector streets 65 feet measured from the centerline of the street; or on arterial streets 75 feet measured from the centerline of the street, whichever front yard setback would be greater. See Article 6.2.A.1
 - 2. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
 - B. Side Yard: There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of eight (8) feet.
 - C. Rear Yard: There shall be a rear yard for structures in this district which shall have a depth of not less than 20 feet or 20 percent of the depth of the lot, whichever is the smaller.

7. Loading and Unloading Regulations: See the Article on Parking and Loading Regulations.
8. Parking Regulations: See the Article on Parking and Loading Regulations.
9. Sign Regulations: See the Article on Sign Regulations.
10. Site Plan Review: Development in the R-3 District shall be subject to site plan review requirements and procedures.
11. Use Limitations. A storm shelter shall be required, big enough to accommodate all of the residents, based on no fewer than two (2) persons per one (1) bedroom unit, three (3) persons per two (2) bedroom unit and four (4) persons for units with three (3) or more bedrooms. Storm shelter shall provide a minimum of seven (7) square feet per resident based upon the above calculations. A storm shelter may include recreation facilities, laundry facilities, storm shelter, and other similar uses.

"M-P" MANUFACTURED HOME PARK RESIDENTIAL DISTRICT

1. Intent: It is the intent of this district to provide medium density manufactured home park development which is compatible with the character of the surrounding neighborhood in which it is located. Manufactured home parks are considered as a residential use and should be located in areas where services and amenities are available such as those found in conventional residential areas.
2. Permitted Uses: The listing of permitted uses is set out in Appendix "A".
3. Special Uses: For a specific listing of special uses, see Appendix "A" of these regulations.
4. Intensity of Use Regulations:
 - A. Minimum park area: 3 acres.
 - B. Minimum park width: 225 feet.
5. Height Regulations: Maximum structure height: 20 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths for each manufactured home space shall be as follows:
 - A. Front Yard: 10 feet.
 - B. Side Yard: 10 feet.
 - C. Rear Yard: 15 feet.
7. Use Limitations: Each manufactured home park shall be designed in accordance with all city codes and to the following minimum design standards:
 - A. Minimum Design Standards:

1. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
2. Manufactured home parks hereafter approved shall have a maximum density of seven (7) manufactured homes per gross acre, and a minimum area of 5,000 square feet shall be provided for each manufactured home space.
3. Each manufactured home space shall be at least 50 feet wide and be clearly defined.
4. All manufactured homes and additions thereto shall be so located to maintain a clearance of not less than 20 feet from another manufactured home or 25 feet from any permanent structure within the park.
5. 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.
6. All roadways and sidewalks within the manufactured home park shall be of all-weather surfacing and shall be adequately lighted at night.
7. A community structure may be provided which may include recreation facilities, laundry facilities, and other similar uses.
8. The perimeter of all manufactured homes shall be fully skirted.
9. A storm shelter shall be required, big enough to accommodate all of the residents, based on no fewer than three persons per manufactured home space. The storm shelter shall provide a minimum of seven (7) square feet per resident based upon the above calculations. A storm shelter may include recreation facilities, laundry facilities, storm shelter, and other similar uses.
10. Sidewalks shall be required on one side of all streets.
11. Landscaping shall be shown on the development plan.
12. All roadways shall meet the design standards as adopted by the City for private streets in manufactured home parks.
13. A structure permit for the park shall be obtained before moving a manufactured home into an M-P district.

B. Water Supply:

1. Water shall be supplied to the park by a public water system.
 2. The size, location and installation of water lines shall be in accordance with the requirements of the building codes of the City.
 3. Individual water service connections shall be provided at each manufactured home space.
- C. Sewage Disposal: Individual sewer connections shall be provided for each manufactured home space and shall be installed in accordance with the building codes of the City. A public sewer system shall be used.
- D. Tie-Downs and Ground Anchors: All manufactured homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 75-1234, as amended.
- E. Electrical: Each manufactured home space shall be provided with an individual electrical outlet supply which shall be installed in accordance with the building codes of the City and requirements of the electric supplier.
- F. Gas: Natural gas hookups, when provided, shall be installed in accordance with the Building Codes of the City and the regulations of the gas supplier.
- G. Refuse and Garbage Handling: Storage, collection and disposal of refuse in a park shall be in accordance with City code.
- H. Blocking: All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 75-1234, as amended; and in accordance with the manufacturer's guidelines.
- I. Pad Requirements: Shall be a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials; or shall be of a hard surface of a minimum of two 18-inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.
8. Application Requirements:
- A. An applicant for "M-P" Manufactured Home Park District shall prepare or cause to be prepared a preliminary Manufactured Home Park Plan, drawn to a scale of not less than 1" = 100', and 10 copies of said plan shall be submitted to the Planning Commission for its review and recommendations. Said plan shall be designed in accordance with the Minimum Design Standards herein and shall have contours shown at two (2) foot intervals.

