

## **CHAPTER 27**

### **ZONING REGULATIONS**

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## **Article I. Title, Application, Purpose, Interpretation**

### **Sec. 27-101 Title.**

This ordinance, hereinafter referred to as “these regulations,” shall be known and cited as the Zoning Regulations of the City of Hutchinson, Kansas, and shall repeal and replace the existing Chapter 27 of the City of Hutchinson Municipal Code and all amendments thereto.

### **Sec. 27-102 Purpose and Intent.**

These regulations are adopted for the purpose and intent of providing for the health and welfare of the Hutchinson Zoning Jurisdiction through promotion of appropriate patterns and practices of urban development. Within this general purpose, these regulations are intended to:

- A. Incorporate the Comprehensive Plan as the formal guide for continued community development decisions with respect to current and future zoning and land use patterns;
- B. Implement the goals, policies and proposals of the Comprehensive Plan for the City’s zoning jurisdiction;
- C. Promote the health and general welfare of the citizens;
- D. Provide for adequate light and air and acceptable noise levels;
- E. Encourage the most productive use of urban land resources through promotion of compatible land use patterns;
- F. Prevent overcrowding of land and undue concentration of population;
- G. Facilitate adequate provisions for transportation, water, wastewater, schools, parks and other public requirements;
- H. Protect property values;
- I. Regulate and restrict the location and use of buildings and uses of land within each district for residential, commercial, industrial and other purposes;
- J. Regulate and restrict the height, number of stories and size of buildings; the percentage of a lot that may be occupied by buildings and other structures; and the size of yards and open spaces;
- K. Guard against loss of life and damage to property due to flooding through protection of natural drainage features;

- L. Preserve features of historical significance; and
- M. Promote the conservation of natural resources.

**Sec. 27-103 Authority and Jurisdiction.**

- A. Authority: These regulations are adopted under authority of K.S.A 12-753 and are in accordance with the adopted Comprehensive Plan for the City.
- B. Jurisdiction: These regulations shall apply to all structures and land within the incorporated area of the City and such unincorporated areas as may be added to the City's zoning jurisdiction by ordinance.
- C. Notice to the County: Whenever amendments to the zoning map or the text of these regulations are proposed which will affect property located outside or adjacent to the corporate boundary of the City of Hutchinson, written notice of such proposed action shall be given to Reno County at least 20 days prior to the public hearing. The City of South Hutchinson shall also receive notification when such amendments will affect land adjacent to the corporate boundary.
- D. Agricultural Exclusion: Except for feedlots and areas designated as a floodplain, these regulations shall not apply to land and buildings under one ownership which are used exclusively for agricultural purposes, so long as such land and buildings are used for agricultural purposes and not otherwise.

**Sec. 27-104 Rules of Construction.**

Except where clearly required to be otherwise by the context, rules of construction for these regulations shall include the following:

- A. Words and numbers used in singular or plural form shall include both singular and plural interpretations.
- B. The word "may" is permissive; the words "shall" and "must" are mandatory.
- C. Words used in present tense shall include the present, the future and the past.
- D. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- E. The words "use," "used," "occupy" or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.
- F. Unless otherwise specified, all distances shall be measured horizontally.

## **Sec. 27-105 Zoning Procedure.**

These regulations shall permit only those uses in each zoning district as specifically stipulated in Article IV.

- A. When the proposed use intensity varies slightly from these regulations, the use is allowed as an exception, or there is disagreement with a decision of the zoning administrator, the property owner may file an application with the zoning administrator for a hearing with the Board of Zoning Appeals for one of the following, whichever is applicable:
  - 1. Variance (from height, area, and yard requirements, for example);
  - 2. Exception (special use permit); or
  - 3. Appeal of an administrative decision.
- B. When the proposed use requires a conditional use permit, the property owner may file an application with the zoning administrator for a hearing with the Planning Commission.
- C. When the proposed use requires an amendment to the zoning map, the property owner may file an application with the zoning administrator for a hearing with the Planning Commission.
- D. Any person intending to use land or perform construction other than for agricultural purposes shall comply with these regulations and all other City regulations and shall obtain a building permit from the Building Official if so required.
- E. Any person intending to establish or construct a non-agricultural use on an unplatted tract shall prepare a plat in accordance with the City of Hutchinson Subdivision Regulations and shall obtain approval of the plat by the Planning Commission and the City Council and then obtain a zoning certificate and building permit.

## **Article II. Definitions**

### **Sec. 27-201 Abbreviations and Acronyms.**

The following is a list of abbreviations and acronyms used throughout this document.

AASHTO	American Association of State Highway and Transportation Officials
DU	Dwelling Unit
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
GFA	Gross Floor Area
KDHE	Kansas Department of Health and Environment

K.S.A.	Kansas Statutes Annotated
kW	Kilowatt
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
S.F.	Square Feet
USC	United States Code
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture

**Sec. 27-202 Definitions.**

**30th Avenue Corridor** shall mean that area along 30th Avenue in the City of Hutchinson, Kansas, 225 feet in depth along the north and south sides of 30th Avenue, from Waldron Street to K-61 Highway.

**Abandonment** shall mean the cessation or discontinuance of a use or activity without intent to resume, as distinguished from short term interruptions such as periods of remodeling or maintenance or normal periods of vacation or seasonal closure.

**Abut, Abutting** shall mean touching or contiguous; as distinguished from lying near.

**Access or Access Way** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by these regulations.

**Accessory Building or Structure** shall mean any detached or attached building or portion of a principal building that is subordinate in size and function and serves a function customarily incidental to that of the principal building or principal use of the premises but is not used for dwelling purposes. Customary accessory buildings include garages, carports, tool sheds and similar structures.

**Accessory Use** shall mean a use of land customarily incidental and subordinate to the principal use on the same zoning lot or tract.

**Adjacent** shall mean adjoining, contiguous or abutting.

**Adult Care Home** shall mean any nursing facility, nursing facility for mental health, intermediate care facility for the mentally disabled, assisted living facility, residential health care facility, home plus, boarding care home or adult day care facility.

**Adult Day Care Facility** shall mean any place or facility operating less than 24 hours-a-day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

**Adult Entertainment** shall mean services, products, or entertainment as detailed in Sec. 27-426: AE Adult Entertainment District.

**Adult Family Home** shall mean any private residence in which care is provided for not less than 24 hours in any week for up to four adult clients who (1) are not related within the third degree of relationship to the owner or provider by blood or marriage, (2) by reason of aging, illness, disease or physical or mental infirmity are unable to live independently but are essentially capable of managing their own care and affairs. The home does not furnish skilled nursing care, supervised nursing care or simple nursing care. "Adult family home" does not mean "adult care home."

**Agricultural Operations** see "*Farming.*"

**Agricultural Use** shall mean the use of a tract of land under one ownership for growing crops, pasturage, horticulture, commercial nurseries, truck farms, dairying, or the raising of poultry or cattle and other livestock, including commercial feedlots and the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises such as a member of the family thereof or persons employed thereon and their families. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use.

**Airport** shall mean the Hutchinson Municipal Airport or future airports owned and operated by the City of Hutchinson, unless otherwise specified.

**Alley** shall mean a dedicated public right-of-way other than a street, which affords a secondary means of access to the side or rear of lots.

**Alteration** shall mean any change, addition or modification in construction or use of an existing building or structure.

**Amateur Radio** shall mean radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.

**Animal Breeder Premises** shall mean any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered, or maintained for sale, primarily at wholesale for resale to another. See also: "*Breeder Premises*" and "*Hobby Breeder Premises.*"

**Animal, domestic (household pet)** shall mean any animal customarily kept by humans for companionship or as a service animal, including but not limited to dogs, cats, rabbits, hamsters, mice, turtles, aquarium fish and the like.

**Animal, domestic (farm)** shall mean cattle, horses, sheep, poultry and similar animals commonly found on farms.

**Apartment** shall mean a room or a suite of rooms in an apartment house or multiple family dwelling arranged, used, designed, or suitable for use by one or more persons as a place of residence with a kitchen or culinary accommodations. See also: "*Dwelling Unit.*"

**Apartment Complex** shall mean a building or buildings containing apartments used as a place of residence for more than two households.

**Apartment House** see “*Dwelling, Multiple Family.*”

**Applicant** shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, exception, building permit, certificate of occupancy or other similar administrative permit has been requested. Consent shall be required from the legal owner or his legal representative in writing, except for building permits and zoning certificates.

**Appurtenances** shall mean the visible, functional objects accessory to and part of buildings.

**Aquaculture** shall mean the growing and harvesting of plant or animal organisms in a natural or artificial aquatic situation that requires a body of water.

**Aquaponics** shall mean a food production system that combines conventional aquaculture with hydroponics in a symbiotic environment.

**Architectural Style** shall mean the characteristic form and detail of buildings of a particular historic period.

**Area** shall mean a piece of land capable of being described with such detail that its location may be established and boundaries definitely ascertained.

**Artisan Shop** shall mean a store, workshop or studio owned or operated by an artist or group of artists where hand-made arts and crafts are produced and sold, including but not limited to, jewelry, blown glass, pottery and candles. This definition is intended for shops that engage in small-scale production that may create noise, dust, heat or other impacts but at a scale and frequency that do not harm or interfere with the operations of neighboring businesses or residences.

**Assisted Living Facility** shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours-a-day, seven days-a-week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by these regulations. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited-term basis, or, if limited in scope, on a regular basis.

**Attached** shall mean that a foundation, wall or roof of a building or structure is connected to and supported by the foundation, wall, or roof of another building or structure.

**Automotive and Machinery Repair Shop** shall mean a building used for the repair of motor vehicles or machinery, including body repair and painting, provided that all such repairs shall be conducted wholly within a completely enclosed building.

**Automotive Sales Area** shall mean an open or enclosed area not on a public right-of-way used for the display or sale of new or used motor vehicles or trailers by one required to be licensed as a motor vehicle dealer by the State of Kansas, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

**Automotive Service Facility** shall mean any building, structure or land used for the dispensing, sale or offering for sale at retail any fuel, oils or accessories, and offering services such as lubrication, replacement or installation of minor parts and accessories for use in or on any motor vehicle. Body repair and painting are not included in this definition.

**Bar** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. *See also: "Drinking Establishment."*

**Basement** shall mean that portion of a building which is partly or wholly below grade. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground.

**Bed and Breakfast** shall mean an owner-occupied residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-time periods, sleeping rooms and meals are provided for one or more persons, provided that where the bed and breakfast is located in a residential district, there shall be a maximum of six sleeping rooms.

**Berm** shall mean a raised form of earth to provide screening or to improve the aesthetic character of an area.

**Block** shall mean a series of lots entirely surrounded by public rights-of-way, railroad rights-of-way, parks, open land, or waterways.

**Board of Zoning Appeals** shall mean that board which has been created by the Governing Body, said board having jurisdiction and the statutory authority to hear and determine special use permits, exceptions and variances to these zoning regulations and appeals of determinations of the zoning administrator.

**Boarding or Lodging House** shall mean a building or structure which is kept, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which

eight or more guests may be accommodated, and which maintains common facilities for the serving or preparation of food for such guests.

**Breeder Premises** shall mean any premises where all or part of one or two litters of dogs or cats, or both, are produced, whether or not they are offered for sale or are offered to prospective owners at no charge. *See also: "Animal Breeder Premises" and "Hobby Breeder Premises."*

**Brew Pub** shall mean a restaurant, bar or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops and yeast into beer or ale by mashing, cooking and fermenting.

**Brewery** shall mean a licensed industrial use that distills, rectifies, brews, makes, mixes, concocts, processes, blends, bottles or fills an original package with any alcoholic liquor, beer or cereal malt beverage. This does not include a microbrewery, brew pub or farm winery.

**Buffer** shall mean a strip of land established to separate one type of land use from another land use or between a land use and a private or public street. *See also: "Screening."*

**Buildable Area** shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.

**Building** shall mean a structure having a roof supported by columns or walls intended, designed, used or suitable for use for the support, enclosure, shelter or protection of persons, animals or property; and when separated by firewalls each portion of such structure so separated shall be deemed a separate building.

**Building, Completely Enclosed** shall mean any building having no outside openings other than ordinary doors, windows and ventilators.

**Building, Principal** shall mean a building in which is conducted the principal uses of the lot or parcel upon where it is situated. *See also: "Use, Principal."*

**Building Code** shall mean the adopted building codes of the City of Hutchinson including but not limited to fire codes, electrical codes, and fuel gas codes.

**Building Complex** shall mean two or more buildings on the same lot or premises sharing one or more common access and parking facilities.

**Building Height** shall mean the vertical distance measured from the average elevation of the finished lot grade to the highest point of a coping or flat roof, to the deck line of mansard roof, and to the mean height between eaves and ridge of gable, hip, curved and gambrel roofs.

**Building Official** shall mean the Building Official of the Inspections Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

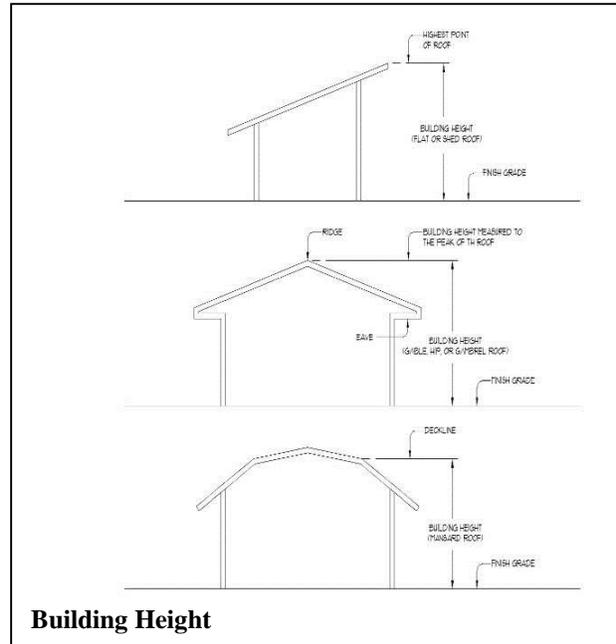
**Bulk Regulations** shall mean regulations in the zoning ordinance which control the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling maximum height, maximum lot coverage, and minimum width of yards and setbacks.

**Carport** shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for motor vehicle or recreational vehicle shelter.

**Centralized Sewer** shall mean a private central sewer treatment facility for a single subdivision, community, or region with an accompanying collection network. Such system must comply with all requirements of the Reno County Sanitation Code and KDHE.

**Centralized Water** shall mean a private water supply system for a single subdivision, community or region with an accompanying distribution system. Such system must comply with all requirements of the Reno County Sanitation Code and KDHE.

**Child Care Center** shall mean a facility operating in accordance with K.A.R. 28-4-420 et seq. and any amendments thereto, which (1) provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening and nighttime care; or (2) provides before and after school care for school-age children. The term does not include the following: (a) kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (b) facilities operated in connection with a shopping center or other principal activity, where individuals are cared for temporarily while parents or custodians are occupied on the premises, or are in the immediate vicinity and readily available; or (c) special activity programs,



including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations.

**City** shall mean the City of Hutchinson, Kansas. Also, “City Council” or “Governing Body.”

**City Attorney** shall mean the City Attorney of the City of Hutchinson or his/her authorized deputy, agent or representative.

**City Council** shall mean the Hutchinson City Council.

**City Engineer** shall mean the City Engineer of the Engineering Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

**City Limits** shall mean the established corporate boundary of the City of Hutchinson.

**Clinic** shall mean an office building or a group of offices for one or more professionals licensed to practice by the State Board of Healing Arts or subsequent agency, engaged in treatment of the sick or injured, which are not lodged overnight.

**Club** shall mean a nonprofit association or organization formed for fraternal, social, educational, philanthropic or other similar purpose, including professional organizations, unions and other similar organizations.

**Club, Class A** shall mean a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them.

**Club, Class B** shall mean a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

**Code** shall mean the Municipal Code of the City of Hutchinson.

**Coffee Kiosk** shall mean a retail food business in a freestanding building that sells coffee or other nonalcoholic beverages and pre-made bakery goods from a drive-through window to customers seated in their motor vehicles for consumption off the premises and that provides no indoor or outdoor seating.

**Collection Bin, Free Standing** shall mean a large box, bin, or drop-off container located on a parcel of land for the purpose of collecting materials such as clothing, household items, paper, metal or glass to be reused, recycled, sold or donated.

**Columbarium** shall mean a structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

**Commission** shall mean the City of Hutchinson Planning Commission.

**Common Area** shall mean an area of land or water or combination thereof used for passive or active recreation, private streets, private alleys, driveways, off-street parking, loading areas, swimming pools, tennis courts, and similar types of uses in association with one or more principal uses.

**Community Center** shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

**Community Garden** shall mean a parcel of land gardened collectively by a group of people which may include the sale of produce, herbs, flowers, and other by-products of the garden produced on site.

**Community Sanitary Sewer System** see “*Centralized Sewer.*”

**Community Water Supply System** see “*Centralized Water.*”

**Compatible Use** shall mean a land use which is congruous with, tolerant of, and has minimal adverse effects on existing neighboring uses. Compatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference and radiation.

**Comprehensive Plan** shall mean the adopted Comprehensive Plan of the City of Hutchinson, Kansas, which sets forth policies for the present and foreseeable future community welfare as a whole and meets the purposes and requirements of the residents of the City of Hutchinson and its planning and zoning jurisdiction.

**Conditional Use** shall mean a use where allowed by the district regulations that may not be appropriate throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics will not be detrimental to the public health, safety and general welfare. All conditional uses require review by the Planning Commission and approval by the City Council.

**Conditional Use Permit** shall mean the documentary evidence of authority granted by the City Council in accordance with these regulations which allows establishment of a conditional use at a particular location.

**Condominium** shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

**Conservation** shall mean the protection and care that prevents destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

**Contiguous** shall mean the same as “Abut” or “Abutting.”

**Convenience Store** shall mean an establishment engaged in the retail sale of food, beverages and other household supplies to customers who purchase only a relatively few items. There may also be fuel products such as gasoline and diesel available as part of the use, but shall not include motor vehicle repair.

**Correctional Facility** shall mean a facility providing housing and care for individuals confined for violations of law. Typical uses include jails, prisons and juvenile detention centers.

**Court** shall mean an open space on the same lot with a building or buildings that is bounded on two or more sides by such buildings.

**County** shall mean Reno County, Kansas.

**County Health Officer** shall mean the Director of the County Health Department or such person designated to administer the health regulations of Reno County.

**Cul-de-Sac** shall mean a right-of-way with one end open to traffic and the other end permanently terminated by a vehicular turn-around.

**Curb Cut** shall mean an opening in the curb of a street or other type of passageway which enables vehicles to enter upon a parcel from a public street.

**Day Care Home, Licensed** shall mean a facility operating in accordance with K.A.R. 28-4-113 et seq. and any amendments thereto, in which care is provided for a maximum of 10 children under 16 years of age and includes children under 11 years of age related to the provider. There are specific criteria for meeting this definition as administered by KDHE.

**Day Care Home, Licensed Group** shall mean a facility operating in accordance with K.A.R. 28-4-113 et seq. and any amendments thereto, in which care is provided for a maximum of 12 children under 16 years of age and includes children under 11 years of age related to the provider. There are specific criteria for meeting this definition as administered by KDHE.

**Deck** shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.

**Dedicate** shall mean to transfer property rights from the property owner to another person or entity.

**Detention Center** shall mean a juvenile detention facility as defined in K.S.A. 38-1502(i) and K.S.A. 38-1602(f) which requires a license pursuant to K.S.A. 65-501 et seq. Detention centers may be subject to licensing requirements included in K.A.R. 28-4-351 through 360. There are specific criteria for meeting this definition as administered by KDHE.

**Developer** shall mean the legal or beneficial owner or owners of all the land proposed to be included in a development or the duly authorized agent thereof. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 40 years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for all purposes of these regulations.

**Development** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

**Director of Parks and Facilities** shall mean the Director of the Parks Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

**Director of Planning and Development** shall mean the Director of the Planning and Development Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

**Director of Public Works** shall mean the Director of the Public Works Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

**Domestic Animal** see *“Household Pet.”*

**Drainage** shall mean the removal of surface water from land through grading, installation of surface drains, construction of below surface drains and other means.

**Drainageway** shall mean a man-made or natural conveyance that transports stormwater over land which is frequently referred to as a channel, swale, ditch, gully, stream or watercourse.

**Drinking Establishment** shall mean any premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

**Drive-In Facility** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

**Driveway** shall mean any vehicular access to an off-street parking or loading facility.

**Dump** see *“Landfill.”*

**Duplex** shall mean the same as *“Dwelling, Two Family.”*

**Dwelling** shall mean a room or group of rooms in any building or portion thereof, including manufactured homes, expressly designed, designated and used exclusively to provide living quarters for one and only one household, containing a minimum of 600 square feet of floor area and exclusive of any additions to the structure not corresponding to the construction and appearance of the main unit.

**Dwelling, Multiple Family** shall mean a building or buildings identified, designed, used or suitable for use as a residence for three or more families living in separate apartments.

**Dwelling, Single Family** shall mean a building having accommodations for or occupied exclusively by one family.

**Dwelling, Single Family Attached** shall mean a single family dwelling unit that is attached to one or more additional single family dwellings. Said dwelling units are separated by an un-pierced common wall or walls (as required by local codes) through the center of the structure that also sits along the property line separating ownership of the structure. *See also: "Dwelling, Two Family" and "Townhouse."*

**Dwelling, Two Family** shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

**Dwelling Unit** shall mean a building or portion thereof containing complete housekeeping facilities, including living, sleeping, toilet, bath, and eating areas for one household.

**Easement** shall mean an authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.

**Educational Institution** shall mean a public or private institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must meet all criteria and standards as established by the Kansas State Board of Education or other respective authority having jurisdiction over the institution.

**Effective Date** shall mean the date that these regulations shall have been adopted or amended, or the date land areas became subject to the regulations contained in these regulations as a result of such adoption or amendment and any subsequent publication as required by law.

**Emergency Shelter** shall mean a facility providing 24-hour residential care and protection for a period not to exceed 30 days and which provides the resident access to the surrounding community.

**Encroachment** shall mean advancement or intrusion beyond the lines or limits as designated and established by these regulations, or an infringement or trespass into or upon the possession or right of others without permission.

**Enlargement** shall mean the expansion of a building, structure or use in number, volume, size, area, height, length, width, depth, capacity or ground coverage.

**Exception** shall mean the allowance of a use with specific conditions in a given zoning district by special use permit where specifically authorized by these regulations.

**Exotic Animal** Please refer to7 Chapter 7, Section 7-102 of the Hutchinson Municipal Code for the definition of an Exotic Animal.

**Exterior Lighting** shall mean lights installed outdoors on an outside wall, a roof, a standard pole or other device, not including lights that shine on or which are a part of a sign but including security lights, flood lights, decorative lights, parking lot lights and similar lights.

**Extraterritorial Jurisdiction** shall mean the area beyond the corporate limits of the City in which the City has been granted the powers by the County to apply comprehensive planning, zoning and subdivision regulations and is exercising such powers.

**Facade** shall mean the entire building front, including the parapet.

**Factory** shall mean a building(s) or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

**Family** shall mean an individual or two or more persons related by blood, adoption or marriage, or a group of not more than four persons (including servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

**Federal Communications Commission (FCC)** shall mean the federal agency charged with licensing and regulating wireless communication at the national level.

**Feedlot Non-Commercial** shall mean the confinement of domestic animals in buildings, lots, pens, pools or ponds which are being maintained for non-commercial purposes.

**Feedlot, Commercial** shall mean a livestock feedlot or feed yard as defined by K.S.A. 47-1501 as amended from time to time, licensed by and operated under standards set forth by the Kansas Livestock Commission.

**Fence** shall mean a freestanding structure intended to provide privacy, protection, security, screening or confinement, or to redirect a person's travel.

1. **Fence, Live** shall mean landscape material of at least four feet in height consisting of plants which retain leaves or needles throughout the year and obscure the view between parcels and uses.
2. **Fence, Open** shall mean a fence of approved material, which has, for each one-foot-wide segment extending over the entire length and height of the fence, 50 percent or more of its surface area in open spaces which affords direct views through the fence.

3. **Fence**, Solid shall mean a fence of approved material, excluding chain link with slats, which obscures at least 90 percent of vision through each one-foot-wide segment extending over the entire length and height of the fence.

**Fireworks, Class C** shall mean common fireworks and firecrackers sold for consumer use. Consumer fireworks include shells and mortars, multiple tube devices, Roman Candles, rockets, sparklers, firecrackers with no more than 0.05 grams of powder and novelty items such as snakes, airplanes, ground spinners, helicopters, fountains and party poppers. In general consumer fireworks are: United States Department of Transportation Class C 1.4GUN0336.

**Fireworks Stand** shall mean any tent or shelter used for the retail sale of fireworks on a temporary basis.

**Flammable or Explosive Material** shall mean any substance which decomposes through detonation or which is intense burning. In addition, any substance which is considered an “explosive” or a “flammable liquid” as defined in Division IV of Article I of the City of Hutchinson Fire Code shall be considered a flammable or explosive material.

**Flood** shall mean a general and temporary condition of partial or complete inundation of normally dry land area, resulting from the over flow of creeks, rivers or streams, or from the unusual and rapid accumulation or runoff of surface waters from any source.

**Floodplain** shall mean land area subject to inundation from surplus storm water as defined by a FEMA Flood Insurance Study and as depicted on a Flood Insurance Rate Map. The floodplain is the area adjacent to the floodway which on average has a one percent chance of flooding in any year.

**Floodway** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (one percent annual chance flood) without cumulatively increasing the water surface elevation more than one foot.

**Food Sales** shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.

**Food Service Establishment** shall mean any place in which food is served or is prepared for sale or service on the premises or elsewhere. Such term shall include, but not be limited to, fixed or mobile restaurant, coffee shop, cafeteria, short-order café, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, private club, roadside stand, industrial-feeding establishment, catering kitchen, commissary and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge. Said uses shall comply with all local and state regulations.

**Freestanding Canopy** shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

**Front** shall mean the part or side of a building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for that building or structure.

**Frontage** shall mean the portion of a parcel of property which abuts a dedicated public street or highway.

1. **Lot Frontage** shall mean the distance for which the front boundary line of the lot and the right-of-way are coincident.
2. **Street Frontage** shall mean all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting one side between an intersecting street and the dead-end of the street.

**Funeral Home / Mortuary** shall mean a building used for the storage, preparation and viewing of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home/mortuary provided they are licensed by the Board of Mortuary Science Examiners and have received an establishment permit to operate as required by the State of Kansas and must meet all federal regulations.

**Garage, Private** shall mean any detached accessory building or portion of a principal building designed or used for the housing and storage of motor vehicles and other property which belong to, or are provided for the exclusive use of, the occupants of the lot or premises upon which such building is located and having no provisions for the commercial repair or upkeep of such vehicles.

**Garage, Public** shall mean any building, portion of a building, or premises designed, operated, or used for commercial purposes in the storage, sale, keeping and/or repair of motor vehicles.

**Garage, Repair** shall mean a building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work as a commercial business. *See also: "Service Station."*

**Garage Sale or Yard Sale** shall mean a residential accessory use, not exceeding more than four events per calendar year and three consecutive days per event, whereby items accumulated during the everyday residential use of a dwelling are sold.

**Garden** shall mean a plot of ground gardened by the owner or lessor of the premises.

**Gas Station** shall mean a building and premises where gasoline, oil and minor auto accessories may be supplied and dispensed at retail. A gas station is not a service station and is not operated as a convenience store.

**Governing Body** shall mean the City Council of the City of Hutchinson, Kansas.

**Grade** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**Green** shall mean an environmentally sensitive and sustainable approach to site and building design, the rehabilitation of existing buildings and the reuse of materials from the demolition process.

**Green Space** shall mean an open space available for unstructured recreation and landscaping consisting of grassy areas and trees.

**Greenhouse** shall mean a commercial building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

**Greenhouse, Noncommercial** shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

**Gross Floor Area** shall mean the sum of the horizontal areas of all stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall.

**Ground Cover** shall mean plant materials or approved inorganic materials used in landscaping which may be intended to keep the soil from being blown or washed away and which remain less than 24 inches in height at maturity. Turf grass is excluded.

**Ground Level** shall mean the grade at the public right-of-way edge or parcel boundary edge, whichever applies.

**Ground Water** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

**Group Boarding Home** shall mean a facility which operates in accordance with K.A.R. 28-4-268 et seq. and any amendments thereto, which provides residential care for not less than five nor more than ten persons unrelated to the caregivers, and which provides residents access to the surrounding community and includes emergency shelters and maternity homes. There are specific criteria for meeting this definition as administered by KDHE.

**Half-Way House** shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

**Hard Surface** shall mean any permanently applied asphalt or concrete surface of an approved thickness, or other approved surface, excluding asphalt millings with or without a slurry seal, and excluding crushed rock, gravel, loose fill material, grass, sand and dirt.

**Hazardous Waste** shall mean waste materials including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment as defined by state and local regulations.

**Hedge** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

**Hobby Breeder** shall mean any person who operates a hobby breeder premises.

**Hobby Breeder Premises** shall mean any premises where all or part of three, four, or five litters of dogs or cats, or both, are produced for sale or are sold, offered or maintained for sale. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.

**Home Occupation** shall mean a commercial occupation or activity conducted by a person within a dwelling unit or accessory building of said person's primary place of residence which is clearly incidental and secondary to the use of the premises for dwelling purposes.

**Homeowners Association** shall mean a community association which is organized in a development in which individual owners share common interests in open space or facilities. The homeowners association usually holds title to reserve areas, manages and maintains the common area, and enforces certain covenants and restrictions.

**Hospice** shall mean a facility serving as a medical and residential facility for end of life treatment, providing inpatient services and support services for families of the residents and patients.

**Hospital** shall mean a building or group of buildings having room facilities for one or more patients, used for providing services for the inpatient medical and surgical care of ill or injured persons, and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities and staff offices; provided, however, that such related facilities must be incidental and subordinate to the principal use and must be an integral part of the hospital operation.

**Hotel** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations at a daily rate to the general public and providing associated services such as restaurants, meeting rooms, and recreational facilities. The term “hotel” includes “motel” and other similar transient accommodations.

**Household** shall mean one or more persons related by blood, marriage, adoption or guardianship; or four or less persons, not so related, who occupy a dwelling unit and live as a single housekeeping unit.

**Household Pet** shall mean any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

**Hydroponics** shall mean a method of growing plants using mineral nutrient solutions, in water, without soil.

**Impervious Surface** shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as conventionally surfaced streets, sidewalks, parking lots, driveways, and the roofs of buildings.

**Industry** shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**Infill Development** shall mean the development of vacant land located in a predominately built up area.

**Infrastructure** shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

**Intensity** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with low intensity uses.

**Junk** shall mean any worn-out, cast-off, old or discarded articles of scrap metal, copper, brass, iron, steel, wood, rope, rags, batteries, paper, trash, rubber, debris, appliances, waste, construction and demolition debris, dismantled or wrecked motor vehicles or parts thereof, and other old or scrap materials including ferrous or nonferrous material, and any other material defined as junk by local and state regulations.

**Junkyard** shall mean an establishment which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of a salvage yard or motor vehicle graveyard. Junkyards shall comply with all local and state regulations.

**Kennel** see “Breeder Premises,” “Animal Breeder Premises” and “Hobby Breeder Premises.”

**Landfill** shall mean a site established for disposing of solid wastes in a manner that minimizes environmental hazards which is operated in accordance with the regulations of KDHE.

**Landscape** shall mean plant materials, topography and other natural physical elements combined in relation to one another and to man-made structures.

**Landscaping** shall mean the improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains and statuary, and other similar natural and artificial objects designed and arranged to produce a visually pleasing effect.

**Large Truck or Trailer** shall mean a vehicle used for hauling loads or trailers along streets and highways. Large trucks include tractor trailer rigs, delivery trucks, cement trucks, dump trucks, and other such heavy duty commercial vehicles. All motor vehicles wider than seven feet six inches or higher than eight feet shall be classified as large trucks for the purposes of these regulations. Semi-trailers shall be classified as large trailers.

**LEED** shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

**LEED-ND** shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by the United States Green Building Council.

**Liquor Store, Package** shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

**Live Fence** see “Fence, Live.”

**Livestock** shall mean cattle, horses, sheep, poultry and similar animals raised for domestic use or sold for profit.

**Loading Space** shall mean an off-street space or berth on the same lot with a main building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley or other appropriate means of ingress and egress.

**Lot** shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of these regulations, or a parcel of real property delineated on an approved

record of survey, lot split or tax lot, or tract as filed in the office of the Reno County Register of Deeds.

**Lot, Corner** shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot (see “Lot, Interior”).

**Lot, Double Frontage** see “Lot, Through.”

**Lot, Flag** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor. The lot width of a flag lot shall be measured at the midpoint of the main portion of the lot.

**Lot Interior** shall mean a lot other than a corner lot which has frontage on one street or road only. In the case where two streets or roads intersect at an angle of 135 degrees or more, then the adjacent lot(s) shall be considered an interior lot.

**Lot, Through** shall mean a lot having frontage on two non-intersecting dedicated streets or road rights-of-way, not including a corner lot.

**Lot, Zoning** see “Zoning Lot.”

**Lot Area** shall mean the total area, on a horizontal plane, within the lot lines of a lot.

**Lot Coverage** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.

**Lot Depth** shall mean the average distance from the front property line to the rear property line, measured in the general direction of the side property lines of the lot.

**Lot Frontage** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley.

**Lot Line** shall mean the property line bounding a lot.

1. **Lot Line, Front** shall mean the property line abutting a street or road right-of-way upon which the permanent street address is based.
2. **Lot Line, Rear** shall mean a lot line not abutting a street or road right-of-way which is opposite and most distant from the front lot line.
3. **Lot Line, Side** shall mean any lot line other than a front lot line or rear lot line.

**Lot of Record** shall mean a lot which is part of a subdivision, the plat of which was recorded in the office of the Reno County Register of Deeds prior to the adoption of these regulations, or a lot described by metes and bounds, the description of which was recorded in the office of the Reno County Register of Deeds prior to the adoption of these regulations.

**Lot Width** shall mean the horizontal distance between the side property lines measured at the front property line as it abuts the street or along the street right-of-way line on unplatted streets, except that on cul-de-sac lots, the lot width shall be measured at the required front yard setback line.

**Manufacture** shall mean to use any method of processing, developing, fabricating or assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product.

**Manufactured Home, Certified** shall mean a structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such structure shall have been constructed after June 15, 1976. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For purposes of these regulations, the term “manufactured home,” when used by itself, shall not include a “residential-design manufactured home” as defined in these regulations. All manufactured homes moved into the City’s zoning jurisdiction or from one manufactured home park or subdivision to another shall be certified and shall be in compliance with all City regulations.

**Manufactured Home, Non-Certified** shall mean a manufactured home as defined above that has not been certified as meeting the federal Manufactured Home Construction and Safety Standards Act established pursuant to 42 USC 5403. Non-certified manufactured homes shall not be moved into the City’s zoning jurisdiction nor from one manufactured home park or subdivision to another.

**Manufactured Home, Residential-Design** shall mean a manufactured home on a permanent foundation which meets the construction and design standards of the City. A residential-design manufactured home shall be used only as a single family dwelling. All residential-design manufactured homes shall meet the requirements of Sec. 27-902 of these regulations.

**Manufactured Home, Single-Wide** shall mean a manufactured home which measures less than 22 feet in width when affixed to the manufactured home pad.

**Manufactured Home Accessory Building or Structure** shall mean a subordinate building or structure which is an addition to or supplements a manufactured home, such as an awning, cabana, storage structure, carport, porch, fence, skirting or windbreak.

**Manufactured Home Lot** shall mean a plot of ground within a manufactured home subdivision for the placement of one manufactured home for single family occupancy and the exclusive use of its occupants and which provides the necessary utility services for water, sewage and electricity.

**Manufactured Home Pad** shall mean that portion of an individual lot on which the manufactured home unit and any attached structure is placed.

**Manufactured Home Park** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured homes used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term “manufactured home park” does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection or sale.

**Manufactured Home Skirting** shall mean the enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.

**Manufactured Home Subdivision** shall mean a subdivision that is platted for development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes and site-built single family dwellings, all of which are required to be placed on permanent foundations.

**Manufacturing** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, food processing and liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

**Master Fee Schedule** shall mean a fee schedule maintained by the City which establishes the required fees to be collected for specific planning, zoning, subdivision and similar activities.

**Mechanical Equipment, Building** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, electric, heating, ventilating, air conditioning and similar purposes.

**Mini-Storage or Mini-Warehouse** see “*Self-Service Storage Facility.*”

**Mining or Quarrying** shall mean the extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand, soil and gravel pit operations, quarries and mines.

**Miscellaneous Structures** shall mean structures other than principal buildings. Examples are: memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, walls, kennels, transformers, drive-up facilities and similar improvements.

**Monopole** shall mean a type of support structure that consists of a vertical pole fixed into the ground and/or attached to a foundation.

**Motel** see “*Hotel.*”

**Motor Freight Terminal (Truck Terminal)** shall mean a building or area in which freight brought by large trucks is received, assembled or stored and dispatched for routing by large trucks which may include large truck and trailer storage.

**Motor Vehicle** shall mean every self-propelled land vehicle not operated upon rails, except mopeds and self-propelled wheelchairs.

**Motor Vehicle Graveyard** shall mean any establishment which is maintained, used or operated, for storing, keeping, buying or selling wrecked, scrapped, ruined, dismantled, disabled or inoperable motor vehicles, watercraft, recreational vehicles, trailers, boxcars, tractors, farm machinery and other conveyances, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Said uses shall comply with all local and state regulations. A deposit or the storage on a parcel of two or more inoperable, wrecked or broken-down motor vehicles or parts of two or more such motor vehicles for one week in a residential district or for three weeks in any other district shall be deemed a motor vehicle graveyard.

**Nonconforming Building or Structure** shall mean a building or structure or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**Nonconforming Lot** shall mean a lot which does not comply with the lot size requirements for the district in which it is located.

**Nonconforming Use** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**Nursery** shall mean the use of a premises for the propagation, cultivation and growth of trees, shrubs, plants, vines and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

**Nursing Facility** shall mean any place or facility operating 24 hours-a-day, seven days-a-week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

**Nursing Facility For Mental Health** shall mean any place or facility operating 24 hours-a-day, seven days-a-week caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

**Off-Street Parking Area** shall refer to all off-street areas and spaces designed, used, required or intended to be used for parking, including driveways or access ways in and to such areas.

**Office, General** shall mean a business establishment or portion thereof, where consulting, record keeping, bookkeeping and clerical work are performed, but not to include medical offices or clinics.

**Office, Medical** shall mean a business establishment or portion thereof, which furnishes medical, surgical or other service to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental labs, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

**Open Space** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures and buildings.

**Outdoor Storage** shall mean the storage of any material for a period greater than 24 hours, including items for sale, lease, processing and repair (including vehicles) not in an enclosed building.

**Overlay District** shall mean a district which acts in conjunction with the underlying zoning district. (The underlying zoning district designation does not change.)

**Owner** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

**Parcel** shall mean a lot, tract or contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

**Parcel Boundary** shall mean a line bounding a parcel which divides the parcel from another parcel, a public right-of-way, or any other public or private space. *See also: "Lot Line."*

**Parcel, Zoning** shall mean an area of land, undivided by any street under single ownership or control, which is or will be occupied by one structure or land use plus accessory structures and uses which may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof, and including the yards required in these regulations. *See also: "Zoning Lot."*

**Park** shall mean any public or private land available for recreational, educational, cultural or aesthetic use.

**Parking Area, Private** shall mean an area, other than a street or alley, used for the parking of motor vehicles, which is restricted from general public use.

**Parking Area, Public** shall mean an area, other than a private parking area or street, used for the parking of motor vehicles, either for free or for remuneration.

**Parking Lot** shall mean any land used for the temporary parking of motor vehicles.

**Pergola** shall mean an accessory recreational structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters.

**Permanent Foundation** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

**Permitted Use** shall mean a land use that is allowed within a given zoning district.

**Person** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, county, special district or any other group or combination acting as an entity.

**Personal Services** shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall include but not be limited to grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

**Pervious Surface** shall mean a surface that allows surface water penetration.

**Planned Unit Development** shall mean a development designed to provide for a determined arrangement of residential, business or industrial uses in accordance with an approved development plan.

**Planning Commission** shall mean the City of Hutchinson Planning Commission.

**Plant Materials** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals and bulbs.

**Plat** shall mean a drawing which is filed of record with the Reno County Register of Deeds that delineates the subdivision of a parcel of land. A plat commonly shows lots, blocks, streets, easements and other features relevant to the development and improvement of the property. In addition, "plat" shall also mean a drawing showing the location, boundaries and legal description of individual properties.

**Portable Storage Unit** shall mean a transportable unit designed and used for the storage of retail merchandise, household goods, personal items, construction materials, supplies and non-hazardous materials which is placed on a property for the use of the residents or business on the property or for storage during the construction of a building. Portable storage units shall include but not be limited to such units commonly known as "PODS," mobile attics, shipping containers, portable storage containers, and similar uses, but shall not include railroad cars. Portable storage units are designed to be used outside of an

enclosed building and are not placed on a permanent foundation or used for occupancy by persons.

**Premises** shall mean any one or more lots or tracts of land, including all buildings, structures, or facilities located thereon.

**Preschool** shall mean an early childhood program which provides primarily educational services, and the following:

1. Provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-1107 and any amendments thereto, and who are 30 months of age or older;
2. Conducts sessions not exceeding three hours per session;
3. Does not enroll any child more than one session per day; and
4. Does not serve a meal.

The term “preschool” shall include educational preschools, Montessori schools, nursery schools, church sponsored preschools, and cooperatives. A facility may have fewer than 13 children and be licensed as a preschool if the program and facility meets state regulations. There are specific criteria for meeting this definition as administered by KDHE.

**Preservation** shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

**Primary Street Frontage** see “Street Frontage, Primary”

**Principal Building** see “*Building, Principal.*”

**Principal Use** see “*Use, Principal.*”

**Private Well** shall mean a well that provides water supply to less than 10 service connections and regularly serves less than 25 individuals daily for at least 60 days per year as defined by K.S.A. 65-162a.

**Prohibited Use** shall mean any use of land or a structure other than legal nonconforming, which is not listed as a permitted use, conditional use or special use within a zoning district.

**Public Facility** shall mean any building, location or structure owned by a public entity, such as a library, fire station, school, park, and other similar facilities and uses.