- B. Upon approval of the preliminary Manufactured Home Park Plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
- C. Any substantial deviation from the approved plan, as determined by the Zoning Administrator, shall constitute a violation of these regulations. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body prior to the occupancy of the Manufactured Home Park.
- D. Construction of an approved Manufactured Home Park shall begin only after the use permit has been granted by the Governing Body.

"C-1" BUSINESS - CENTRAL DISTRICT

- 1. Intent: The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities and office uses that are normally found in the core area of a city; and where development is allowed up to the property lot line, with no off-street parking facilities required of the private development.
- 2. Permitted Uses: The listing of permitted uses is set out in Appendix "A" of these regulations.
- 3. Special Uses: The listing of special uses is set out in Appendix "A" of these regulations.
- 4. Intensity of Use Regulations:
 - A. Minimum lot area: None.
 - B. Minimum lot width: None.
- 5. Height Regulations: Maximum structure height: 50 feet.
- 6. Yard Regulations:
 - A. Minimum front yard: None.
 - B. Minimum side yard: None.
 - C. Minimum rear yard: 20 feet when adjacent to a residential district; otherwise, none.
- 7. Use Limitations:
 - A. No outdoor storage, except for the display of merchandise available for immediate sale to the public shall be permitted, except as otherwise permitted by Article 6, Section 13.
 - B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

C. Living quarters in a C-1 District are not allowed in the frontage of the ground floor.

8. Site Plan Review. Development in the C-1 District shall be subject to site plan review requirements and procedures.

"C-2" BUSINESS - GENERAL DISTRICT

1. Intent: The intent of this district is to provide a zone for those commercial uses which are intensive in nature and which require large lots and direct access to major streets.
2. Permitted Uses: Generally, automobile and implement sales, lumber yards, contractor's yards, offices, neighborhood retailing and similar uses are permitted. For a specific listing of permitted uses, see Appendix "A" of these regulations.
3. Special Uses: For a specific listing of special uses, see Appendix "A" of these regulations.
4. Intensity of Use Regulations:
 - A. Minimum lot area: 6,000 square feet.
 - B. Minimum lot width: 60 feet.
5. Height Regulations: Maximum structure height: 50 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 25 feet.
 - B. Side Yard: 10 feet if abutting a residential district; otherwise no side yard is required.
 - C. Rear Yard: 20 feet.
7. Use Limitations:
 - A. No outdoor storage, except for the display of merchandise available for immediate sale to the public shall be permitted, except as otherwise permitted by Article 6, Section 13.
 - B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
8. Site Plan Review. Development in the C-2 District shall be subject to site plan review requirements and procedures.

"I-1" INDUSTRIAL DISTRICT

1. Intent: The intent of the district is to permit industrial uses that are not obnoxious due to appearance, noise, emissions, or odor; that do not require intensive land coverage; and that can be compatibly developed with adjacent districts through site plan review.

2. Permitted Uses: Generally, light manufacturing, wholesaling, trucking and warehousing uses, with limited retail and service uses permitted, as well. For a specific listing of permitted uses, see Appendix "A" of these regulations.
3. Special Uses: The listing of special uses is set out in Appendix "A" of these regulations.
4. Intensity of Use Regulations:
 - A. Minimum lot area: Subject to site plan review.
 - B. Minimum lot width: Subject to site plan review.
5. Height Regulations: Maximum height of structure: 50 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 35 feet.
 - B. Side Yard: The total of side yards shall be not less than 40 feet, except that no side yard shall be less than 10 feet, and no less than 20 feet when abutting a street or residential district.
 - C. Rear Yard: 20 feet.
7. Use Limitations:
 - A. All operations and activities shall be conducted within a structure or structures. Storage may be maintained outside said structure or structures provided the view of said storage area is properly screened from adjacent residential areas. Storage within I-1 Industrial-District shall be exempt from screening of exterior storage from streets. (See Article 6, Section 13)
 - B. A solid or semi-solid fence or wall at least six feet high and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "I-1" District.
 - C. No structure shall be used for residential purposes except that a watchman may reside on the premises.
8. Site Plan Review. Development in the "I-1" District shall be subject to site plan review requirements and procedures.