**Public Use** shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

**Public Utility** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business

so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

**Public Water and Sewer Systems** shall mean a water or sewer system owned and operated by a governmental entity which meets all local, state and federal requirements.

**Railroad** shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

**Recreational Facility** shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

**Recreational Vehicle (RV)** shall mean a vehicular, portable structure, either self-propelled or pulled, designed for short term occupancy and highway travel without a special permit, including but not limited to motor homes, converted buses and vans, and camper tents, travel trailers, boats and boat trailers used exclusively for the purpose of traveling and occupancy by the owner, members of his or her family and guests, on camp trips beyond the city limits. Pickup trucks with camper shells shall not be included in this definition.

**Recreational Vehicle Park (RV Park)** shall mean a commercial tract of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers or travelers on a rental basis.

**Recycling Facility** shall mean any location where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles and other materials.

**Redevelopment** shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, redevelopment may involve the demolishing of a building or structure for the purpose of a new use or building.

**Residence** shall mean a building used, designed or intended to be used as a home or dwelling place for one or more families.

**Residential Center** shall mean a facility which operates in accordance with K.A.R. 28-4-268 et seq. and any amendments thereto, which provides residential care for more than ten persons unrelated to the caregivers, and which provides residents access to the surrounding community and includes emergency shelters and maternity homes. There are specific criteria for meeting this definition as administered by KDHE.

**Restaurant** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.

**Restaurant, Drive-In** shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

**Retail Sales** shall mean establishments engaged in the selling of goods or merchandise to the general public for personal or household consumption.

**Retail Service** shall mean retail establishments providing services or entertainment, as opposed to products, to the general public for personal or household use.

**Retaining Wall** shall mean a man-made barrier constructed for the purpose of stabilizing soil, retarding erosion or terracing a parcel or site.

**Rezoning** shall mean an amendment to the zoning map which is reviewed by the Planning Commission at a public hearing and is approved by the City Council by ordinance.

**Right-of-Way** shall mean a strip of land dedicated for or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer, storm sewer or another such use.

**Road** shall mean the same as "Street."

**Room** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathrooms, closets, and hallways.

**Rooming House** shall mean every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated, but which does not maintain common facilities for the serving or preparation of food for such guests.

**Salvage Yard** shall mean any land or building used for the collection, storage or sale of wastepaper, trash, rags, fibrous material, scrap metal or other discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof, or materials from the demolition of buildings or structures. A deposit or the storage on a parcel of two or more inoperable, wrecked or broken-down motor vehicles or parts of two or more such motor vehicles for one week in a residential district or for three weeks in any other district shall be deemed a salvage yard.

**Scale** shall mean a proportional relationship of the size of parts to one another and to the human figure.

**School** shall mean any public or private elementary school, middle school, high school, community college, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.

**School, Elementary, Middle School, or High** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State of Kansas.

**Screening** shall mean landscaping, fences, structures or plantings that conceal from view from public ways or from residential property the area behind such landscaping, fences, structures or plantings.

**Self-Service Storage Facility** shall mean a building or group of buildings containing individual, compartmentalized and controlled access stalls or lockers for storage.

**Service Station** shall mean a building and premises where the principal use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

**Setback** shall mean the distance between a building and the lot line or street right-of-way line, whichever is applicable.

**Setback Line, Front Yard** shall mean the line which defines the depth of the required front yard. Said setback line shall be measured from and parallel to the street right-of-way line or highway setback line when one has been established.

**Setback Line, Rear Yard or Side Yard** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be measured from and parallel to the property line.

**Shopping Center** shall mean a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations and protection from the elements.

**Side Street** see "*Yard, Side Street Front.*"

**Sight Triangle** shall mean the area at a public or private street intersection required by these and/or other regulations to be maintained free of structures, objects or plantings, and where nothing shall be erected, placed, planted or allowed to grow which could materially impede the vision of motorists and/or pedestrians and thereby pose a safety hazard. *Refer to Section 27-308 of these regulations for required dimensions and other requirements for sight triangles.*

**Similar Use** shall mean the use of land, buildings or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

**Site Plan** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, driveways, parking spaces, loading spaces, lighting, drainage, landscape features and other principal site development improvements for a specific parcel of land.

**Site Plan Review** shall mean the review by the city of all documents and applications necessary for development including subdivision plats, site plans, rezoning requests, permit review and/or other applicable forms.

**Skilled Nursing Home** shall mean a facility where services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles. All skilled nursing homes shall be operated in accordance with the regulations of the Kansas Department of Aging.

**Solid Fence** see “*Fence, Solid.*”

**Solid Waste** shall mean waste materials including but not limited to garbage, trash, refuse, rubble, sewage sludge, offal, dead animals or paunch manure.

**Special Use** shall mean a certain use of land or buildings that may not be appropriate under all circumstances in any zoning district, but may be appropriate where adequate precautions can be taken to assure the compatibility of such use with surrounding uses. Special uses are restricted and approved by the Board of Zoning Appeals.

**Special Use Permit** shall mean the documentary evidence of authority granted by the Board of Zoning Appeals when a certain use of land or buildings may not be appropriate under all circumstances in any zoning district, but may be appropriate where adequate precautions can be taken and conditions imposed to assure the compatibility of such use with surrounding uses.

**State** shall mean the State of Kansas.

**Storage** shall mean the keeping of any goods, junk, material, merchandise or vehicles, whether indoors, outdoors, roofed or unroofed, in an area on the same tract or premises.

**Stormwater Detention Area** shall mean an area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

**Stormwater Management** shall mean the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating or filtering of surface water, ground water, and/or runoff, together with applicable managerial (non-structural) measures.

**Stormwater Retention Area** shall mean a wet or dry stormwater holding area, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.

**Stormwater Runoff** shall mean surface water generated by rainfall that does not seep into the earth but flows over land, including impervious surfaces, to flowing or stagnant bodies of water.

**Story** shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above “grade” as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above “grade” as defined herein at any point, such usable or unused underfloor space shall be considered as a story.

**Story, First** shall mean the lowest story in a building which qualifies as a “story,” as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below “grade,” as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below “grade,” as defined herein, at any point.

**Story, Half** shall mean a space under a roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

**Street** shall mean a right-of-way which affords principal means of vehicular access to property abutting thereon.

**Street, Expressway** shall mean a street that provides direct access to other arterials and shall not have direct access to individual land uses, shall be designed to allow for higher speed vehicular traffic, and where on-street parking is prohibited.

**Street, Major Arterial** shall mean a street that could serve non-local traffic, may have direct access to public, commercial or industrial land uses, should accommodate more than 7,000 vehicles per 24-hour period, shall be designed to allow for a higher speed of traffic, and where on-street parking shall generally not be permitted.

**Street, Major Collector** shall mean a street that serves some non-local traffic, may have direct access to public, commercial or industrial land uses, and should accommodate between 3,000 and 7,000 vehicles per 24-hour period.

**Street, Major Residential** shall mean a street that provides access to minor residential streets, courts and ways, as well as individual dwelling units, and shall serve from 100 to 150 dwelling units or have an average daily traffic of between 1,000 and 1,250 vehicles per 24-hour period.

**Street, Minor Arterial** shall mean a street that could serve non-local traffic, may have direct access to public, commercial or industrial land uses, and should accommodate more than 7,000 vehicles per 24-hour period.

**Street, Minor Collector** shall mean a local street that provides access to commercial or industrial land uses or more than 150 dwelling units, accommodates a maximum average number of 3,000 vehicles per 24-hour period, shall be designed to encourage a speed of approximately 30 miles per hour, and where on-street parking may be permitted.

**Street, Minor Residential** shall mean a local street that provides access to residential lanes, courts and ways, as well as individual dwelling units, shall serve from 31 to 100 dwelling units or have an average daily traffic of between 200 and 1,000 vehicles per 24-hour period, and shall be designed to encourage a speed approximately 30 miles per hour.

**Street, Private** shall mean a street which affords principal access to property abutting thereon, which right-of-way is owned, controlled and maintained by persons other than the public.

**Street, Public** shall mean a street which affords the principal means of vehicular access to property abutting thereon, which right-of-way has been dedicated to the public for such use.

**Street, Residential Way** shall mean a street that serves a maximum of 30 dwelling units or has an average daily traffic of less than 200 vehicles per 24-hour period, shall be so designed to encourage reduced vehicle speed, and may be a cul-de-sac, loop street or minor cross street but shall not function as a minor or major collector street.

**Street Centerline** shall mean the centerline of a street right-of-way as established by official surveys.

**Street Frontage** shall mean the distance for which a property line adjoins a public street from one property line intersecting said street to the opposite property line.

**Street, Frontage Access** shall mean a street adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

**Street Frontage, Primary** shall mean the street frontage for which the property address is determined.

**Streetscape** shall mean the scene as may be observed along a public or private street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware and miscellaneous structures.

**Structure** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas.

**Structure, Principal** see *“Building, Principal.”*

**Structure Height** see *“Building Height.”*

**Structural Alteration** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls or similar components.

**Subdivision** shall mean the division of land, lot, tract or parcel into two or more lots, parcels, plats or sites, or other divisions of land for the purpose of sale, lease, offer or development, whether immediate or future. The term “subdivision” shall also include the division of residential, commercial, industrial, agricultural or other land whether by deed, metes and bounds description, lease, map, plat or other instrument.

**Subdivision Regulations** shall mean the Subdivision Regulations of the City of Hutchinson.

**Support Structure** shall mean the structure or surface upon which antennas are mounted.

1. Roof-mounted: Mounted on the roof of a building.
2. Side-mounted: Mounted on the side of a building.
3. Ground-mounted: Mounted on the ground.
4. Structure-mounted: Mounted on a structure other than a building.

**Swimming Pool, Private** shall mean a pool which is an accessory use to a residence for the exclusive use of the occupants of the residential building and their guests.

**Swimming Pool, Public** shall mean a pool and accessory buildings, generally owned and operated by a governmental entity, whether open or enclosed, and open for use by the general public.

**Tavern** see “Bar.”

**Temporary Use** shall mean a use intended for limited duration to be located in a zoning district as permitted by the zoning regulations.

**Terrace** shall mean a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

**Townhouse** shall mean a single family attached dwelling unit with a private entrance in a group of three or more units where the unit and land are under the same ownership, and which is part of a structure in which the dwelling units are attached horizontally in a linear arrangement, and which has completely exposed front and rear walls to be used for access, light and ventilation.

**Tract** shall mean a plot or parcel of land, other than a lot in a platted subdivision, which is recorded in the office of the Register of Deeds.

**Trailer** shall mean a vehicle without motive power which is pulled by another vehicle and is designed and constructed to travel on the public thoroughfares. See also: “Large Truck or Trailer.”

**Truck Stop** shall mean a building and premises built to accommodate large trucks where gasoline, oil, and minor auto accessories may be supplied and dispensed at retail and which may include truck washing facilities.

**Upper Story Housing** shall be defined as one or more dwelling units located above the first story in a commercial building.

**Use** shall mean the purpose or activity for which land or buildings are designed, arranged, intended, occupied or maintained.

**Use, Permitted** shall mean any land use allowed as a use by right within a zoning district.

**Use, Principal** shall mean the main use of land or structure, as distinguished from an accessory use. See also: “Building, Principal.”

**Variance** shall mean relief from or variation of the provisions of these regulations granted by the Board of Zoning Appeals, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

**Vegetation** shall mean plant life restricted to grass, turf, flowers, trees, shrubs and vines.

**Warehouse** shall mean a building used primarily for the storage of goods and materials.

**Warehouse and Distribution** shall mean a use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment.

**Watertight** shall mean completion of a structure so that no rain or snow may enter, e.g. roof with shingles and exterior walls with windows installed.

**Wetland** shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation commonly known as hydrophytic vegetation, which is typically adapted for life in saturated soil conditions.

**Yard** shall mean any open space on the same lot with a building or group of buildings, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by these regulations.

**Yard, Front** shall mean the area between a front property line and any front yard setback line, except as otherwise provided, which extends the full width or length of the lot.

**Yard, Rear** shall mean the area between the rear property line and the rear yard setback line, which extends the full width of the lot.

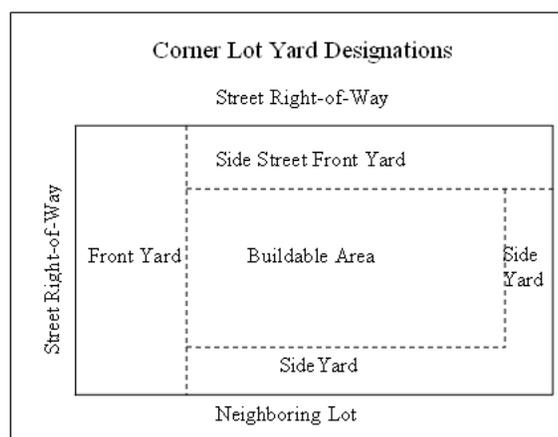
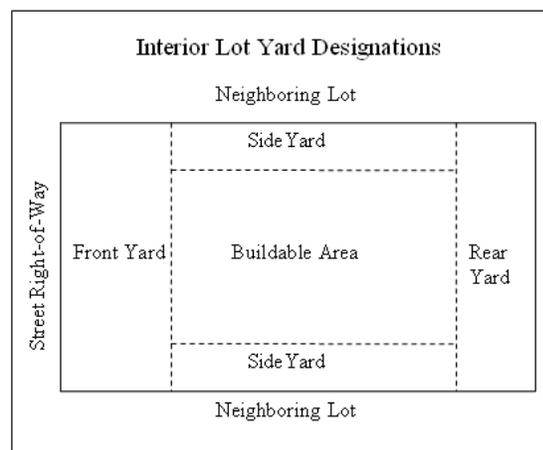
**Yard, Side** shall mean the area from the front yard or from the front lot line where no front yard is required by these regulations, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

**Yard, Side Street Front** shall mean a yard that occurs on a corner lot along the length of the lot. The side street front yard is adjacent to the side street public right-of-way and is generally perpendicular to the established front yard. Special setback requirements apply for side street front yards.

**Zero Lot Line** see Sec. 27-312.

**Zoning Administrator** shall mean the person or persons authorized and empowered by the City Manager to administer the requirements of these regulations.

**Zoning Amendment** shall mean an amendment to the zoning map, the zoning regulations, or both, which is reviewed by the Planning Commission at a public hearing and is approved by the City Council by ordinance.



**Zoning Certificate** shall mean a written statement or authorization from the zoning administrator indicating that the existing or proposed uses or the site plan for a particular parcel of property is in conformance with these regulations.

**Zoning District** shall mean an area delineated on the zoning map for which uniform land use regulations are specified.

**Zoning Jurisdiction** shall mean all areas within the corporate limits of the City and all areas where extraterritorial jurisdiction has been granted to the City by the Reno County Commission.

**Zoning Lot** shall mean a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the zoning regulations. A zoning lot may include any number of contiguous platted or unplatted lots.

**Zoning Map** shall mean the official zoning district map delineating the boundaries of zoning districts in the City of Hutchinson zoning jurisdiction which, along with the text of the zoning regulations, has been officially adopted by the Hutchinson City Council.

### **Article III. General Provisions**

#### **Sec. 27-301 District Regulations, Restrictions, Boundary.**

The City Council, by adoption of an ordinance, may adopt or amend zoning regulations in the manner provided by K.S.A. 12-753 as may be amended from time to time. The City Council may divide its zoning jurisdiction into districts of such number, shape, area and of such different classes, according to the use of land and buildings and the intensity of such use, as may be deemed suited to carry out the purposes of these regulations. Such regulations may include but not be limited to provisions restricting and regulating the height, number of stories and size of buildings; the percentage of each lot that may be occupied; the size of yards, courts and other open spaces; the density of population; the location, use and appearance of buildings, structures and land for residential, commercial, industrial and other purposes; the conservation of natural resources, including agricultural land; and the use of land located in areas designated as floodplains and other areas, including the distance of any buildings and structures from a street or highway. Such regulations shall define the boundaries of zoning districts by description contained therein or by setting out such boundaries upon a map or maps incorporated and published as part of such regulations or by providing for the incorporation by reference in such regulations of an official map or maps upon which such boundaries shall be fixed.

#### **Sec. 27-302 Provisions Declared to be Minimum Requirements.**

For purposes of interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety

and general welfare. Where these regulations impose greater restrictions than are imposed by other laws, ordinances, regulations or codes, the provisions of these regulations shall govern. However, nothing in these regulations shall be construed to prevent the enforcement of other laws, ordinances, regulations or codes that prescribe more restrictive limitations.

**Sec. 27-303 Agricultural Land Exempted.**

Except for feedlots and areas designated as a floodplain, these regulations shall not apply to the use of land for agricultural purposes nor for the erection or maintenance of buildings thereon for such purposes, so long as such land and buildings are used for agricultural purposes and not otherwise.

**Sec. 27-304 Zoning Affects Every Building and Use.**

No building or land shall be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored or reconstructed only if such structure is in full compliance with these regulations and other City of Hutchinson Municipal Codes.

**Sec. 27-305 Design Standards for the Construction and Moving of Structures and Manufactured Homes.**

All structures, whether constructed on site or moved onto a site in the Hutchinson zoning jurisdiction, shall be of a compatible scale, design and visual quality, and shall display exterior materials that are generally compatible with other structures in the surrounding neighborhood or district.

Buildings, structures and manufactured homes moved into the Hutchinson zoning jurisdiction or from one location to another within the jurisdiction must conform to the zoning regulations of the zoning district into which the building, structure or manufactured home is to be moved, and must, when relocated, be made to conform fully with these regulations and all applicable codes of the City including any building codes.

No moving permit, building permit, or zoning certificate shall be issued, unless in the determination of the zoning administrator the height, age, architectural style and texture of the materials pertaining to the exterior appearance of such building, structure or manufactured home reasonably conform to other buildings in the block and surrounding area to which it is to be constructed or moved, and would not detrimentally affect the values of surrounding properties.

The zoning administrator shall be authorized to administer and interpret the standards of this section.

**Sec. 27-306 Lot.**

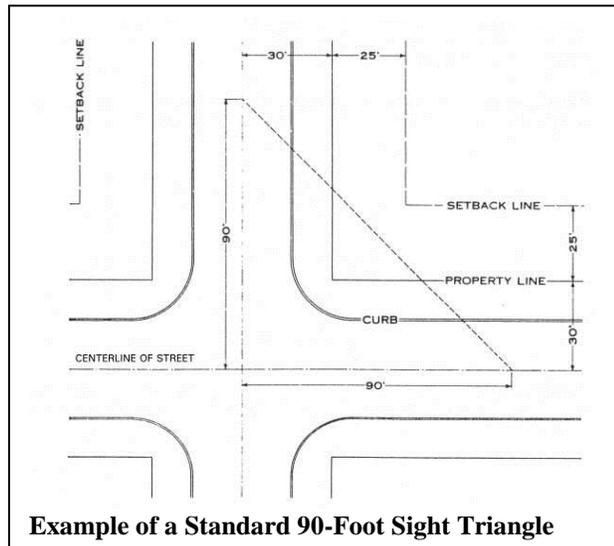
- A. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a platted lot or lot of record and in no case shall there be more than one principal building or use on a zoning lot unless otherwise provided.
  
- B. More than one principal building of a single permitted use may be located upon a zoning lot in the following instances in accordance with these regulations:
  - 1. Institutional buildings;
  - 2. Public or quasi-public buildings;
  - 3. Multiple family dwellings;
  - 4. Commercial or industrial buildings; and
  - 5. Planned unit developments.

**Sec. 27-307 Reductions in Lot Area Prohibited.**

No zoning lot, even though it may consist of one or more lots or lots of record, shall be reduced in area so that the minimum size and setback regulations set forth in this chapter are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**Sec. 27-308 Obstructions to Vision at Street Intersections Prohibited.**

A sight triangle shall occur at every public and private street intersection within the zoning jurisdiction. The sight triangle shall consist of an open clear area between a height of two and one-half feet and 10 feet above the grade of the bottom of the curb of the intersecting streets measured from the point of intersection of the centerlines of the streets, 90 feet in each direction along the centerlines of the streets. At the intersection of major arterial streets, the 90-foot distance shall be increased to 120 feet. Any sight triangle may be adjusted for special conditions as required by the City Engineer based upon the most current AASHTO standards. The City has the right to increase the dimensions of any sight triangle based upon subdivision design and speed limits along the intersecting streets. The requirements of this section shall not be deemed to prohibit any necessary retaining wall approved by the City.



### **Sec. 27-309 Yard Requirements.**

- A. Yard requirements shall be set forth under the Height and Lot Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- B. Any portion of a platted lot that fronts a street right-of-way shall be subject to the front yard setback requirements for the district in which such lot is located.
- C. Where a front yard setback is required along a side street front lot line by these regulations, that portion of the required setback between the front and rear lot setback may be reduced by 50 percent, provided that the sight triangle is not encroached upon. However, in subdivisions where there is a platted building setback line, the platted setback line shall remain in full force and effect and shall not be reduced except by replatting.
- D. All accessory buildings that are attached to principal buildings (e.g., attached garages and carports) shall comply with the yard, height, and lot coverage requirements of the principal building, unless otherwise specified.
- E. On street block faces where 50 percent of the existing principal structures are closer to the street than the required front yard setback, new principal structures and additions to principal structures may be located out to the average setback of the existing structures along the block face, provided that no structure or addition thereto may project into the required sight triangle.