"P-D" PLANNED DEVELOPMENT DISTRICT

1. Purpose: The purpose of this district is to provide for elements of flexibility in design, placement, arrangement, bulk and other considerations involved in planned districts; to provide a framework within which the structures and uses in the planned district may be

interrelated with adjacent development and areas; and to maintain the desired overall intensity of land use, desired population densities, and desired areas of open space. The use of planned zoning procedures is intended to encourage large-scale developments, efficient development of small tracts, innovative and imaginative site planning, and conservation of resources.

2. Use of the "P-D" District: With the exception of standard single-family and two-family residential subdivisions, zoning proposals which are intended to be subdivided into multiple lots should seek the "P-D" zoning district classification. Planned developments are groupings of structures or sites that are planned as an integrated unit or cluster on property under unified control at the time of zoning. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the development standards and other conditions that were committed to at the time of the rezoning. The Planned Development District must always be used in conjunction with one of the other zoning districts, known as the "underlying district." The requirements of the "P-D" District shall be in addition to the requirements of the underlying district, except that the "P-D" District may modify some of the regulations of the underlying district in specific situations. A "P-D" District may be used in conjunction with any of the other zoning districts or with any combination of districts.

An application for rezoning to the "P-D" District shall include a Preliminary Development Plan and may include a concurrent request to change the underlying zoning classification. If the rezoning is approved, the new district shall include the designation of the underlying district followed by "P-D". For example, a Planned Development District of an "R-2" District shall be known as "R-2/P-D."

Approval of the rezoning based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. No structure or occupancy permit shall be issued until a Final Development Plan has been approved. The use of the "P-D" district shall be separate from the Subdivision Regulations of the City, and the Development Plans required by the "P-D" District shall not be construed as plats. It is recommended that the subdivision process follow the Rezoning/Preliminary Plan approval, but precede the approval of the Final Development Plan. Resubdivision may be a prerequisite to approval of the Final Development Plan.

3. Use Regulations: Any use permitted in the underlying zone may be permitted. The uses permitted may be voluntarily restricted by the applicant, or restricted as a condition of approval by the Planning Commission.
4. Height Regulations: The height regulations provided for the underlying zoning district shall be required, provided that the allowed height may be increased by one floor or 15 feet upon a showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property.
5. Yard Regulations: The yard regulations provided for the underlying zoning district shall be required, provided that the yard regulations may be reduced upon a showing of sufficient

open space accessible to occupants; a separation between structures for fire-fighting purposes; and that there is consistency with the visual character of the community.

6. Use Regulations:

- A. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition nor inconvenience in the area.
- B. Structures and traffic shall be arranged so that all principal structures are accessible to emergency vehicles.
- C. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.
- D. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
- E. Approval of the Final Development Plan may be conditioned by the Planning Commission or Governing Body to minimize any negative impact on the community.

7. Application for Rezoning: A petition to change to a "P-D" Planned District shall be filed with the City, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The process for approval shall be the same as for any rezoning as provided by these regulations.

8. Approval Procedure: The approval by the Governing Body of the Preliminary Development Plan and the concurrent rezoning to the "P-D" District shall be preceded by the publication and mailing of notice, a public hearing, and a recommendation by the Planning Commission. If the Governing Body disagrees with the recommendation, the application shall be returned to the Planning Commission for reconsideration. Approval of the Preliminary Development Plan shall be valid for two years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the Preliminary Plan shall extend the period of validity an additional two years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.