### **Sec. 27-310 Through Lots.**

Through lots shall conform to the following criteria:

- A. Any portion of a through lot abutting a public street shall have a front yard setback.
- B. All detached garages on through lots shall have vehicular access only from the primary address side of the lot.

### **Sec. 27-311 Zero Lot Line.**

- A. The zero lot line concept is an instance where a single or two family dwelling has one exterior wall on or within one foot of a side property line and the remaining side yard is double the normal side yard required by the district regulations. Zero lot line developments may be built only under the following conditions:
  - 1. When submitted as part of a new subdivision plat or as 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; or

2. On an existing lot in a partially developed subdivision when submitted to and approved by the Board of Zoning Appeals as a special use permit in accordance with Article XI 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. An easement at least five 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; and
  3. No portion of a roof, gutter or other part of the structure shall project past the zero lot line, and all roof drainage shall be installed so as to keep all run-off water from draining onto the adjoining property.

**Sec. 27-312 Drainage.**

No building, structure or use shall be erected on any land, and no change shall be made to the existing contours of any land, including any change in the course, width or elevation of any natural or other drainage channel that will obstruct, interfere with or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage pattern shall be responsible for providing the City with information indicating that such changes will not be a detriment to neighboring lands. The City may require a drainage plan for any development prior to construction or development. The City Engineer shall determine when a drainage study prepared by a civil engineer licensed in the State of Kansas will be required.

**Sec. 27-313 Permitted Obstructions in Required Yards.**

- A. *All Yards:* The following projections shall be permitted in all yards:
1. Steps, accessibility ramps and other assisting devices that are four feet or less above grade and which are necessary for access to a permitted building or for access to a lot from the street or alley;
  2. Chimneys, window wells, sills, window unit air conditioners, flues, cornices, ornamental features, fire escapes, outside staircases, balconies, and similar structural features, provided the projection is no more than 24 inches into the required yard;
  3. Flag poles;
  4. Arbors and trellises; and
  5. Fences, subject to applicable height and other restrictions.
- B. *Rear and Side Yards:* Open off-street parking spaces, outside elements of central air conditioning systems and recreational and laundry-drying equipment shall be permitted in required rear and side yards.

- C. *Building Groupings:* For the purpose of the side yard regulations, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one zoning lot.

### **Sec. 27-314 Accessory Buildings and Uses.**

#### Intent and interpretation.

Unless expressly prohibited, accessory uses and structures shall be permitted in all zoning districts. Accessory uses and structures shall be clearly incidental to and customarily and commonly associated with the principal lawful use of the zoning lot on which they are located. The zoning administrator shall be granted the authority to interpret the provisions of this section and classify accessory uses and structures.

#### All accessory uses and accessory structures shall:

- A. Be subordinate in purpose to the principal building or buildings served;
- B. Not be established on any zoning lot unless the principal structure has been more than one-half completed and is watertight;
- C. Not be erected in or encroach into any required yard, easement or sight triangle;
- D. Be located a minimum distance of five feet from all structures, unless permanently attached to such structures; and
- E. Detached accessory structures on interior lots shall not project nearer to the front lot line than the front exterior wall of the principal building and on corner lots shall not project nearer to the side street front lot line than the required setback.
- F. Lot Coverage and Height.
  - 1. The combined lot coverage of the principal building and all accessory buildings shall not exceed the lot coverage requirements found in these regulations.
  - 2. In the MH and MP Districts, accessory buildings shall not exceed 16 feet in height.
  - 3. In the TA District, accessory buildings shall be allowed to exceed the height of the principal building provided that all other restrictions are met. In the TA District, accessory buildings and principal buildings may have combined lot coverage of 10 percent or 25,000 square feet, whichever is less.
- G. Residential Garages, Carports and Storage Buildings.

The following regulations shall apply to all garages, carports and storage buildings for residential uses in all districts except as noted in section 27-314.F.

- 1. Accessory buildings to residential uses shall be limited to buildings for domestic or household use or for the parking of motor vehicles and recreational vehicles. A hobby activity may be operated as an accessory use by a residential occupant of the premises solely for personal enjoyment,

amusement or recreation; provided that any articles produced or constructed are not sold on the premises, except as may be permitted for an approved home occupation, and that no objectionable noise, odor, light or other adverse effects are created.

2. Accessory structures shall comply with the following maximum size requirements:

<b>Accessory Structure Type</b>	<b>Maximum Square Footage</b>
Detached Storage Building	Same as Detached Garage
Detached Garage	1200 square feet. This may be exceeded to double the size of the principal structure, provided the total rear yard lot coverage is 10% or less.
Detached Carport	600 square feet.

3. Accessory structures shall not occupy more than 35 percent of the entire rear yard from the rear of the principal building to the rear lot line. This percentage shall be calculated using all accessory structures on the property, including those that do not require a building permit.
4. For each single family dwelling, there shall be permitted a maximum of one detached garage and one carport, whether attached or detached.
5. For each duplex building, there shall be permitted a maximum of one detached garage, per unit, one detached storage building per unit, and two carports, whether such carports are attached or detached.
6. Carports shall not be attached to the front of a residential principal building. Carports shall be located only to the side or rear of the principal building and shall not project nearer to the front lot line than the principal building, whether attached or detached. On corner lots, carports shall not project nearer to the side street front lot line than the required setback. Carports shall not exceed the height of the principal building.
7. The sidewalls of garages and storage buildings shall not exceed 12 feet in height.
8. Garages, carports and storage buildings shall be constructed of materials customarily used in residential construction. The design and construction of such structures shall be similar to and compatible with the design and construction of the principal building. The exterior building materials and colors shall be similar to the principal building and shall be commonly associated with residential construction.
9. All garages and carports shall be provided and accessed by a driveway of an approved surface and design. Residential driveways accessing a detached garage or carport from a paved roadway shall be paved, as provided for in these regulations, from the roadway to the rear of the principal structure. From the rear line of the principal structure to the detached garage or detached carport, crushed rock or gravel may be used.
10. Storage sheds with access doors 8 feet wide or wider shall be considered detached garages for the purpose of these regulations.

11. All residential accessory structures shall be setback a minimum of 5 feet from the rear and side property lines, as measured from the eave of the accessory structure.
12. Accessory structures on permanent foundations that do not meet the setback or scale requirements of these regulations may be reconstructed in the same location and at the same size without having to obtain a variance from these regulations.

**Sec. 27-315 Exemptions from Height Limitations.**

- A. The height limitations of these regulations shall not apply to the following specific uses:

Air-pollution prevention devices	Fire towers	Smoke stacks
Belfries	Flag poles	Elevator bulkheads
Chimneys	Ornamental towers and spires	Stage towers
Church spires	Public monuments	Storage tanks
Conveyors	Radio and television towers less than 50 feet in height (towers of greater height are regulated)	Water towers and standpipes
Cooling towers	Silos	

- B. When permitted in a district, public or semi-public service buildings, hospitals, institutions or schools may be erected to a height not exceeding 75 feet when each required yard setback line is increased by a minimum of one foot for each one foot of additional building height above the maximum height permitted for the district in which the building is located.

**Sec. 27-316 Occupancy of Basements and Cellars.**

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been completed.

**Sec. 27-317 Nonconforming, General Intent.**

This section addresses the few instances when existing development does not conform to provisions of these regulations (nonconformities). The continued existence of nonconformities may be inconsistent with the purposes of these regulations. Therefore, this section provides for the gradual elimination of nonconformities. This section restricts further expansion of nonconforming structures and uses.

- A. Nonconforming uses which may be continued.

The following lawful nonconforming uses of land may be continued:

1. A lawful use of land which existed prior to the effective date of these regulations.
2. A lawful use of land which existed at the time such land was annexed by the City.
3. A lawful use of land which existed at the time an amendment was made to these regulations which changed such land to a more restrictive district or extended the jurisdiction of these regulations to said land use.
4. The lawful use of a building located upon any land, except as provided in Subsection "b" below, may be continued although such use does not conform with the provisions of these regulations, and such use may be continued throughout the building so long as no structural alterations are made therein, except those required by law or ordinance. The foregoing provisions shall also apply to any uses of buildings which may be made nonconforming by any subsequent amendment or change to these regulations.
5. The property owner or applicant shall be responsible for establishing that said nonconformity is a legal nonconformity.

B. Nonconforming uses which shall not be continued.

1. If a nonconforming use of a building or land is discontinued or abandoned, or remains idle or unused for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land or building shall comply with these regulations.
2. No use which is accessory to a principal nonconforming use shall continue after such principal nonconforming use shall cease or terminate.
3. No nonconforming structure shall be moved in whole or in part for any distance whatsoever to any other location on the same lot or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
4. Whenever a nonconforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.
5. A nonconforming building which has been damaged to the extent of more than 50 percent of its fair market value by any means, including fire, explosion, act of God or the public enemy shall not be restored, repaired or rebuilt, except in accordance with all regulations of the zoning district in which it is located. In the event a question may arise on the fair market value of such a building, the same shall be determined by three appraisers: one shall be selected by the City Council; one shall be selected by the owner

of the building; and the third appraiser shall be selected by the two selected appraisers. If the first two appraisers selected cannot agree on the selection of the third appraiser, the judge of the appropriate court shall be requested to appoint the third appraiser. The decision of the appraisers, or a majority of them, shall be final and conclusive and shall be binding upon all concerned to the purpose of determining whether or not the damaged property may be restored, repaired or rebuilt. The cost of such appraisal shall be paid by the property owner or applicant.

#### **Sec. 27-318 Nonconforming Lots of Record.**

In any district notwithstanding limitations imposed by other provisions of these regulations, a principal structure and customary accessory building may be erected on any single lot of record after the effective date of adoption of these regulations, provided such development shall be subject to all applicable setback, separation and lot coverage requirements of the zoning district in which it is located, unless otherwise permitted.

#### **Sec. 27-319 Repair and Maintenance of Nonconforming Uses.**

- A. On any building devoted in whole or in part to any nonconforming use, work including ordinary repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed provided that the cubic content of the building as it existed at the time of adoption of these regulations shall not be increased.
- B. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe and dangerous by order of the Building Official.
- C. Normal maintenance and incidental repair, replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.

#### **Sec. 27-320 Vesting of Development Rights.**

- A. For the purpose of residential developments, development rights shall vest upon recording a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire and the plat shall be resubmitted for review and approval.
- B. For all purposes other than single family residential developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City; the commencement of construction; and the completion of substantial amounts of work in accordance with a validly issued permit.

**Sec. 27-321 Annexation Rule.**

All territory which may hereafter be annexed by the City shall be annexed as R-1 Single Family Household Suburban Residential District unless another zoning classification is otherwise established at the time of annexation.

**Sec. 27-322 Sustainability.**

The City of Hutchinson encourages all developers, contractors, property owners and individuals to implement sustainable practices in their buildings, sites and developments. The criteria used for sustainability shall be as established through the LEED and LEED-ND standards and amendments thereto, as administered by the U.S. Green Building Council.

**Sec. 27-323 Fees.**

All required fees for any zoning or subdivision related permit or action shall be paid to the City prior to the issuance or investigation of any such permit or action. Said fees shall be a part of the Master Fee Schedule adopted by the City Council.

**Sec. 27-324 Duties of the Planning Commission.**

- A. The Planning Commission shall be authorized to:
  - 1. Make recommendations to the City Council regarding the nature and number of zoning districts, zoning district boundaries and appropriate zoning regulations;
  - 2. Hold public hearings regarding the adoption of zoning regulations and amendments to the zoning regulations;
  - 3. Review applications for zoning district amendments, planned unit developments and conditional use permits and make recommendations to the City Council to approve or deny such applications;
  - 4. Review preliminary and final plats for proposed subdivisions within the city zoning jurisdiction and make recommendations to the City Council to approve or deny such applications;
  - 5. Review proposed public improvements, including the Capital Improvements Plan, for conformance with the Comprehensive Plan and make recommendations to the City Council regarding such improvements; and
  - 6. Review petitions for the vacation of streets, alleys and easements and make recommendations to the City Council to approve or deny such requests.
  
- B. The Planning Commission shall:
  - 1. Review the Comprehensive Plan each year, consider any amendments thereto, hold a public hearing and make recommendations to the City Council regarding such amendments; and
  - 2. Review the zoning regulations each year, consider any needed amendments that would be in conformance with the Comprehensive Plan, hold a public hearing and make recommendations to the City Council regarding such amendments.

## Article IV. Zoning Districts

### Sec. 27-401 Zoning Districts.

The following zoning districts are established in the City of Hutchinson as provided by K.S.A. (1991 Supp.) 12-741, et. seq. The City herein establishes regulations that restrict the location, bulk, density and use of buildings and land within each zoning district. The designation of the zoning districts and development of the associated regulations were based on surveys and studies of past and present uses of property and upon the City's Comprehensive Plan. Zoning districts shall be designated as follows:

TA	Transitional Agricultural Rural District
R-1	Single Household Suburban Residential District
R-2	Single Household Residential District
R-3	Moderate Density Residential District
R-4	Residential Neighborhood Conservation District
R-5	High Density Residential District
MH	Manufactured Home Subdivision District
MP	Manufactured Home Park District
P/I	Public and Institutional District
C-1	Office Commercial District
C-2	Neighborhood Commercial District
C-3	Outdoor Commercial District
C-4	Special Commercial District
C-5	Downtown District
CR	Commercial/Residential District
EN	Established Neighborhood District
I-1	Light Industrial District
I-2	Industrial District
I-3	Heavy Industrial District
AE	Adult Entertainment District
PUD	Planned Unit Development District

#### Overlay Districts

GATE	Gateway Corridor Overlay District
AH	Airport Hazard Overlay District
HP	Historic Preservation Overlay District
FP	Floodplain Overlay District

### Sec. 27-402 Zoning Map.

- A. The boundaries of zoning districts shall be recorded on the zoning map, which is hereby made a part of these regulations. In case uncertainties arise regarding boundaries on the zoning map, it shall be construed that boundaries are intended to follow the:

1. City limits;
  2. Centerlines of roads, streets, alleys or public rights-of-way;
  3. Lot lines, parcel boundaries or property lines;
  4. Section, half-section or quarter-section lines;
  5. Centerlines of the main tracks of railroad lines;
  6. Centerlines of creeks, streams, rivers or drainage channels; or
  7. Specific distances from a street line or other physical feature, when so indicated on the map.
- B. The zoning map and all notations, dimensions, references and symbols shown thereon pertaining to the zoning districts shall be as much a part of these regulations as if fully described herein and shall be filed as part of these regulations. The zoning map shall be available for public inspection in the Hutchinson Planning and Development Department, and any later alterations of the zoning map adopted by amendment as provided in these regulations shall be filed and made available for public reference. Any property not specifically classified on the zoning map shall be classified in a timely manner.

#### **Sec. 27-403 General Rules Governing All Zoning Districts.**

Except as hereinafter provided:

- A. Land shall only be used for the purposes permitted in the district in which it is located.
- B. Buildings shall be erected, converted, enlarged, reconstructed, moved or structurally altered, and any building or part thereof shall be used according to the regulations of the district in which the building is located.
- C. Buildings erected, converted, enlarged, reconstructed, moved or structurally altered shall comply with the yard, off-street parking, exterior lighting, height, off-street loading, parcel area, dimensions and other regulations herein established for the district in which the building is located.
- D. If a use in any structure is hereafter changed to another use then the new use shall comply with these regulations.

#### **Sec. 27-404 Uses Permitted by Right, Uses Permitted by Conditional Use Permit, Uses Permitted by Special Use Permit and Uses Not Permitted.**

In any given zoning district, some land use types are allowed by right and some land use types are allowed after a conditional use permit or special use permit is issued. Buildings, structures, land and premises shall be used and buildings and structures shall be hereafter erected in accordance with the use types allowed in each zoning district. Land use types permitted by right, land use types permitted by conditional or special use permit and land use types not permitted in each zoning district are listed in Sec. 27-406, Table of Land Use Categories, which is made a part of these regulations.

Although a land use may be permitted in a specific district, land uses are permitted to locate on a parcel only if they fully comply with all other applicable sections of these regulations.

**Sec. 27-405 Table of Land Use Categories Explanation.**

The Table of Land Use Categories found in Sec. 27-406 of these regulations is a listing of uses that may be allowed in each of the zoning districts. Land use types are grouped into specific land use categories in the table. The land use categories are later listed in each of the zoning district sections in lieu of specific use types. If a land use category is listed in a specific zoning district section, this does *not* mean that every use in that land use category is allowed. One must refer to the specific use types in the table to determine whether or not a particular use is permitted within a specific zoning district.

The various uses within Sec. 27-406 are classified as: permitted (P); allowed upon approval of a conditional use permit (C); allowed upon approval of a special use permit (S); or not allowed (-).

Special use permits are heard and decided by the Board of Zoning Appeals. Conditional use permits are heard by the Planning Commission, who makes a recommendation to the City Council, who in turn makes the final decision.

The table in Sec. 27-406 also lists accessory uses which may be allowed or not allowed in each zoning district. The list of accessory uses can be found at the end of the table.

Uses of land not listed in the Table of Land Use Categories are not necessarily excluded. The zoning administrator shall be empowered to make interpretations of land use categorical similarity.

**Sec. 27-406 Table of Land Use Categories.**

Use Category	Use Type	ZONING										DISTRICTS									
		TA	R-1	R-2	R-3	R-4	R-5	MH	MP	EN	P/I	C-1	C-2	C-3	C-4	C-5	CR	I-1	I-2	I-3	AE
<b>Agricultural Uses</b>																					
Agriculture and Related Sales and Services	Agricultural buildings for general agricultural use	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
	Agricultural chemicals, fertilizer, anhydrous ammonia storage and distribution	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-
	Agricultural feed mixing and blending, seed sales and grain handling operations	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
	Agricultural implement and vehicle sales and service	C	-	-	-	-	-	-	-	-	-	-	P	S	-	-	-	P	P	P	-
	Agricultural processing	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-
	Agricultural research farms	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Agricultural sales and services	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Community gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
	Equestrian centers and stables	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Farm wineries	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	General agriculture	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Horses and other noncommercial livestock on residential lots	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Residential Uses</b>																					
Household Living	Ground floor housing in a commercial building	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-	-	-	-	
	Manufactured homes, Residential-design	P	P	P	P	P	P	P	-	P	C	C	C	C	C	-	C	-	-	-	
	Manufactured homes, Single-wide or Double-wide	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	
	Manufactured home parks	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	
	Multiple family dwellings	-	-	-	-	C	P	-	-	P	P	P	P	P	P	P	S	-	-	-	
	Single family attached dwellings / Townhomes	-	-	-	C	P	P	-	-	P	P	C	C	C	C	C	C	-	-	-	
	Single family detached dwellings	P	P	P	P	P	P	P	-	P	C	C	C	C	C	-	C	-	-	-	
	Two family dwellings / Duplexes / Twin homes	-	-	C	C	P	P	-	-	P	C	C	C	C	C	C	-	-	-	-	
Upper story housing	-	-	-	-	-	-	-	-	C	-	-	-	-	C	P	-	-	-	-		
Residential Commercial/ Institutions	Adult care homes	C	C	C	C	C	C	-	-	P	P	C	C	C	C	C	-	-	-	-	
	Adult family homes	C	C	C	C	C	C	-	-	P	P	C	C	C	C	C	-	-	-	-	
	Assisted living facilities	C	C	C	C	C	C	-	-	P	P	S	S	S	S	S	S	-	-	-	
	Bed and breakfasts	C	-	C	C	C	C	-	-	P	C	C	C	C	C	C	-	-	-	-	
	Boarding and rooming houses	C	-	C	C	C	C	-	-	P	C	C	C	C	C	C	-	-	-	-	
	Convents	C	-	C	C	C	C	-	-	P	P	C	C	C	C	C	-	-	-	-	
	Dormitories	C	C	C	C	C	C	-	-	P	P	C	C	C	C	C	-	-	-	-	
	Emergency shelters	C	-	C	C	C	C	-	-	P	C	C	C	C	C	C	-	-	-	-	
	Fraternity and sorority houses	C	C	C	C	C	C	-	-	P	P	C	C	C	C	C	-	-	-	-	
	Group boarding homes	C	C	C	C	C	C	-	-	P	C	C	C	C	C	C	-	-	-	-	
	Hospices	C	C	C	C	C	C	-	-	P	S	S	S	S	S	S	S	-	-	-	
	Monasteries	C	C	C	C	C	C	-	-	P	P	C	C	C	C	C	-	-	-	-	
	Nursing homes	C	C	C	C	C	C	-	-	P	C	C	C	C	C	C	-	-	-	-	
	Retirement homes	C	C	C	C	C	C	-	-	P	P	S	S	S	S	S	S	-	-	-	
Transitional housing	C	C	C	C	C	C	-	-	P	C	C	C	C	C	C	-	-	-	-		
<b>Institutional and Civic Uses</b>																					
Community Services and Civic Uses	Animal shelters (public)	C	-	-	-	-	-	-	-	C	P	C	C	C	C	C	C	P	P	P	
	Bus/transit garages	C	-	-	-	-	-	-	-	-	P	C	C	C	C	C	-	P	P	P	
	Cemeteries	P	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	
	Churches, synagogues, temples and similar uses	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P	C	-	-	-	
	Columbarium	P	-	-	-	-	-	-	-	P	P	S	S	S	S	S	-	-	-	-	
	Community centers and buildings	P	-	-	-	C	C	C	C	P	P	P	C	C	C	C	C	-	-	-	

Use Category	Use Type	ZONING										DISTRICTS									
		P	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
	Fire and rescue facilities	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	
	Fraternal organizations	C	-	-	-	C	C	-	-	P	P	P	P	P	P	P	C	S	S	S	
	Governmental offices and necessary secondary uses	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	
	Hospitals	C	-	-	-	-	-	-	-	C	P	P	P	P	P	P	C	-	-	-	
	Law enforcement centers including office spaces and holding areas	C	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	
	Libraries and museums	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	C	C	
	Planetariums	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	
Treatment, Rehabilitation and Incarceration Facilities	Senior citizen centers	P	C	C	C	C	C	C	-	P	P	P	P	P	P	P	P	-	-	-	
	Correctional facilities (public)	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	
	Drug and alcohol rehabilitation centers	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	
	Half-way houses	-	C	C	C	C	C	-	-	-	C	C	C	C	C	C	C	-	-	-	
	Jails	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	
	Juvenile detention centers	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	
Day Care and Educational Institutions	Prisons	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	
	Adult day care facilities	C	C	C	C	C	C	C	-	C	P	-	-	-	-	-	-	-	-	-	
	Child care centers	S	-	-	C	C	C	S	-	S	S	S	S	S	S	S	-	S	S	S	
	Colleges and universities	C	C	C	C	C	C	-	-	C	P	C	C	C	C	C	-	-	-	-	
	Licensed day care homes and licensed group day care homes (as a principal use)	S	C	C	C	C	C	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Licensed day care homes and licensed group day care homes (as a home occupation)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Preschools	C	C	C	C	C	C	S	-	S	S	S	S	S	S	S	S	-	-	-	
	Public and private schools (K-12)	C	C	C	C	C	C	-	-	C	P	C	C	C	C	C	C	-	-	-	
Public Parks and Open Space	Trade, career and technical schools	-	C	C	C	C	C	-	-	C	P	C	C	C	C	C	C	C	C	C	
	Arboretums	P	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	-	-	
	Athletic fields	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Dog parks (not racing)	P	C	C	-	-	-	-	C	C	P	C	C	C	C	C	C	C	C	C	
	Nature centers	P	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	
	Public parks, trails, picnic areas and playgrounds	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	
	Public pools and water parks	P	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	-	-	-	
	State Fair grounds	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	
Public and Private Utilities	State Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Amateur radio towers and antennae taller than 50 feet – see Sec. 27-922	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Amateur radio towers and antennae 50 feet and below – see Sec. 27-922	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Natural gas depots	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Oil exploration and extraction	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Public works facilities and related storage and maintenance garages	C	-	-	-	-	-	-	-	-	P	C	C	C	C	P	C	P	P	P	
	Radio and tower transmitters (no offices)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Telecommunication Facilities	C	C	C	C	C	C	-	-	C	C	C	C	C	S	S	C	C	P	P	
	Wind energy conversion systems (small) – see Sec. 27-923	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Wind energy conversion systems (commercial/utility grade) – see Sec. 27-924	C	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C		
Wireless telecommunication facilities and equipment – see Sec. 27-921	Refer to Section 27-921, Wireless Communication Facilities.																				
<b>Retail, Services and Commercial Uses</b>																					
Adult Uses	Adult entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Animal Care	Animal boarding, animal shelters and kennels	P	-	-	-	-	-	-	-	C	-	-	S	P	P	S	-	P	P	P	
	Pet cemeteries	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
	Pet crematoriums	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	

Use Category	Use Type	ZONING											DISTRICTS									
	Pet grooming	P	-	-	-	-	-	-	-	C	-	-	P	P	P	P	S	P	P	P	-	
	Pet training	P	-	-	-	-	-	-	-	C	-	-	S	S	S	S	S	P	P	P	-	
	Veterinary clinics and hospitals	P	-	-	-	-	-	-	-	C	-	C	C	C	C	C	C	P	P	P	-	
Business and Household Services	Building maintenance and cleaning services	S	-	-	-	-	-	-	-	S	-	-	P	P	P	P	P	P	P	-		
	Copying, printing, mailing and packaging services	-	-	-	-	-	-	-	-	S	-	-	P	P	P	P	P	P	P	-		
	Lawn, garden and yard maintenance services	S	-	-	-	-	-	-	-	S	-	-	-	P	-	-	-	P	P	P	-	
	Locksmiths and key duplication	-	-	-	-	-	-	-	-	S	-	-	P	P	P	P	P	P	P	P	-	
	Pest control services	S	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	P	P	P	-	
	Small appliances and household equipment repair	S	-	-	-	-	-	-	-	S	-	-	-	P	P	P	P	P	P	P	-	
Well drilling or septic tank cleaning services	S	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	P	P	P	-	
Financial Services	Banks	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	
	Brokerages	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	
	Credit unions	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	
	Insurance offices	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	-	-	
	Financial advisory services	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	-	-	
	Specialty loan services	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	
Food And Beverage Services	Banquet and reception facilities	-	-	-	-	-	-	-	-	S	-	P	P	P	P	P	P	-	-	-	-	
	Brew pubs and micro-breweries	-	-	-	-	-	-	-	-	-	-	-	S	S	S	P	-	-	-	-	-	
	Catering services	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	
	Class A clubs	C	-	-	-	-	C	C	-	-	P	P	C	C	P	P	P	S	S	S	-	
	Class B clubs	-	-	-	-	-	-	-	-	-	-	-	C	S	P	P	C	-	-	-	-	
	Coffee houses and coffee shops	-	-	-	-	-	-	-	-	P	-	-	P	S	P	P	S	-	-	-	-	
	Coffee kiosks	-	-	-	-	-	-	-	-	-	-	-	S	S	P	P	S	-	-	-	-	
	Demonstration kitchens (not catering)	-	-	-	-	-	-	-	-	P	-	S	P	P	P	P	-	-	-	-	-	
	Donut and pastry shops	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	S	-	-	-	-	
	Drinking establishments, taverns and bars	-	-	-	-	-	-	-	-	-	-	-	-	S	S	P	-	-	-	-	-	
	Restaurants with drive-in service or drive-through windows	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-	-	
	Restaurants with no drive-in service and no drive-through windows	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	S	-	-	-	-	
	General Commercial	Antiques and collectibles stores	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
Art galleries		-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	
Arts and crafts stores		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Artisan shops		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Bicycle sales and services		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Book stores, and music and musical instrument stores		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Bridal sales and services		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Camping equipment sales		-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-	
Candy stores, candy makers and kitchens		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Clothing, accessories, and costume sales and rental		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Computer hardware and software sales		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Crematoriums		C	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-	P	P	P	-	
Dance studios and schools		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	
Department stores		-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-	
Drug stores and pharmacies		-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	C	-	-	-	-	
Dry cleaners		-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	C	P	P	P	-	
Electronics and appliances sales and service		-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	-	-	-	-	-	
Equipment sales and rental businesses (indoors)		-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	-	-	-	-	-	
Exercise equipment sales		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	-	-	-	-	-	
Fabric and sewing supply stores		-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-	
Firearms and ammunition sales	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-		
Florists	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-		

Use Category	Use Type	ZONING										DISTRICTS									
	Food store, including bakeries, meat lockers, butchers, deli, and specialty markets, but not a full-service grocery	-	-	-	-	-	-	-	-	P	-	-	C	P	P	P	C	-	-	-	-
	Funeral homes and mortuaries	C	-	-	-	-	-	-	-	-	-	-	P	P	P	C	C	P	P	P	-
	Garden center	C	-	-	-	-	-	-	-	C	-	-	-	P	P	P	-	-	-	-	-
	Gift stores, novelty and souvenir stores	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
	Glassblowers	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	S	P	P	P	-
	Grocery stores and supermarkets	-	-	-	-	-	-	-	-	C	-	-	C	C	P	P	C	-	-	-	-
	Hair salons, barber shops, beauty salons and nail salons	-	-	-	-	-	-	-	-	P	-	C	P	P	P	P	P	-	-	-	-
	Hardware stores	-	-	-	-	-	-	-	-	C	-	-	C	P	P	P	C	-	-	-	-
	Heating and cooling sales and services	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	-	P	P	P	-
	Home furnishings stores, including paint and wall coverings, lamps and lighting, flooring materials and draperies	-	-	-	-	-	-	-	-	P	-	-	-	C	P	P	C	P	P	P	-
	Kitchenware sales	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
	Lawn and garden equipment sales and service	C	-	-	-	-	-	-	-	C	-	-	-	P	P	P	-	-	-	-	-
	Martial arts studios and schools	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-
	Massage therapy, health spas and day spas	-	-	-	-	-	-	-	-	P	-	C	P	P	P	P	P	-	-	-	-
	Newspaper and magazine sales stands	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-
	Office supplies and furniture sales	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	-	-	-	-	-
	Pawn shops with no outdoor sales or storage	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-
	Pet stores	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	C	-	-	-	-
	Photographic equipment and supplies	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	-	-	-	-	-
	Pottery stores	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	-	-	-	-	-
	Religious books, cards and articles stores	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
	Secondhand stores, thrift stores and consignment stores	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	-	-	-	-	-
	Self-service laundry and Laundromats	-	-	-	-	-	-	-	-	P	-	-	C	C	P	P	C	-	-	-	-
	Shoe stores and shoe repair	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
	Sporting goods stores	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	-	-	-	-	-
	Tattoo artists and body piercing	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
	Toy and game stores	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
	Upholstery shops	-	-	-	-	-	-	-	-	P	-	-	C	P	P	P	C	P	P	P	-
	Video, movie and game rental and sales	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
	Warehouse club sales	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-
Specialized Commercial	Billiard halls	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
	Brick and tile sales	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	-	P	P	P	-
	Building materials sales	-	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	P	P	P	-
	Bus and train depots including ticket sales	-	-	-	-	-	-	-	-	-	P	-	-	C	C	C	-	P	P	P	-
	Commercial greenhouses	-	-	-	-	-	-	-	-	C	-	-	-	C	C	C	-	P	P	P	-
	Concrete and cinder block sales	-	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	P	P	P	-
	Convenience stores	-	-	-	-	-	-	-	-	C	-	-	-	C	C	C	-	C	C	C	-
	Drive-in theaters	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	-	P	P	P	-
	Equipment sales and rental (outdoors)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	P	P	P	-
	Fencing dealers	-	-	-	-	-	-	-	-	C	-	-	-	C	C	C	-	P	P	P	-
	Gasoline filling stations	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C	C	C	-
	Hot tub and spa sales	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	-	P	P	P	-
	Liquor stores	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
	Lumber yards (indoor or outdoor)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	P	-
	Manufactured home sales	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	P	-

Use Category	Use Type	ZONING											DISTRICTS										
	Monument sales	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	P	P	P	-		
	Motels and hotels	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	-	-	-	-	-	
	Movie theaters	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	
	Nurseries and related retail sales	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	P	P	P	-	
	Pawn shop with outdoor sales or storage	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	
	Performance theaters and auditoriums	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-
	Swimming pool sales	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	
	Taxi stands	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	P	-	
	Tobacco stores	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	
	Truck stops	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	P	P	-	
Medical Uses	Chiropractor offices	C	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	P	P	P	-		
	Dental offices including orthodontics	C	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	P	P	P	-		
	Doctor offices (medical)	C	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	P	P	P	-		
	Medical clinics including general practice and specialty care	C	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	P	P	P	-		
	Rehabilitation facilities including out-patient services	C	-	-	-	-	-	-	-	P	S	C	C	P	P	P	P	P	P	P	-		
Office Uses	Accountant and investment counseling	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Business offices and call centers	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Consultant offices	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Contractors' offices with no equipment storage	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	P	P	P	-		
	Counselors, psychiatrists, psychologists and social workers offices	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Design offices including architects, engineers, community planners, landscape architects, land surveyors and interior designers	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Lawyer/attorney offices	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Insurance and real estate agencies and offices	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Optical sales and services	-	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Photographic studios	C	-	-	-	-	-	-	-	P	S	P	P	P	P	P	P	S	S	S	-		
	Radio and television studios (not transmitter towers)	C	-	-	-	-	-	-	C	S	S	S	P	P	P	C	S	S	S	-			
	Utility and telephone company offices	-	-	-	-	-	-	-	P	-	S	S	P	P	P	C	S	S	S	-			
Recreational Commercial	Amusement parks	C	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-		
	Bingo parlors	-	-	-	-	-	-	-	-	C	-	-	-	C	P	P	-	-	-	-	-		
	Bowling alley	-	-	-	-	-	-	-	-	C	-	-	-	C	P	P	-	-	-	-	-		
	Commercial stables	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-		
	Commercial swimming pools	-	-	-	-	-	-	-	-	C	-	-	-	C	C	C	C	-	-	-	-		
	Public and private golf courses	C	-	-	-	-	-	-	-	C	C	-	-	C	C	C	C	-	-	-	-		
	Golf driving ranges	C	-	-	-	-	-	-	-	C	C	-	-	C	C	C	C	-	-	-	-		
	Gun clubs	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-		
	Gymnasiums (other than school)	-	-	-	-	-	-	-	-	C	C	-	-	C	P	P	P	C	C	C	-		
	Health clubs and spas including YMCA and YWCA	-	-	-	-	-	-	-	-	C	C	-	-	C	P	P	P	C	C	C	-		
	Miniature golf courses	C	-	-	-	-	-	-	-	C	-	-	-	C	P	P	C	C	-	-	-		
	Race tracks	C	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	-	
	Recreational vehicle parks (RV parks)	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	
	Roller and ice skating rinks	-	-	-	-	-	-	-	-	-	C	-	-	-	C	P	C	C	C	C	-		
	Sports arenas	C	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-	C	C	-		
Stadiums	C	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-	C	C	-			
Video arcades	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	C	-	-	-	-			
Vehicular Commercial	Boat dealers, sales, rental and leasing	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	P	P	P	-		
	Motor vehicle repair, painting and body shops	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	C	-	C	C	-		
	Motor vehicle dealers, sales, rental and leasing	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	P	-	P	P	-		

Use Category	Use Type	ZONING											DISTRICTS										
		-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	C	-	C	C	C
	Motor vehicle washes, self-services or automatic	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	C	-	C	C	C	-
	Motorcycle dealers, including moped and scooters	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-
	Recreational vehicle sales and rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	P	P	P	-
<b>Industrial Uses</b>																							
Research and Development	General research facilities	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	C	C	P	-
	Scientific research laboratories	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	C	C	P
Warehousing and Storage	Bulk materials or machinery storage (fully enclosed)	-	-	-	-	-	-	-	-	-	P	-	-	-	-	C	C	-	-	P	P	P	-
	Bus garages and bus repair shops	-	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-	-	C	C	P	-
	Self-service storage facilities (mini warehouses)	-	-	-	-	-	-	-	-	-	P	-	-	-	-	C	C	-	-	P	P	P	-
	Storage facilities and outdoor storage yards	-	-	-	-	-	-	-	-	-	S	-	-	-	-	C	C	-	-	P	P	P	-
	Truck terminals/motor freight terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Vehicle, trailer, recreational vehicle and boat storage	-	-	-	-	-	-	-	-	-	S	-	-	-	-	C	C	C	-	P	P	P	-
	Warehouses and distribution centers	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	C	-	-	-	C	P	P
	Wholesale businesses and storage	-	-	-	-	-	-	-	-	-	S	-	-	-	-	C	C	-	-	C	P	P	-
Contractors, Contractor Yards, Storage and Supply	Carpenters	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	C	-	-	P	P	P	-
	Carpet and rug cleaning plants	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	P	P	P	-
	Carport and storage building sales	-	-	-	-	-	-	-	-	-	S	-	-	-	-	C	C	-	-	P	P	P	-
	Contractors' offices with indoor equipment storage	-	-	-	-	-	-	-	-	-	S	-	-	-	-	P	P	P	-	P	P	P	-
	Contractors' offices with outdoor equipment storage yards (excluding heavy machinery)	-	-	-	-	-	-	-	-	-	S	-	-	-	-	C	-	-	-	P	P	P	-
	Contractor's storage yards (excluding asphalt or concrete mixing)	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	P	P	P	-
	Non-commercial garages and hobby shops	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	P	P	P	-
	Trade shops (including cabinet makers)	-	-	-	-	-	-	-	-	-	P	-	-	-	-	C	C	C	-	P	P	P	-
Large Contracting and Materials Manufacturing	Asphalt and concrete contractors	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Concrete products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Excavating contractors	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Highway and street construction companies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Manufactured home construction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Prefabricated buildings and components manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Wrecking and demolition contractors	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
Food Processing and Manufacturing	Food and beverage products processing and manufacturing, excluding breweries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Clothing and Textile Manufacturing	Carpet, rug and mat manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
	Cleaning of rugs, carpets and mats	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
	Clothing manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	P	-
	Dyeing of garments, rugs and other textiles	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
	Shoes and footwear manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	P	-
	Textile mills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
	Yarn, threads and cordage manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
Mining and Excavation	Brick, firebrick and clay products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
	Monument and architectural stone manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
	Quarries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
	Salt mining	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
	Sand and gravel extraction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
	Sand, lime and stone products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Machinery and Vehicle Manufacturing	Agricultural or farm implement manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
	Automobile, truck trailer, motorcycle, motor vehicle and bicycle assembly	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-

Use Category	Use Type	ZONING										DISTRICTS									
	Boat manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
	Farm machinery manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
	Trailer, carriage and wagon manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Metal Processing, Stamping	Metal extrusion, rolling, fabrication, stamping and forming	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
	Metal products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
Metal Processing, Forging, Fabrication (Hazardous)	Foundries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Galvanizing or plating (hot dip)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Iron (ornamental) fabrication	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Metal and metal ores, reduction, refining, smelting, alloying and rolling mills (non-ferrous)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Steel works and rolling mills (ferrous)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Structural iron and steel fabrication	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Wood Products Manufacturing	Welding	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Basket and hamper (wood, reed, rattan, etc.) manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
General Manufacturing (Low Hazard)	Furniture manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Lumber and millwork manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Aerospace, aircraft and aircraft parts manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-
	Appliance manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Cosmetics and toiletries manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Electronics manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Firearms (but not ammunition) manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Machinery manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Musical instruments manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Office machine manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Paper, paperboard and pressed or molded pulp goods manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Pharmaceutics manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Photographic equipment supplies manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Plumbing supplies manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Pottery and porcelain products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Printing and publishing plants	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	P	P	-
	Railroad equipment manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-
	Shipping container (corrugated board, fiber or wire bound) manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Solar panel manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
	Sporting and athletic goods manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
Tool, die, gauge and machine shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	
Tools and hardware product manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	
Toys and games manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	
Vitreous enameled product manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	
Wallboard, sheetrock and plaster, insulation and composite flooring manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	
Wind turbine manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	
General Manufacturing (High Hazard)	Abrasive wheels, stones, paper, cloth and related products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Adhesives manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Animal slaughtering, processing and packing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Biofuels manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
	Boiler manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-

Use Category	Use Type	ZONING										DISTRICTS											
	Breweries and distilleries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-		
	Fertilizer manufacturing (organic or inorganic)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-		
	Glass products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-		
	Grain elevator and storage facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-		
	Junkyards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	
	Landfills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Livestock feed preparation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Motor testing (internal combustion motors)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Motor vehicle graveyards and impoundment lots	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	
	Oilcloth, oil-treated products, and artificial leather manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Oils, shortenings and fats (edible and non-edible) rendering, processing and storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Pharmaceutical products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Petroleum, gasoline or lubricating oil refining and wholesale storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Petro chemical manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Plastic materials and synthetic resins manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Railroad switching and classification yards, roundhouses, repair, and overhaul shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Recycling centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
	Rendering and storage of dead animals, offal, garbage or waste products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Roofing materials, building paper and felt manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Rubber products, tire and tube manufacturing and vulcanizing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Salvage yards, scrap yards and salvage operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	
	Storage battery manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Waste recovery facilities – commercial, industrial and residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
	Wood preserving treatment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
<b>Accessory Uses</b>																							
	Barbeque grills and barbecue pits	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-		
	Barns	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Collection bins, free-standing	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-	P	P	P	-			
	Decks, patios, pergolas and gazebos	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-		
	Fuel storage	P	-	-	-	-	-	-	-	C	-	-	-	-	-	-	P	P	P	-			
	Fuel tanks and dispensing equipment	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-			
	Garages and carports	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-			
	Grain storage bins	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
	Hobby activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-			
	Keeping of pets (non-commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-			
	Multi-modal shipping containers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-			
	Non-commercial greenhouses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-			
	Non-commercial shops (including hobby woodworking and hobby repair)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-			
	Offices	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P			
	Outdoor kitchens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-			
	Parking of motor vehicles, RV's and small trucks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Playgrounds and recreation equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-			

Use Category	Use Type	ZONING										DISTRICTS									
	Portable storage units (long-term or permanent)	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-	P	P	P	-
	Propane tanks for household utility fuel	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
	Silos	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
	Stables	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Stock trailers and horse trailers	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
	Storage of farm materials, products and equipment	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
	Storage sheds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Swimming pools, hot tubs and accessory equipment (private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
	Tennis courts (private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-

## **Sec. 27-407 TA Transitional Agricultural Rural District.**

### **A. Intent.**

The intent of the TA Transitional Agricultural Rural District is to preserve and protect agricultural uses, open space and natural resource areas. The type and intensity of land uses authorized in this district are designed to accommodate agricultural operations on substantial acreage. Intense urban uses are premature and undesirable in this district due to the lack of infrastructure such as water, sewer and paved streets. This district provides for similar standards of residential, commercial and industrial development as required in other districts.