9. Preliminary Development Plan: The Preliminary Development Plan shall be prepared at a scale dimension of not more than 1"=100', and shall include:

- A. Boundaries of the project with dimensions to scale;

- B. Contour intervals of two feet;
 - C. Proposed size, height, location and arrangement of structures, parking areas with proposed arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and/or proposed streets;
 - D. Preliminary drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures;
 - E. General landscape plan to include location and height of all walls, fences, signs and screen plantings;
 - F. Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of a Final Development Plan;
 - G. Phases of final development;
 - H. Name and address of owner, applicant and engineering firm which prepared the plan;
 - I. Seal of engineering firm licensed in the State of Kansas developing the plan, scale, north point and date of plan;
 - J. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure materials to be used or other similar factors; and
 - K. Ten (10) copies shall be submitted.
10. Final Development Plan: The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:
- A. Contour lines shall show finished grading only;
 - B. The landscaping plan shall show the size and type of each tree, shrub and ground cover; and
 - C. Drawings showing the size, appearance and method of illumination for each sign.

The Final Development Plan shall substantially conform to the approved Preliminary Plan, shall be in final form for the issuance of a building permit, shall have been previously reviewed by the appropriate City staff, and shall include a Construction Schedule. A final approval by the Governing Body shall authorize construction to begin according to the Construction Schedule providing all appropriate permits have been received. Construction of at least the first stage of development shall begin within three years from the date the ordinance of the zoning change was published in the newspaper. If construction does not begin within this period and no effort is made for an extension of time by the owner, the Final Development Plan shall be voided.

11. Building Permits: On final approval by the Governing Body, the owner shall provide five copies of the approved Final Development Plan to the City. The Zoning Officer or his/her designee shall issue building permits only in accordance with the approved Final Development Plan.
12. Amendments: If any substantial variation or rearrangement of structures, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.
13. Open Space: The Planning Commission may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.
 - A. Open Space Requirements: If the Planning Commission requires open space, the City and the applicant shall enter into an agreement providing for the establishment of an agency to maintain the open space. Such agreement shall include provision for default, cure by the City, and enforcement.
 - B. Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the City.

The development plan process shall be required prior to any rezoning or issuance of a building permit for other than a single-family dwelling.

14. Time Limit: A site plan approval for a "P-D" district shall expire automatically unless a building permit is taken within 12 months after the approved date for commencement to effectuate such site plan.

"T-H" TOWNHOUSE SUBDIVISION DEVELOPMENT

1. Purpose: The intent of the following provisions is to permit and regulate an alternative form of home ownership and development not provided elsewhere in these regulations.
2. Applicability: Townhouse units developed in accordance with this section may be conveyed along with the land underneath the particular unit and its associated lot provided that all of the land upon which the townhouse itself and its accessory appurtenances are constructed is conveyed in unity with the townhouse, and provided further that all land other than the individual townhouse sites is conveyed in common to all of the individual owners, to a duly constituted property owners' association or to the public pursuant to a subdivision action by the City Council.
3. The following municipal regulations apply to each townhouse subdivision development superseding any zoning district regulations to the contrary.

- A. Townhouse subdivision developments shall be permitted in the "R-3" District, provided that the property has been platted to accommodate the development.
- B. Overall Development Size: Shall be the same as required in the zoning district assigned to the property. However, each such townhouse subdivision development plan shall contain at least ten townhouse units. Phased development shall be constructed with no fewer than three townhouse units in each phase.
- C. Density: The overall density of a townhouse subdivision shall not exceed the density allowed by the applicable zoning district.
- D. Separations and Spacing: No townhouse unit shall be located closer than 20 feet to a street, nor closer than ten feet to any parking lot or driving aisle, nor closer than 15 feet to any overall project boundary.

No separation is required between individual townhouse sites or units within the same development, except:

- 1. Other Applicable Codes: Any separation required to comply with building regulation and fire protection requirements.
- 2. Structure Length: No single grouping of townhouse units shall exceed 200 feet in length and the average length within the overall development shall not exceed 160 feet however, no townhouse structure shall contain more than eight units.
- 3. Structure Separation: Each structure shall be separated from all other groupings of townhouse units according to the following table:

side to side = 20'
side to back = 30'
back to back = 40'
front to side = 30'
front to back = 40'
front to front = 40'

Wherever structures are arranged in a linear form with a combined length in excess of 400 feet, they shall have a minimum separation twice the distance specified above.

In addition, there shall be unobstructed access at least ten feet in width on two sides of each individual townhouse unit.

- 4. Unit Access: Each townhouse unit shall contain windows and exterior access on at least two sides in addition to the separations from individual townhouse site property lines required by the building regulation for such openings.