In the TA District, 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 one or more of the use types permitted in the TA District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

### **B. Compatible Use Categories.**

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial Institutions;
4. Community Services/Civic Services;
5. Day Care and Educational Institutions;
6. Public Parks and Open Space;
7. Public and Private Utilities;
8. Animal Care;
9. Business and Household Services;
10. General Commercial;
11. Medical Uses;
12. Office Uses;
13. Recreational Commercial;
14. General Manufacturing, High Hazard; and
15. Accessory Uses.

### **C. Permitted Uses.**

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the TA District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Acres)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
<b>Principal uses</b>	10	100	-	(1)	25	10	35	15
<b>Accessory uses</b>	-	-	-	(2)	5	10	35	10

(1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.

(2) Accessory uses are not permitted in the front yard setback.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
40 <sup>1</sup>	30	30	30	30	30	NA

<sup>1</sup> The minimum setback shall be the greater of 40 feet from the property line or road right-of-way line or 73 feet from the centerline of a county road.

J. Miscellaneous Provisions.

1. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

2. Private stables and facilities for housing animals and fowl for commercial purposes on at least 10 acres are allowed, provided that all buildings shall be no closer than 300 feet to any residential district.
3. Public and private riding academies on at least 10 acres shall be permitted, provided that no stable, building or structure in which horses or other animals are housed shall be nearer than 300 feet to any residential district.
4. A water well and septic system located on the same zoning lot shall require a minimum of five acres.

**Sec. 27-408 R-1 Single Household Suburban Residential District.**

A. Intent.

The intent of the R-1 Single Household Suburban Residential District is to provide for very low density residential development with certain public facilities and infrastructure available now or in the future. Greater flexibility in design is needed to allow for the preservation of open space around buildings. This district is intended for the development of areas at the fringe of the City and to minimize conflicts of incompatible land uses and protect the public health and welfare of property owners as the area becomes more fully developed.

In the R-1 District, 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 one or more of the use types permitted in the R-1 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities; and
9. Accessory Uses.

- C. Permitted Uses.  
Permitted uses are allowed outright provided they meet the height and lot requirements for this district.
- D. Conditional Uses.  
Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the R-1 District as recommended by the Planning Commission and approved by the City Council.
- E. Special Uses.  
Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.
- F. Temporary Uses.  
Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.
- G. Accessory Uses.  
Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.
- H. Site Plan Review.  
Site plan review may be required under certain circumstances. Refer to Article X of these regulations.
- I. Height and Lot Requirements.  
The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses w/o public wastewater collection	3 acres	100	100	(1)	25	10	35	15
Principal uses with public wastewater collection	1 acre	60	100	(1)	25	10	35	25
Accessory uses	-	-	-	(2)	5	5	35	-

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
40 <sup>1</sup>	30	30	30	30	30	25

<sup>1</sup> The minimum setback shall be the greater of 40 feet from the property line or 73 feet from the centerline of a county road

J. Miscellaneous Provisions.

1. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.
2. Private stables and facilities for housing animals and fowl, on at least five acres, shall be allowed provided that all buildings shall be no closer than 300 feet to any other residential lot.

**Sec. 27-409 R-2 Single Household Residential District.**

A. Intent.

The intent of the R-2 Single Household Residential District is to provide for single household residential development of moderately spacious character and allow for higher density where public sewer and water or suitable alternatives exist. This district is intended for the development of areas at the fringe of the City and to minimize conflicts of incompatible land uses and protect the public health and welfare of property owners as the area becomes more fully developed.

In the R-2 District, 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 one or more of the use types permitted in the R-2 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities; and
9. Accessory Uses.

- C. Permitted Uses.  
Permitted uses are allowed outright provided they meet the height and lot requirements for this district.
- D. Conditional Uses.  
Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the R-2 District as recommended by the Planning Commission and approved by the City Council.
- E. Special Uses.  
Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.
- F. Temporary Uses.  
Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.
- G. Accessory Uses.  
Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.
- H. Site Plan Review.  
Site plan review may be required under certain circumstances. Refer to Article X of these regulations.
- I. Height and Lot Requirements.  
The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Acres)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
<b>Principal uses</b>	1	100	150	(1)	25	10	35	15
<b>Accessory uses</b>	-	-	-	(2)	5	5	35	-

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	30	30	30	30	30	25

<sup>1</sup> The minimum setback shall be 30 feet from the property line.

- J. Miscellaneous Provisions.  
Supplemental regulations including but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

**Sec. 27-410 R-3 Moderate Density Residential District.**

- A. Intent.  
The intent of the R-3 Moderate Density Residential District is to provide for a full range of dwelling units from single family attached and detached to two family dwellings and certain public uses. This district is located primarily adjacent to moderate to high density residential areas.

In the R-3 District, 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 one or more of the use types permitted in the R-3 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

- B. Compatible Use Categories.  
The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities; and
9. Accessory Uses.

- C. Permitted Uses.  
Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

- D. Conditional Uses.  
Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the R-3 District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Use/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Single family detached dwelling	9,000	60	100	(1)	15	5	35	45
Single family attached dwelling, per DU	5,000	30	100	(1)	15	5(3)	35	45
Two family dwelling/duplex	10,000	80	100	(1)	15	5(3)	35	45
Other principal uses	10,000	100	100	(1)	15	10(3)	35	40
Accessory uses	-	-	-	(2)	5	5	35	-

(1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.

(2) Accessory uses are not permitted in the front yard.

(3) No side yard setback shall be required along the common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	30	25	25	25	25	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

J. Miscellaneous Provisions.

Supplemental regulations including but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

## **Sec. 27-411 R-4 Residential Neighborhood Conservation District.**

### **A. Intent.**

The intent of the R-4 Residential Neighborhood Conservation District is to provide for an array of residential uses including single family attached and detached, two family and multiple family dwelling developments. This district allows for residential infill development and affordable housing in older residential districts while protecting the character of the surrounding neighborhood.

In the R-4 District, 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 one or more of the use types permitted in the R-4 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

### **B. Compatible Use Categories.**

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities; and
9. Accessory Uses.

### **C. Permitted Uses.**

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

### **D. Conditional Uses.**

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the R-4 District as recommended by the Planning Commission and approved by the City Council.

### **E. Special Uses.**

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific

use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Use/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Single family detached dwelling	9,000	60	100	(1)	15	5	35	45
Single family attached dwelling, per DU	5,000	30	100	(1)	15	5(3)	35	45
Two family dwelling/duplex	10,000	80	100	(1)	15	5(3)	35	45
Multiple family dwellings	10,000	100	100	(1)	15	10	35	50
Other principal uses	10,000	100	100	(1)	15	10	35	40
Accessory uses	-	-	-	(2)	5	5	35	-

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard.
- (3) No side yard setback shall be required along the common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	30	25	25	25	25	25

1 The minimum setback shall be 25 feet from the property line.

J. Miscellaneous Provisions.

Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations

Sec. 27-412 R-5 High Density Residential District.

A. Intent.

The intent of the R-5 High Density Residential District is to provide for medium to high density multiple family dwellings in areas with good transportation access and close to commercial corridors and centers of employment. This district serves as a transitional zone between medium density residential neighborhoods and administrative and professional offices.

In the R-5 District, 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 one or more of the use types permitted in the R-5 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities; and
9. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the R-5 District as recommended by the Planning Commission and approved by the City Council.

- E. Special Uses.  
Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.
- F. Temporary Uses.  
Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.
- G. Accessory Uses.  
Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.
- H. Site Plan Review.  
Site plan review may be required under certain circumstances. Refer to Article X of these regulations.
- I. Height and Lot Requirements.  
The height and lot requirements shall be as follows:

Use/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Single family detached dwelling	5,000	30	100	(1)	15	5	35	45
Single family attached dwelling, per DU	2,500	25	100	(1)	15	5(3)	35	60
Two family dwelling/duplex	8,000	60	100	(1)	15	5(3)	35	50
Multiple family dwellings	10,000	100	100	(1)	15	10	45	50
Other principal uses	10,000	100	100	(1)	15	10	35	40
Accessory uses	-	-	-	(2)	5	5	35	-

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard.
- (3) No side yard setback shall be required along the common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	30	25	25	25	25	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

- J. Miscellaneous Provisions.  
Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

## **Sec. 27-413 MH Manufactured Home Subdivision District.**

### **A. Intent.**

The intent of the MH Manufactured Home Subdivision District is to provide for low density manufactured home subdivisions to meet the need and demand for alternative housing choices. This district allows for alternative housing types that often function best as part of a well planned development. This district is established to accommodate certified manufactured homes on permanent foundations where each lot is owned by an individual manufactured home owner.

In the MH District, 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 one or more of the use types permitted in the MH District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

### **B. Compatible Use Categories.**

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Community Services and Civic Uses;
4. Treatment, Rehabilitation and Incarceration Facilities;
5. Day Care and Educational Institutions;
6. Public Parks and Open Space;
7. Public and Private Utilities; and
8. Accessory Uses.

### **C. Permitted Uses.**

Permitted uses are allowed outright provided they meet the regulations of this section and all applicable restrictions and performance standards in these regulations.

### **D. Conditional Uses.**

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the MH District as recommended by the Planning Commission and approved by the City Council.

- E. Special Uses.  
Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.
- F. Temporary Uses.  
Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.
- G. Accessory Uses.  
Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.
- H. Lot Area and Width.  
Each lot shall have an area of not less than 5,000 square feet and an average width of not less than 50 feet.
- I. Lot Coverage.  
The principal building and accessory buildings shall not cover more than 30 percent of the lot area.
- J. Height Regulations.  
No building shall exceed 35 feet in height.
- K. Yard Regulations.  
1. Front Yard.  
a. There shall be a front yard having a depth of not less than 25 feet.  
b. Where a lot or group of lots has a double frontage, the required front yard shall be provided on both streets.  
c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of these regulations, shall not be reduced to less than 35 feet, except as may be required to preserve a minimum setback of six feet from the lot line.  
2. Side Yard.  
a. Except as hereinafter required in the additional height, area, and use regulations of these regulations, there shall be a side yard having a width of not less than ten percent of the width of the lot with a minimum of eight feet on each side of the principal building.  
b. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other

public uses, the spacing between principal buildings shall not be less than the average height of the adjacent buildings.

3. Rear Yard.
  - a. There shall be a rear yard having a depth of not less than 10 feet.

L. Miscellaneous Provisions.

Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

**Sec. 27-414 MP Manufactured Home Park District.**

A. Intent.

The intent of the MP Manufactured Home Park District is to provide for low density manufactured homes which are compatible with the character of the surrounding neighborhood in which they are located and where services and amenities are readily available. This district is intended for the planned arrangement, placement and site layout of certified manufactured homes where the owner proposes to develop and rent or lease individual sites. The MP District is intended to promote affordable housing consistent with provisions of these regulations and the Comprehensive Plan.

In the MP District, 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 one or more of the use types permitted in the MP District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Community Services and Civic Uses;
4. Day Care and Educational Institutions;
5. Public Parks and Open Space;
6. Public and Private Utilities; and
7. Accessory Uses.

- C. Permitted Uses.  
Permitted uses are allowed outright provided they meet the regulations of this section and all applicable restrictions and performance standards in these regulations. All manufactured homes moved into the MP District or from one manufactured home park to another must be certified manufactured homes.
- D. Conditional Uses.  
Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the MP District as recommended by the Planning Commission and approved by the City Council.
- E. Special Uses.  
Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.
- F. Temporary Uses.  
Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.
- G. Accessory Uses.  
Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations. The following accessory uses shall be expressly permitted in the MP District:
1. Parks, playgrounds, and recreation areas;
  2. Service buildings, laundry facilities and storage areas for recreational vehicles and boats, for the exclusive use of residents of the manufactured home park;
  3. Swimming pools, patios and gazebos for the exclusive use of residents of the manufactured home park;
  4. Office for manager of the manufactured home park; and
  5. Storage buildings for vehicles used to tow manufactured homes and for blocks, skirting, pipes and other materials and equipment required to set up a manufactured home.
- H. Minimum Lot Size.
1. The minimum lot size for manufactured home parks in the MP District shall be 10 acres. No manufactured home park shall be established on a lot smaller than 10 acres. A contiguous tract of 10 acres shall be the minimum land area required for each area classified as an MP District on the Zoning Map.

I. Nonconforming Manufactured Home Parks.

1. No manufactured home park on a lot of less than 10 acres shall be placed in the MP District. Existing and lawful manufactured home parks on lots less than 10 acres shall not be expanded or enlarged, unless such expansion would increase the total area of the manufactured home park to 10 acres or greater and the entire manufactured home park, including existing development, is brought into compliance with the standards of the MP District regulations.

J. Detailed Manufactured Home Park Requirements.

1. No new manufactured home park shall be established or operated and no existing manufactured home park shall be expanded, enlarged or altered, except in accordance with these regulations and under permit by the zoning administrator.
2. A tract to be used for a manufactured home park shall be designed to accommodate 10 or more manufactured homes.
3. Manufactured home parks shall have a maximum density of eight manufactured units per gross acre, and each space shall have not less than 3,000 square feet.
4. Each manufactured home park space shall be not less than 35 feet in width.
5. The manufactured home park shall be located on a well-drained site that is graded to ensure rapid drainage.
6. Each manufactured home space shall be numbered in an orderly manner. Numbers shall be securely displayed on their respective spaces and shall be consistent throughout the manufactured home park. Said numbers shall be visible at all times and shall be located so as to avoid confusion regarding which number belongs to which manufactured home space.
7. A solid fence or wall meeting the City's fence regulations shall be provided between the manufactured home park and any adjoining property or property immediately across the alley which is used or zoned for residential purposes other than manufactured homes. In lieu of said fence or wall, an approved landscape buffer, not less than 15 feet in width may be provided. When a landscape buffer is used in lieu of a fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a manufactured home space. The fence, wall or landscape buffer shall be properly maintained by the owner and/or manager of the manufactured home park.
8. Each manufactured home park having more than 10 manufactured home spaces shall reserve an area for child recreation according to the following schedule:

<u>Number of Manufactured Homes</u>	<u>Minimum Recreation Area</u>
0-10	None required
11-20	1,500 square feet
21-25	2,500 square feet
26 or more	100 square feet per lot

9. The recreation area shall be located so as to be free from hazards and provided with play equipment.
10. All manufactured home parks shall provide a storm shelter for the occupants. The applicant shall submit plans for each storm shelter to the Building Official for review and approval. Each storm shelter shall be constructed below ground level as a concrete structure or other material approved by the City, and shall be provided with heavy metal doors. Each storm shelter shall be located so as to be accessible to the park residents in a central location with access to the shelter clearly marked.
11. Each manufactured home park shall provide a sufficient and adequate number of storm shelters. Shelters shall be placed at such intervals within the park to ensure maximum safety for residents during times of natural disaster. Design and location of such shelters shall be determined at the time of plan approval, but in no case shall the construction of the initial phase of a manufactured home park be allowed to proceed without the concurrent construction of the appropriate shelters.
12. Manufactured homes shall be located so that there is at least a 20-foot clearance between manufactured homes; provided, however, with respect to manufactured homes parked end-to-end, the clearance shall not be less than 10 feet. Each manufactured home shall be located a minimum of 10 feet from the front driveway.
13. Manufactured homes shall be located a minimum of 25 feet from each property line of the manufactured home park and from each community building within the park.
14. All manufactured home spaces shall abut an internal street that is not less than 24 feet in width; provided, however, that no on-street parking shall be permitted on a street with a width of only 24 feet. If parallel parking is permitted on one side of the street, the street width shall be increased to 28 feet, and if parallel parking is permitted on both sides of the street, the street width shall be increased to 36 feet. All internal streets shall have unobstructed access to a public street or highway and shall be paved with a hard surface such as concrete or asphalt. All pavement shall be durable and well-drained under normal use and weather conditions. All pavement shall be maintained in good condition free of cracks, potholes and other hazards. All internal streets shall be provided with night lighting using lamps spaced at intervals of not more than 100 feet.
15. Adequate lighting shall be provided for all internal streets, walkways, service buildings, storm shelters and other facilities subject to nighttime use. All lighting shall be maintained in working condition.

16. Manufactured home parks shall provide each manufactured home space with a concrete parking pad for the parking of two motor vehicles separate from the street. Each parking pad shall be a minimum of nine feet in width and 18 feet in depth per vehicle.
17. All electrical distribution systems and telephone service systems to each manufactured home space, except outlets and risers, shall be underground. Each manufactured home space shall be provided with a 110-volt and 220-volt service with a minimum 100-ampere individual service outlet.
18. Whenever master television antenna systems, including cable systems, are to be installed, complete plans and specifications for the systems must be submitted to the City for review and approval. Distribution lines to individual manufactured home spaces shall be underground and shall terminate adjacent to the electrical outlet.
19. An adequate supply of pure water for drinking and domestic purposes shall be supplied by underground pipes to all buildings and manufactured home spaces within the park. Each manufactured home space shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.
20. All manufactured homes shall be connected to an approved public water supply and an approved sanitary sewer system with at least a four-inch sewer connection to each manufactured home. Each sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the manufactured home drain and the sewer connection. Such individual unit connections shall be so constructed that they can be closed when not linked to a manufactured home and shall be trapped in such a manner as to maintain them in an odor-free condition.
21. Each manufactured home shall be set, anchored, and tied down securely to prevent accidental uplift, sliding, rotation and overturning.
22. Skirting shall be installed on each manufactured home to enclose the open space between the bottom of the manufactured home and ground below. Such skirting shall consist of non-combustible materials that are durable in construction, uniform in color and texture, and similar in color to the exterior surface of the manufactured home. Such skirting shall be maintained in good condition.
23. Outdoor laundry drying space of adequate area and suitable location shall be provided and indicated upon the required site plan.
24. Laundry facilities for the exclusive use of the manufactured home park occupants may be provided in a service building.
25. The owner or operator shall include with the required site plan the method of refuse collection and the location of refuse containers. Refuse and garbage handling methods shall meet the following minimum requirements:
  - a. Storage collection and disposal of refuse in a manufactured home park shall be so conducted as to create no public nuisances, health or safety hazards, rodent harborage, insect breeding areas, fire hazards or air pollution.

- b. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse from within the manufactured home park.
  - c. Refuse racks shall be provided for all refuse containers. Such racks shall be designed so as to prevent the containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around the containers.
  - d. Refuse and garbage shall be removed from the manufactured home park at least once each week. All refuse shall be collected and transported in covered vehicles or covered containers.
  - e. The manufactured home park owner shall ensure that all containers at all stands are emptied regularly and maintained in a useable, sanitary condition.
26. When liquefied petroleum gas is used in a manufactured home park, containers for such gas shall have a water capacity of not more than 25 gallons, shall be the liquefied petroleum gas containers approved by the United States Commerce Commission for its intended purposes, and shall be attached to the manufactured home in a manner approved by the Liquefied Petroleum Gas Association.
27. Manufactured home parks may have approved areas designated for the storage of recreational vehicles, boats, trailers and other vehicles or equipment of seasonal or recreational use. Such areas may be commercially operated strictly for the use of residents of the manufactured home park.
28. The owner or operator shall include with the required site plan a budget for financing the proposed improvements shown on the site plan.
29. Prior to the construction, alteration, or expansion of a manufactured home park, review and approval of all of the following plans by the City shall be required:
- a. Engineering plans and specifications of the water supply and distribution system;
  - b. Engineering plans and specifications of sewage disposal facilities and sewer;
  - c. Plans and specifications for the lighting and electrical systems;
  - d. Plans and specifications for streets and driveways; and
  - e. Any other plans required by the City to ensure compliance with applicable city codes.

K. Site Plan Review.

- 1. Site plan review shall be required prior to the establishment, enlargement or alteration of a manufactured home park. The applicant for a manufactured home park shall submit an application for site plan review in accordance with Article X of these regulations. The subject property must be properly zoned, and the site plan must be reviewed and approved by the

Site Plan Review Committee before any permits will be issued. The site plan shall include all of the following:

- a. Proposed manufactured home spaces, consecutively numbered, with their approximate dimensions;
- b. Service buildings and storage facilities;
- c. Topography and drainage provisions;
- d. Location of storm shelters;
- e. Location and dimensions of parking spaces;
- f. Electrical outlets;
- g. Sewer outlets;
- h. Water outlets;
- i. Water lines;
- j. Sewer lines;
- k. Location and size of playgrounds and recreational areas;
- l. Landscaped areas and walls or fences;
- m. Proposed streets and driveways with dimensions and traffic circulation plan;
- n. Any existing streets in or abutting the property;
- o. Sidewalks and walkways;
- p. Exterior lighting plan;
- q. Refuse collection bins and screening;
- r. Legal description of the property;
- s. Names of the landowner, the developer and the person or firm preparing the plan; and
- t. North arrow, scale and date.

L. Compliance and Enforcement.

1. Upon the issuance of the permit for a manufactured home park, the City shall have the authority to have said manufactured home park inspected by the proper inspecting officer of the City and if it shall be found that the holder of said permit has violated or caused to be violated any provision of this article, the City shall have the power to revoke said permit.
2. If the City shall determine upon proper inspection by the Building Official that the sanitary condition of the manufactured home park shall have become so unsanitary as to endanger health or welfare of occupants of said manufactured home park or the surrounding community, or that said sanitary facilities have become inadequate to properly protect the occupants of said manufactured park, the City shall have the power to require the holder of said manufactured home park permit to return said manufactured home park to proper sanitary condition within 10 days. If, upon notice from the City to the holder of the permit as aforesaid, the owner or manager of said manufactured home park shall fail or refuse to place said manufactured home park in sanitary condition, the City shall have the right to revoke said permit.

M. Abandonment of Use.

1. Whenever a property in the MP District ceases to be used as a manufactured home park or when its existing use is discontinued or abandoned for a period of 12 consecutive months, the Planning Commission may initiate action to rezone said property back to its former or another zoning district classification.

**Sec. 27-415 EN Established Neighborhood District.**

A. Intent.

The intent of the EN Established Neighborhood District is to accommodate compatible mixed-use development of residential, commercial and light industrial uses in existing neighborhoods. This district is intended to promote harmony between certain residential, commercial and light industrial uses that currently exist in established older neighborhoods within the City. This district promotes investment in distressed properties and allows for the restoration and reconstruction of buildings to maintain property values and encourage affordable workforce housing. The EN District is *not* intended for individual or scattered sites or for simply bringing nonconforming uses into conformance with these regulations.

In the EN District, 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 one or more of the use types permitted in the EN District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Day Care and Educational Institutions;
6. Public Parks and Open Space;
7. Public and Private Utilities;
8. Animal Care;
9. Business and Household Services;
10. Financial Services;
11. Food and Beverage Services;

12. General Commercial;
13. Specialized Commercial;
14. Medical Uses;
15. Office Uses;
16. Recreational Commercial;
17. Vehicular Commercial;
18. Warehousing and Storage;
19. Contractors, Contractor Yards, Storage and Supply; and
20. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the EN District as recommended by the Planning Commission to the City Council for approval, denial, or amendment.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses	5,000	35	100	(1)	15	5 (3)	35	50
Accessory uses	-	-	-	(2)	5	5	35	-

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard.
- (3) No side yard setback shall be required along the common party wall of a two family dwelling or a single family attached dwelling.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	30	25	25	25	25	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

J. Miscellaneous Provisions.

1. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.
2. When adjacent to residentially zoned or used property, an industrial use in the EN District shall not have parking or drives in the front yard setback nor within 15 feet of said residential district or use. Furthermore, permanent screening shall be provided as appropriate in order to minimize impacts on residential property, as per Sec. 27-908 of these regulations.
3. Exterior lighting fixtures, other than publicly installed street lights, shall be located and installed to reflect light away from abutting residential properties.
4. All new structures constructed for non-residential uses shall be of a type and design that is generally compatible in appearance with the character of any nearby residential structures.

**Sec. 27-416 P/I Public and Institutional District.**

A. Intent.

The intent of the P/I Public and Institutional District is to provide for public, quasi-public, institutional, social, philanthropic organizations and similar uses in one or more buildings or a campus. This district may accommodate the individual needs of organization members, students, public employees and long term care residents. Special design provisions may be made for parking, playgrounds, outdoor plazas and event areas.

In the P/I District, 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 one or more of the use types permitted in the P/I District by

right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities;
9. Animal Care;
10. Business and Household Services;
11. Financial Services;
12. Specialized Commercial;
13. Medical Uses;
14. Office Uses;
15. Recreational Commercial;
16. Research and Development; and
17. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the P/I District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Use/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Other principal uses	10,000	50	100	(1)	15	5	35	25
Accessory uses	-	-	-	(2)	5	5	35	10

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard setback.
- (3) No side yard setback shall be required along the common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	30	25	25	25	25	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

J. Miscellaneous Provisions.

Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

**Sec. 27-417 C-1 Office Commercial District.**

A. Intent.

The intent of the C-1 Office Commercial District is to provide for restricted commercial development such as professional and administrative offices and certain personal services that serve the entire city and are compatible with adjoining residential districts. The low intensity of this district serves as a buffer between residential and arterial and collector streets. This district allows for freestanding office buildings and office parks.

In the C-1 District, 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 one or more of the use types permitted in the C-1 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities;
9. Animal Care;
10. Business and Household Services;
11. Financial Services;
12. Food and Beverage Services;
13. General Commercial;
14. Specialized Commercial;
15. Medical Uses;
16. Office Uses; and
17. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the C-1 District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Single family detached dwelling	5,000	35	100	(1)	15	5	35	25
Single family attached dwelling, per DU	5,000	30	100	(1)	25	5 (3)	35	40
Two family dwelling/duplex	10,000	100	100	(1)	25	10 (3)	35	40
Multiple family dwellings	10,000	100	100	(1)	25	10	35	50
Other principal uses	5,000	25	100	(1)	25	10 (3)	35	50
Accessory uses	-	-	-	(2)	5	10	35	10

(1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.

(2) Accessory uses are not permitted in the front yard setback.

(3) No side yard setback shall be required along a common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	25	25	25	25	25	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

J. Miscellaneous Provisions.

1. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

**Sec. 27-418 C-2 Neighborhood Commercial District.**

A. Intent.

The intent of the C-2 Neighborhood Commercial District is to provide for areas of convenient shopping facilities for nearby neighborhoods. This district permits uses such as basic retail, offices and services that are conducted wholly within a building or customarily located in a shopping center.

In the C-2 District, 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 one or more of the use types permitted in the C-2 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities;
9. Animal Care;
10. Business and Household Services;
11. Financial Services;
12. Food and Beverage Services;
13. General Commercial;
14. Specialized Commercial;
15. Medical Uses;
16. Office Uses;
17. Recreational Commercial; and
18. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the C-2 District as recommended by the Planning Commission and approved by the City Council.

- E. Special Uses.  
Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.
- F. Temporary Uses.  
Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.
- G. Accessory Uses.  
Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.
- H. Site Plan Review.  
Site plan review may be required under certain circumstances. Refer to Article X of these regulations.
- I. Height and Lot Requirements.  
The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses	5,000	25	-	(1)	10	10 (3)	35	60
Accessory uses	-	-	-	(2)	5	10	35	10

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard setback.
- (3) No side yard setback shall be required along a common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	25	25	25	25	25	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

- J. Miscellaneous Provisions.  
Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

## **Sec. 27-419 C-3 Outdoor Commercial District.**

### **A. Intent.**

The intent of the C-3 Outdoor Commercial District is to provide for retail and wholesale sales and services for commercial activities that require large floor areas and the outside display of products and parking areas. This district provides for large lot development typically located next to collector and arterial streets to accommodate traffic patterns.

In the C-3 District, 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 one or more of the use types permitted in the C-3 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

### **B. Compatible Use Categories.**

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities;
9. Animal Care;
10. Business and Household Services;
11. Financial Services;
12. Food and Beverage Services;
13. General Commercial;
14. Specialized Commercial;
15. Recreational Commercial;
16. Vehicular Commercial;
17. Warehousing and Storage;
18. Contractors, Contractor Yards, Storage and Supply; and
19. Accessory Uses.

- C. Permitted Uses.  
Permitted uses are allowed outright provided they meet the height and lot requirements for this district.
- D. Conditional Uses.  
Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the C-3 District as recommended by the Planning Commission and approved by the City Council.
- E. Special Uses.  
Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.
- F. Temporary Uses.  
Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.
- G. Accessory Uses.  
Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.
- H. Site Plan Review.  
Site plan review may be required under certain circumstances. Refer to Article X of these regulations.
- I. Height and Lot Requirements.  
The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
<b>Principal uses</b>	5,000	25	-	(1)	10	10 (3)	35	60
<b>Accessory uses</b>	-	-	-	(2)	5	10	35	10

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard setback.
- (3) No side yard setback shall be required along a common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	-	-	-	25	25	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

J. Miscellaneous Provisions.

Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

**Sec. 27-420 C-4 Special Commercial District.**

A. Intent.

It is the intent of the C-4 Special Commercial District to provide space in appropriate locations for certain commercial activities which may particularly impact surrounding neighborhoods. Special provisions are made through these regulations to minimize the adverse effects of such uses on neighboring parcels.

In the C-4 District, 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 one or more of the use types permitted in the C-4 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agricultural and Related Sales and Service;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities;
9. Animal Care;
10. Business and Household Services;
11. Financial Services;
12. Food and Beverage Services;
13. General Commercial;
14. Specialized Commercial;
15. Medical Uses;
16. Office Uses;
17. Recreational Commercial;
18. Vehicular Commercial;
19. Warehousing and Storage;

- 20. Contractors, Contractor Yards, Storage and Supply; and
- 21. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the C-4 District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses	5,000	25	-	(1)	10	10 (3)	35	60
Accessory uses	-	-	-	(2)	5	10	35	10

(1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.

(2) Accessory uses are not permitted in the front yard setback.

(3) No side yard setback shall be required along a common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	-	-	-	30	30	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

J. Miscellaneous Provisions.

Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

**Sec. 27-421 C-5 Downtown District.**

A. Intent.

The intent of the C-5 Downtown District is to encourage a wide mix of adaptive reuses of buildings; to stimulate private investment and create a lively downtown. This district should accommodate shoppers, workers, residents and visitors and be a gathering place for community events. Development and improvements in this district should be guided by Main Street's Design Guidelines and Historic Preservation principles.

In the C-5 District, 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 one or more of the use types permitted in the C-5 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Residential Commercial/Institutions;
4. Community Services and Civic Uses;
5. Treatment, Rehabilitation and Incarceration Facilities;
6. Day Care and Educational Institutions;
7. Public Parks and Open Space;
8. Public and Private Utilities;
9. Animal Care;
10. Business and Household Services;
11. Financial Services;
12. Food and Beverage Services;
13. General Commercial;
14. Specialized Commercial;
15. Medical Uses;
16. Office Uses;
17. Recreational Commercial;

18. Vehicular Commercial;
19. Warehousing and Storage;
20. Contractors, Contractor Yards, Storage and Supply;
21. Clothing Manufacturing;
22. General Manufacturing (Low Hazard); and
23. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the C-5 District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations. Accessory uses and structures are permitted by right in connection with any lawfully established principal use, except as otherwise expressly provided in these regulations. Accessory uses and structures, including private parking, shall not be placed on public property, including sidewalks, streets and alleys, unless expressly permitted otherwise.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses	-	-	-	-	-	-	-	100
Accessory uses	-	-	-	(1)	-	-	-	20

(1) Accessory uses are not permitted in the front yard.

J. Miscellaneous Provisions.

Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations unless expressly designated otherwise.

1. Residential Uses and Code Requirements.

- a. Upper story housing shall be permitted in the C-5 Downtown District by right.
- b. By conditional use permit, residential housing may be located in the rear half of the ground floor of a commercial building provided that the front half of the ground floor is used only for a commercial use permitted in the C-5 District.
- c. The front half of the ground floor of a commercial building shall not be used for any residential purpose other than a required exit corridor.
- d. Before a building permit and/or certificate of occupancy permit is issued, the property owner shall be required to provide the Building Official with stamped architectural or engineering plans for any commercial building that may contain a residential use including fire separation, smoke detection, interconnection and exits according to all city codes. The percentage of floor area designated for residential and commercial uses may vary slightly depending on the architectural or engineering plans approved by the Building Official.
- e. The applicant for a residence in the C-5 District shall contact the City prior to filing an application to determine supplemental information requirements.

2. Setback Requirements.

The front façade of any new building shall require a zero lot line development unless otherwise approved by the Site Plan Review Committee.

3. Off-Street Parking.

Off-street parking must be reviewed by the Downtown Hutchinson Revitalization Partnership (DHRP) Board and approved by the City Engineer where required.

4. Signs.  
Signs for buildings and uses within the C-5 District shall be subject to special requirements. An off-premises billboard sign or an electronic message center sign requires a conditional use permit. An off-premises advertising sign requires a special use permit.
5. Landscaping.  
Landscaping on private lots shall comply with the planting and fencing materials and other site plan requirements approved by the City. The applicant shall provide the City with a landscape plan or planting plan to be reviewed and approved by the City Forester or City Horticulturist prior to the issuance of a building permit or certificate of occupancy.
6. Other Supplemental Regulations.
  - a. Persons choosing to reside in the C-5 Downtown District do so with full knowledge that they will be living in a predominately commercial environment containing different kinds of businesses, activities, noise, lighting and traffic, such as are found in a vibrant and active downtown, and that such conditions are normal aspects of downtown living.
  - b. Upon receipt of an application for consideration by the Planning Commission, Board of Zoning Appeals, or Landmarks Commission for a proposed development within the C-5 Downtown District, the zoning administrator shall notify the Downtown Development Director and the Chairperson of Downtown Hutchinson Revitalization Partnership, Inc., of the date, time and location of the public hearing.

#### **Sec. 27-422 CR Commercial/Residential District.**

- A. Intent.  
The intent of the CR Commercial/Residential District is to encourage the transition of neighborhoods where land use patterns are beginning to change from residential to light commercial with minimal impact to the existing residents. This district provides for a variety of land uses, including office, light retail, schools, churches and public spaces. The design elements of this district are intended to create a distinctive sense of place for the primary vehicular corridors into Hutchinson. This district allows for freestanding office buildings and office parks and may be utilized in concert with the gateway corridor overlay.

In the CR District, 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 one or more of the use types permitted in the CR District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Household Living;
3. Community Services and Civic Uses;
4. Day Care and Educational Institutions;
5. Public Parks and Open Space;
6. Public and Private Utilities;
7. Animal Care;
8. Business and Household Services;
9. Financial Services;
10. Food and Beverage Services;
11. General Commercial;
12. Specialized Commercial;
13. Office Uses;
14. Recreational Commercial;
15. Accessory Uses;

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the CR District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Use/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Other principal uses	5,000	50	100	25	10	5	35	60
Accessory uses	-	-	-	(1)	10	5	35	10

(1) Accessory uses are not permitted in the front yard.

J. Miscellaneous Provisions.

1. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.
2. A traffic impact study may be required for certain uses as determined by the City Engineer.

**Sec. 27-423 I-1 Light Industrial District.**

A. Intent.

The intent of the I-1 Light Industrial District is to provide space for light industrial uses for certain low-impact employment and for businesses engaged in heavy commercial and light manufacturing and related uses in a planned industrial/business park setting.

In the I-1 District, 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 one or more of the use types permitted in the I-1 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Community Services and Civic Uses;
3. Day Care and Educational Facilities;
4. Public Parks and Open Space;
5. Public and Private Utilities;
6. Animal Care;
7. Business and Household Services;
8. Financial Services;
9. General Commercial;
10. Specialized Commercial;
11. Medical Uses;
12. Office Uses;
13. Recreational Commercial;
14. Vehicular Commercial;
15. Research and Development;
16. Warehousing and Storage;
17. Contractor, Contractor Yards, Storage and Supply;
18. Large Contracting and Materials Manufacturing;
19. Food Processing and Manufacturing;
20. Metal Processing, Forging, Fabrication (Hazardous);
21. Wood Products Manufacturing;
22. General Manufacturing (Low Hazard); and
23. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the I-1 District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses	5,000	25	-	(1)	5	5 (3)	-	60
Accessory uses	-	-	-	(2)	5	5	-	10

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard setback.
- (3) No side yard setback shall be required along a common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	-	-	-	25	25	25

<sup>1</sup> The minimum setback shall be the greater of 25 feet from the property line or 58 feet from the centerline of a county road.

J. Miscellaneous Provisions.

1. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.
2. Required parking within this district shall be located in the rear yard of the property unless otherwise permitted.

**Sec. 27-424 I-2 Industrial District.**

A. Intent.

The intent of the I-2 Industrial District is to accommodate moderate to high impact industrial uses including large scale and specialized industrial operations requiring good transportation access and public facilities and services and which are generally not compatible with commercial land uses.

In the I-2 District, 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 one or more of the use types permitted in the I-2 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Compatible Use Categories.

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Community Services and Civic Uses;
3. Day Care and Educational Institutions;
4. Public Parks and Open Space;
5. Public and Private Utilities;
6. Animal Care;
7. Business and Household Services;
8. Financial Services;
9. General Commercial;
10. Specialized Commercial;
11. Medical Uses;
12. Office Uses;
13. Recreational Commercial;
14. Vehicular Commercial;
15. Research and Development;
16. Warehousing and Storage;
17. Contractor, Contractor Yards, Storage and Supply;
18. Large Contracting and Materials Manufacturing;
19. Food Processing and Manufacturing;
20. Clothing Manufacturing;
21. Metal Processing, Stamping;
22. Metal Processing, Forging, Fabrication (Hazardous);
23. Wood Products Manufacturing;
24. General Manufacturing (Low hazard); and
25. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this district.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the I-2 District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses	5,000	25	-	(1)	5	5 (3)	-	60
Accessory uses	-	-	-	(2)	5	5	-	10

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not allowed in the front yard setback.
- (3) No side yard setback shall be required along a common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	-	-	-	25	25	25

<sup>1</sup> The minimum setback shall be the greater of 30 feet from the property line or 63 feet from the centerline of a county road.

J. Miscellaneous Provisions.

1. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.
2. Required parking within this district shall be located in the rear yard of the property unless otherwise permitted.

## **Sec. 27-425 I-3 Heavy Industrial District.**

### **A. Intent.**

The intent of the I-3 Heavy Industrial District is to provide land for industrial uses that may pose a serious threat to the health or safety of the general public and individuals either on or off the parcel. Certain uses may require special permission to locate in this district.

In the I-3 District, 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 one or more of the use types permitted in the I-3 District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

### **B. Compatible Use Categories.**

The following are use categories identified in Sec. 27-406 of these regulations. Specific use types within these use categories may be allowed as a permitted use, conditional use or special use, or may not be permitted. Each use category below contains at least one use type which is allowed in this district. Refer to Sec. 27-406 to determine the specific uses that are allowed.

1. Agriculture and Related Sales and Services;
2. Community Services and Civic Uses;
3. Day Care and Educational Facilities;
4. Public Parks and Open Space;
5. Public and Private Utilities;
6. Animal Care;
7. Business and Household Services;
8. Financial Services;
9. General Commercial;
10. Specialized Commercial;
11. Medical Uses;
12. Office Uses;
13. Recreational Commercial;
14. Vehicular Commercial;
15. Research and Development;
16. Warehousing and Storage;
17. Contractor, Contractor Yards, Storage and Supply;
18. Large Contracting and Materials Manufacturing;
19. Food Processing and Manufacturing;
20. Clothing Manufacturing;
21. Mining and Excavation;
22. Machinery and Vehicle Manufacturing;
23. Metal Processing, Stamping;
24. Metal Processing, Forging, Fabrication (Hazardous);

- 25. Wood Products Manufacturing;
- 26. General Manufacturing (Low Hazard);
- 27. General Manufacturing (High Hazard); and
- 28. Accessory Uses.

C. Permitted Uses.

Permitted uses are allowed outright provided they meet the height and lot requirements for this District.

D. Conditional Uses.

Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the I-3 District as recommended by the Planning Commission and approved by the City Council.

E. Special Uses.

Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.

F. Temporary Uses.

Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.

G. Accessory Uses.

Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.

H. Site Plan Review.

Site plan review may be required under certain circumstances. Refer to Article X of these regulations.

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
<b>Principal uses</b>	5,000	25	-	(1)	10	10 (3)	-	60
<b>Accessory uses</b>	-	-	-	(2)	5	10	-	10

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not allowed in the front yard.
- (3) No side yard setback shall be required along a common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	-	-	-	25	25	25

<sup>1</sup> The minimum setback shall be the greater of 30 feet from the property line or 63 feet from the centerline of a county road.

J. Miscellaneous Provisions.

1. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.
2. Required parking within this district shall be located in the rear yard of the property unless otherwise permitted.

**Sec. 27-426 AE Adult Entertainment District.**

A. Intent.

It is the intent of the AE Adult Entertainment District to provide for adult entertainment establishments which, by their nature, are known to produce deleterious effects on adjacent development and serious secondary negative impacts to juveniles, especially where such uses are clustered. Special regulations of such uses are therefore necessary to ensure that these and other adverse secondary effects will not impact residential neighborhoods, public and quasi-public institutions and facilities serving the youth of the community.

In the AE District, 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 use types permitted in the AE District by right, by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations.

B. Definitions.

**Adult** shall mean any person aged 18 years or older.

**Adult Book and/or Video Store** shall mean an establishment which offers for sale or rental books, magazines, photographs, films, videos, or other visual representations, and other materials oriented toward representation of sexual activity of any kind. This term does not include occasional sales of books, magazines, videos and other materials that may meet this definition but are not considered obscene pursuant to K.S.A. 22-3901 et. seq.

**Adult Entertainment Establishment** shall mean any premise which provides adult sexually-oriented entertainment whether live or by motion pictures, videos, photographic reproductions or other means.

**Adult Novelty Store** shall mean a commercial establishment offering for sale visual materials, printed matter, instruments, devices, and other paraphernalia designed and intended for use in connection with sexual activities.

This does not include occasional sales of books, magazines, videos, and other materials that may meet this definition but are not considered obscene pursuant to K.S.A. 22-3901 et. seq.