5. Minimum Width Townhouse Unit: The minimum permissible width for a townhouse unit, center of common wall to center of common or exterior wall, shall be 19 feet.
4. Height: No townhouse unit shall exceed 35 feet in height, but no more than two stories shall be allowed.
5. Location of Parking: Each townhouse unit shall have reasonable access to the parking spaces required by this regulation. Parking lots may be used to serve multiple units; provided, however, that parking lots shall be configured so that each unit owner has reasonable access to the number of parking spaces required by this regulation.
6. Utilities: Individual feeders, meters, lines and shut-offs shall be provided for each townhouse unit, comparable to those for single-family detached development utilizing City standards for construction and dedication. No townhouse unit may be served from or through an adjoining or auxiliary structure. Water meters shall be located in a protected, grassed area, readily accessible from the street or drive aisle serving the unit.

As an alternative to individual water meters, a master meter may be approved provided that the developer demonstrates that there is a legally and fiscally responsible entity from whom billings for service can be collected.

7. Drainage: Each townhouse unit shall drain to a common or public drainage area or easement, and no townhouse site may drain onto or through an adjoining townhouse site except through a drainage easement.
8. Accessory Structures:
 - A. No accessory structures shall be permitted on townhouse sites with the exception of garages, pools, spas, hot tubs, decks, cabanas, screen enclosures, walls, fences, awnings, trellises, and mechanical equipment and its enclosure.
 - B. Whenever the City and developer intend to allow the installation of accessory uses and structures such as swimming pools, hot tubs, spas, trellises, decks and the like within the private rear yard areas of townhouse units, a masonry wing wall a minimum of five feet in height and having a minimum length of ten feet, shall be installed along the common side property lines between the units, extending from the back of the units. No wall or fence will be permitted across the rear line of the private exterior yard areas. Landscaping across the rear line of the private exterior yard areas shall consist of at least a hedge, two feet in height at the time of planting, to be grown and maintained to a height of at least four feet.
9. Replacement: In the event that any townhouse unit is destroyed or removed for any cause, said unit, if replaced, shall be replaced with a townhouse of a size, shape and appearance substantially similar to the original or to adjoining townhouses.

10. Association Required: A property owners' association shall be established and have at least the following duties, powers, responsibilities, and provisions:
 - A. Every property owner is required to be a member of the association;
 - B. The association shall be responsible for maintenance of all common property and facilities, all exterior structure surfaces of townhouse units, and all landscaping located outside of enclosed private yard or patio areas;
 - C. The Association and its agents shall be granted the right to enter common and private areas and facilities for the purpose of necessary repairs or maintenance;
 - D. The association shall be empowered to make and collect assessments for the maintenance, repair and replacement of common areas and facilities specifically including, but not limited to, water and sewer lines, exterior structure surfaces and yard areas of townhouse sites.
 - E. The association shall be responsible for necessary maintenance, repair, and replacement of all common facilities specifically including, but not limited to, water and sewer lines, exterior structure surfaces and yard areas, and shall ensure that all townhouses and common facilities are maintained to the standards enumerated elsewhere in this regulation. The association documents shall put the property owners and potential purchasers on notice that the City of Lyndon has the right to enforce said maintenance and to assess the individual association members their pro-rated share of the cost of such enforcement.
11. Sidewalks:
 - A. Sidewalks shall be required to connect units to driveways, parking lots or streets.
 - B. Required sidewalks shall be constructed of concrete, brick pavers or other approved surfaces, but no asphalt, stepping stones, loose rock or mulch.
12. Private Drives: Any private access drives serving townhouse developments shall be so designed and constructed as to meet the City's standards for private drives.
13. Garages: A garage, a fully enclosed structure designed for storage of at least one automobile or similar motor vehicle, shall be required for each townhouse unit; except that the City may consider approving a common carport facility to serve all units provided parking areas are screened on all sides visible from public rights-of-way.
14. Legal Descriptions for Individual Sites: Prior to the issuance of a Certificate of Occupancy for any townhouse unit, a legal description for the proposed individual site, keyed to the approved site reference plan, shall be approved by the City Engineer and recorded in the office of the Register of Deeds of Osage County, Kansas.

15. Conflict with Other Provisions: In the event that any provision of this section conflicts with any other provisions of this regulation, the provisions of this section shall control to the extent of such conflict.