- C. Permitted Uses.  
Permitted uses are allowed outright provided they meet the height and lot requirements for this district.
- D. Conditional Uses.  
Conditional uses are subject to any conditions listed in these regulations and are subject to other conditions relating to the placement of said use on a specific parcel in the AE District as recommended by the Planning Commission and approved by the City Council.
- E. Special Uses.  
Some types of land uses have unique characteristics or impose special impacts on the surrounding environment. Special conditions may be placed on a specific use and parcel in order to mitigate the unique characteristics or negative impacts. Special use permits are granted by the Board of Zoning Appeals.
- F. Temporary Uses.  
Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. Refer to Article VI of these regulations.
- G. Accessory Uses.  
Buildings and uses customarily incidental to the permitted, conditional or special uses, shall be permitted as provided in Sec. 27-314 and as listed in Sec. 27-406 of these regulations.
- H. Site Plan Review.  
Site plan review may be required under certain circumstances. Refer to Article X of these regulations.
- I. Height and Lot Requirements.  
The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses	-	35	-	(1)	25	10 (3)	35	25
Accessory uses	-	-	-	(2)	5	10	35	10

- (1) Refer to the Front Yard Setback Table below. Front yard setbacks are based upon the zoning of the lot and the classification of the street or road adjacent to the lot.
- (2) Accessory uses are not permitted in the front yard setback.
- (3) No side yard setback shall be required along a common party wall.

Front Yard Setback Table						
Rural Road (feet)	City Expressway (feet)	City Arterial (feet)	City Collector		City Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
			Non-Residential (feet)	Residential (feet)		
30 <sup>1</sup>	30	25	25	25	25	25

<sup>1</sup> The minimum setback shall be 25 feet from the property line.

**J. Miscellaneous Provisions.**

1. No adult entertainment use, escort agencies, adult book or video store, or adult novelty store shall be conducted in any manner:
  - a. To allow the merchandise or activities of the establishment to be visible from any point outside of the building or structure containing the use; or
  - b. That permits the observation of any material depicting, describing or relating to sexual activities from any point outside of the building or structure containing such use.
2. The provisions of Subsections 1.a. and 1.b. above shall apply to any display, decoration, sign, window or other opening.
3. No adult use as set out in Sec. 27-426 B. above shall be allowed within 1,000 feet of another existing adult use.
4. No adult use as set out in Sec. 27-426 B. above shall be located within 1,000 feet of any residential zoning district.
5. No adult use as set out in Sec. 27-426 B. above shall be located within 1,000 feet of any bar or tavern.
6. No adult use as set out in Sec. 27-426 B. above shall be located within 1,000 feet of an existing church or place of worship, child care center or educational institution.
7. For purposes of Subsections L.3., L.4., L.5. and L.6. above, measurements shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest point on the property line of the proposed adult entertainment use to the nearest point on the property line of the said uses.
8. No more than one adult entertainment use shall be conducted within any building or structure containing an adult use.
9. Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.
10. All uses in the AE District shall be subject to all other applicable city codes.

## **Sec. 27-427 PUD Planned Unit Development District.**

### **A. Intent.**

The intent of the PUD Planned Unit Development District is to encourage innovation in residential, commercial and industrial development by allowing a greater variety in type, design, and layout of buildings; to encourage the expansion of urban areas incorporating the best features of design while conserving the value of land; to encourage the clustering of buildings and the preservation of open space; and to provide a procedure which relates to type, design and layout of development to the particular site. Certain amenities will be installed at the time of development to preserve property values within established neighborhoods. A development plan shall be submitted by each applicant for PUD zoning in accordance with the provisions and conditions of these regulations.

### **B. Recommendation and Finding of Facts.**

The Planning Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

1. Said planned unit development shall be in general conformity with the provisions of the Comprehensive Plan.
2. Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.

### **C. Use Regulations.**

In the PUD District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except as shown on the approved final development plan as specified in this section.

### **D. Standards and Conditions for Development.**

A planned unit development shall be consistent with the following general standards for use of land, and the use, type, bulk and location of buildings, the density or intensity of use, open space and public facilities:

1. The applicant shall satisfy the Planning Commission that he or she has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 12 months following the approval of the final development plan by the City Council. A minimum of 50 percent of the total planned construction shown on the final development plan shall be completed within a period of five years following such approval or the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the City Council upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.

2. The developer shall provide and record easements and covenants, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the final development plan and to protect the public interest in the event of abandonment of said plan before completion.
3. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
4. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
5. The minimum area allowed for a PUD District shall be three acres.
6. Height, bulk and setback requirements may be varied so as to promote an efficient and creative PUD District.
7. The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two or more owners, the application for such planned unit development shall be filed jointly by all owners.
8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
9. Off-street parking and loading shall be provided in accordance with the parking and loading regulations.
10. When a commercial or industrial use within a PUD District abuts a residential district, a solid or semi-solid fence or wall at least six feet high, but not more than eight feet high, and having a density of not less than 80 percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial or industrial use are separated by a street right-of-way.
11. All residential, commercial and industrial buildings shall set back not less than 25 feet from the right-of-way of any street and 10 feet from any district boundary lines that do not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and City Council for the protection of health, safety and general welfare.
12. Building coverage shall not exceed 40 percent of the net developable area of the planned unit development.
13. A minimum of 30 percent of the area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Subsection 18 below. Common open space reserved for the leisure and recreation of PUD residents only shall be owned and maintained in common by them through a homeowner's association.

14. The PUD District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to ensure its continuity, care, conservation, and maintenance, and to ensure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.
15. No residential use shall have direct vehicular access onto an arterial street.
16. All commercial and industrial areas must have access via a collector or arterial street; however, no individual commercial or industrial use may have direct access onto collector or arterial streets.
17. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the planned unit development subject to approval by the Director of Parks and Facilities.
18. Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants in common by a homeowner's condominiums or resident's association.
19. When a developer intends to design a planned unit development, the Planning Commission and City Council may grant lesser front, side and rear yard setbacks, including zero lot line setbacks.

E. Application for Approval of Preliminary Development Plan.

1. An application for a PUD shall be handled in the same manner as prescribed for amending these regulations. The requirements for notice, advertisement of public hearing, protest petitions, and adoption shall be the same as is required for zoning amendments.
2. The applicant shall prepare and submit 30 folded copies of the preliminary development plan for review and approval by the planning commission. Said preliminary plan shall include a site plan showing:
  - a. Contours at intervals of two feet or spot elevations on a 100 foot grid shall be required on flat land;
  - b. Location, size, height and use of all proposed structures in conformance with the yard requirements;
  - c. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces and service areas;
  - d. All streets adjoining subject property and the width of the existing right-of-way;
  - e. Areas set aside for public and/or private open space with the type of recreational facilities planned for each are indicates;
  - f. Designation of individual parcels if the proposed development is to be set up in separate construction phases;

- g. Designation of individual lots if such lots are proposed to be sold to individual owners;
  - h. Location of required screening;
  - i. Location of natural features such as ponds, tree clusters and rock outcroppings; and
  - j. Existing development on adjacent properties within 200 feet.
3. The above-described site plan shall also include a section designated as “general provisions,” and said section shall include the following when said items are applicable:
    - a. Net area in square feet or acres. (*Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.*);
    - b. Density of dwelling units per acre for the entire development;
    - c. Building coverage of the net area of the planned unit development by individual parcel or total development;
    - d. The percentage of the development plan provided for common open space as defined by this regulation;
    - e. If more than one parcel is proposed, a statement relating to the sequence of development shall be included;
    - f. Required number of off-street parking spaces;
    - g. Gross floor area proposed for commercial buildings; and
    - h. All proposed land uses shall be listed by parcel.
  4. A statement and adequate drawings shall be included describing the manner and disposition of utility and stormwater run-off management.
  5. The full legal description of the boundaries of the property or properties shall be included in the preliminary development application.
  6. A vicinity map showing the general arrangement of streets within an area of 200 feet from the boundaries of the proposed planned unit development shall be included.
  7. A description, rendering or drawing of the general characteristics of the proposed buildings shall be included.
  8. When a planned unit development includes provisions for private common space or recreational facilities, the applicant shall submit the following to the City:
    - a. A statement describing the provisions that will be made for the care and maintenance for open space to be owned and/or maintained by any entity other than a governmental authority; and
    - b. Copies of the proposed articles of incorporation and bylaws of such entity.
  9. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned unit development shall be submitted.
  10. The applicant shall provide any other information determined necessary by the City.
  11. The Planning Commission shall hold a public hearing on the preliminary PUD after the PUD has been reviewed by City staff after giving notice as

required by Kansas law for hearings for zoning amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the preliminary plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. The City Council may or may not approve the preliminary development plan and may or may not authorize the submittal of the final development plan.

12. Substantial or significant changes in the preliminary PUD shall only be made after a public hearing on said changes has been held and said changes have been approved.

F. Approval of Final Development Plan.

1. After approval of a preliminary development plan and prior to the issuance of any building permit, the applicant shall submit to the zoning administrator an application for approval of the final development plan. Said application shall include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary development plan. The application shall include 30 folded copies of such drawings, specifications, covenants, easements, conditions, and form of performance bond as set forth in the approval of the preliminary development plan and in accordance with the conditions established in these regulations for a PUD District. The final development plan shall include the same information as the preliminary development plan, except the following shall also be provided:
  - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown;
  - b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
  - c. All easements and appropriate building setback lines;
  - d. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
  - e. Lot and/or parcel numbers;
  - f. Location, size, height, and use of all existing and proposed buildings;
  - g. Dedication of all streets, public highways or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property;
  - h. A final development plan submitted for approval shall be deemed to be in substantial compliance with the approved preliminary development plan, provided any modification of the final development plan by the applicant does not:
    - (i) Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area

set aside for common open space, nor the substantial relocation of such area;

- (ii) Increase by more than 10 percent the floor area proposed for non-residential use;
  - (iii) Increase by more than five percent the total ground area covered by buildings;
  - (iv) Increase substantially the height of a building; or
  - (v) Substantially change the design of the plan so as to significantly alter:
    - (a) Pedestrian or vehicular traffic flow;
    - (b) The inter-relationship of different land uses;
    - (c) The relation of open space to residential development;
    - (d) The proposed phasing of construction; or
    - (e) The proposed use of one or more buildings to a more intensive use category as delineated in these regulations.
2. A public hearing need not be held for the approval of a final development plan if it is in substantial compliance with the approved preliminary development plan. The Planning Commission shall review the final development plan for compliance with the approved preliminary development plan. Upon approval, the final development plan shall be submitted to the City Council for final approval and acceptance.
3. In the event that the final development plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit a new preliminary development plan. This preliminary development plan shall be processed in the same manner prescribed in this section as for original submittals
4. The approved final development plan shall be filed and recorded with the Reno County Register of Deeds.

G. Enforcement of and Changes to the Final Development Plan.

The mutual benefit of the residents and owners of the planned unit development and the general public shall be considered with regard to preserving the integrity of the final development plan, as approved. Any changes to an approved final development plan:

- 1. Shall not impair the reasonable reliance of said residents and owners upon the provisions of the plan;
- 2. Shall not result in changes that would adversely affect the public interest or the enforcement of the provisions of the plan as approved, regardless if such provisions are recorded by plan, covenant, easement or otherwise; and
- 3. Shall be subject to the following provisions:
  - a. The provisions of the plan relating to:
    - (i) The use of land and the use, bulk, and location of buildings and structures;
    - (ii) The quality and location of common space; and

(iii) The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law.

b. All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

c. If portions of an approved final development plan shall require a plat, an amended final development plan may include only that portion of the final development plan to be platted.

H. Amendments.

The PUD District ordinance or an approved preliminary or final development plan may be amended in the same manner as prescribed in this section for approval of a preliminary or final development plan. Application for amendment shall be made by the homeowners association or 51 percent of the owners of the property within the PUD District.

I. Platting.

PUD developments shall comply with all platting and subdivision requirements of the City.

J. Fees.

Fees for planned unit development applications shall be paid to the City according to the Master Fee Schedule.

**Sec. 27-428 GATE Gateway Corridor Overlay District.**

A. Intent and Purpose.

The intent of the Gateway Corridor Overlay District is to provide design criteria along the key entry corridors into and through the City of Hutchinson. The design criteria will promote creative solutions to help to develop high quality design and visual appeal through landscaping, signage, building material selection, lighting and interior street development. Guiding development in this manner will also aid in the protection of past and future investment in the corridor.

In the Gateway Corridor Overlay District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed,

reconstructed, moved or altered except in accordance with the regulations in this section, and all uses shall be subject to the regulations of the underlying zoning district and the development and performance standards set forth in these regulations.

The purpose of these regulations is to establish criteria for those items that affect the physical and visual environment of the City of Hutchinson. Pertinent to appearance is the design of the site and all elements which are visible to the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a high quality visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

B. Geographic Area.

The Gateway Corridor Overlay District as depicted on the official zoning map, including all lots immediately adjacent to the street right-of-way.

C. Criteria for Application.

1. All developments consisting of more than one principal building or use, multiple-pad development and/or similar mixed-uses shall be required to meet the zoning requirements for a planned unit development (PUD). The PUD process and rezoning shall be in conjunction with preliminary and final plat review and approval.
2. All developments consisting of one principal building with a single use shall comply with the design criteria of this section.

D. Criteria for Appearance.

1. Relationship of Buildings to Site.

The site shall be planned to accomplish an effective transition with the streetscape, and to provide for appropriate landscaping, safe pedestrian movement, and required parking areas.

- a. Site planning in which setbacks and yards are in excess of standard commercial zoning restrictions is encouraged to provide a quality visual relationship between buildings and site.
- b. Parking areas shall be designed to include decorative elements, building wall extensions, plantings, berms or other innovative means so as to buffer parking areas from view from public ways.
- c. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated future buildings.
- d. Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

2. Relationship of Buildings and Site to Adjoining Areas.
  - a. Adjacent buildings of different architectural styles shall be made compatible by such means such as buffering, screening, sight breaks and material selections.
  - b. Attractive landscape transitions shall be designed to be compatible with adjoining properties.
  - c. Harmony in texture, lines and masses is required. Monotony shall be avoided.
  
3. Landscape and Site Treatment.

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction except buildings and associated accessory structures.

  - a. Where natural or existing topographic patterns contribute to visual quality and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to appropriate site design and development.
  - b. Grades of walks, parking spaces, terraces and other paved areas shall provide a soft and stable surface for walking and seating.
  - c. Landscape treatments shall be provided to enhance architectural features, strengthen vistas, emphasize access patterns and provide shade.
  - d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
  - e. Plant material shall be selected for interest in structure, texture, and color and for ultimate growth patterns. Plants that are indigenous to the area and others that will be hardy, harmonious to the design and of good appearance shall be used.
  - f. Parking areas and traffic ways shall be enhanced with landscaped islands containing trees or tree groupings.
  - g. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations thereof. Screening shall be equally effective in winter and summer.
  - h. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas. Exterior lighting shall comply with the requirements of Sec. 27-804(G) General Requirements for Sign Illumination.
  - i. Fencing within the Gateway Corridor Overlay District shall not exceed six feet in height unless otherwise permitted.

- j. Fencing within the Gateway Corridor Overlay District may be required to be a solid fence to meet specific site conditions.

4. Building Design.

- a. Architectural design and style are not restricted, however architectural style should be consistent throughout the development. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- b. Buildings shall have appropriate scale and be in harmonious conformance with any adjacent neighboring development.
- c. The primary building material of all portions of the structure shall include but not be limited to materials of high quality, such as brick (clay), stucco, wood, glass, split faced concrete masonry units (CMU) with integrated color pigmentation and stone material. The materials shall be similar and compatible throughout the entire development. The Site Plan Review Committee may recommend other primary building designs for portions of the building not visible from public areas. Other secondary building materials shall have appropriate architectural character and shall be selected for harmony of the building with adjoining buildings.
- d. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
- e. Materials shall be of durable quality.
- f. In any design in which the structural frame is exposed to view, the structural materials shall be compatible and harmonious with their surroundings.
- g. Building components, such as windows, doors, eaves and parapets, shall have appropriate proportion and relationship to one another.
- h. Colors shall be harmonious and shall use only compatible accents.
- i. Colors shall be of low reflectance, subtle, neutral or earth tones and shall not be of high-intensity or metallic colors unless the colors are true to the materials beings used.
- j. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located as not to be visible from any public ways.
- k. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
- l. Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways.
- m. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide

visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

- n. Building orientation shall be toward the arterial street, unless it is demonstrated that this would not be feasible.

E. Factors for Evaluation.

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

1. Conformance to these regulations and the building design criteria;
2. Logic of design;
3. Exterior space utilization;
4. Architectural character;
5. Attractiveness of material selection;
6. Harmony and compatibility;
7. Vehicular and pedestrian circulation; and
8. Maintenance aspects.

F. Process.

1. All developments within the Gateway Corridor Overlay District shall be required to submit a site plan for review. Refer to Article X.
2. Development approval.  
All building projects within the Gateway Corridor Overlay District shall comply with the Gateway Corridor Overlay District regulations. The developer shall include maintenance provisions within the scope of the site planning process.
3. Pre-application conference.  
A pre-application conference with the Site Plan Review Committee is HIGHLY RECOMMENDED to give the applicant an opportunity to discuss plans before a great deal of time or money is expended.
4. Application for Design Review.  
The applicant shall fill out an application for site plan review and submit it along with other required submittals. See administrative forms for a listing of required submittals.
5. Design review.  
The Site Plan Review Committee will review the submittal documents for compliance with the Gateway Corridor Overlay District regulations.
6. Notice of approval.  
Upon review by the Site Plan Review Committee the applicant will be notified of approval or required changes for approval.
7. Appeals.  
In the event where the applicant and the Site Plan Review Committee cannot come to an agreement the applicant may appeal the decision by requesting a review by the Planning Commission.
8. If the approved site plan is not part of a PUD submittal, the approval shall be final and a building permit may be issued. Approved site plans which

are part of a PUD process shall be submitted to the Planning Commission as required by Sec. 27-427.

9. Building Permit.  
After the building permit is issued, all design requirements must be completed as shown on the approved site plan.
10. Maintenance of design requirements.  
The property owner shall maintain the design requirements for the life of the development. In the event of failure to do so, the City may utilize all appropriate remedial methods.
11. Fees.  
Fees may apply to each individual step as established in the Master Fee Schedule.

#### **Sec. 27-429 AH Airport Hazard Overlay District.**

A. Intent.

The intent of the AH Airport Hazard Overlay District regulations is to specify land use controls in addition to the underlying zoning district that will ensure a compatible relationship between the Airport operations and other land uses in the vicinity, promote the health, safety and general welfare of the inhabitants and visitors of the City by preventing the creation, establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of the airports in the City and the public investment therein and protecting the lives and properties of owners or occupants of lands in the vicinity of airports as well as the users of airports and to aid and implement the overriding federal interest in the operation of airports and the security of land surrounding airports.

B. Applicability.

The regulations set forth herein are applicable to all lands lying within delineated airport environs adopted as a part of the zoning map and to all lands defined herein. Notwithstanding the airport zoning regulations set out in Chapter 26 of the City Code, the provision of this section as they apply to a parcel of land shall override and supersede other regulations set forth in the zoning regulations to the extent set forth herein based upon the airport environ(s) in which the parcel is located. The provisions of this section shall not override or supersede notification requirements previously established pursuant to the zoning regulations or by action of a property owner.

C. Geographic Area.

The Airport Hazard Overlay District as depicted on the official zoning map. The Airport Layout Plan (ALP), together with all explanatory matter therein, is hereby adopted by reference and declared to be a part of these regulations. The boundaries of all airport environs zone delineations shall be defined in Chapter 26 and determined as follows:

1. For recorded lots less than one acre in size, where an airport environs zone enters or crosses a lot, the land use restriction and noise level reduction

standards of the more stringent airport environs zone shall apply to the entire lot.

2. For platted and unplatted properties greater than one acre in size, where an airport environs zone enters or crosses the parcel, the regulations associated with more than one zone may apply. The zoning administrator shall use the zoning map, including the applicable airport environs zone, overlaid onto a parcel map to determine the applicable zone. The zoning administrator, in consultation with the Director of Parks and Facilities and the Hutchinson Airport Advisory Board, as appropriate, shall determine the line of demarcation.

D. Zones.

In order to carry out the provisions of the AH Airport Hazard Overlay District there are hereby created and established certain imaginary surfaces on the ground and in the airspace above and surrounding the Hutchinson Municipal Airport which are described and subject to the current Federal Aviation Regulations, Part 77 (Objects Affecting Navigable Airspace), Part 25 (Airworthiness Standards) and Part 139 (Certification of Airports) which for the purposes of these regulations shall be herein construed as zones and shall be included in the AH Airport Hazard Overlay District. The various zones are hereby established and specifically defined in Chapter 26.

E. Compatible Use Categories.

All uses permitted in the underlying zoning district and deemed appropriate and compatible with maintaining the Airport's physical facilities and associated air service compatibilities shall be allowed provided they fully comply with all the requirements of Chapter 26. Where there is a conflict between the Airport Hazard Overlay District regulations and any other regulations herein, the Airport Hazard Overlay District regulations shall govern.

F. Permitted Uses.

Permitted uses are allowed outright provided the uses and/or related structures meet the requirements of the Airport Hazard Overlay District as defined in Chapter 26.

G. Site Plan Review.

Site plans shall be reviewed pursuant to Article X of these regulations.

H. Miscellaneous Provisions.

Supplemental regulations including, but not limited to signs, parking, landscaping and fences shall be applied as required under Articles VII, VIII and IX of these regulations.

## Sec. 27-430 HP Historic Preservation Overlay District.

### A. Intent.

The intent of the HP Historic Preservation Overlay District is to provide means of designating on the zoning map those properties determined by the National Park Service, Kansas Preservation Law and the Hutchinson City Council to be historic landmarks or historic landmark districts.

In the HP District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except in accordance with the regulations in this section, and all uses shall be subject to the regulations of the underlying zoning district and the development and performance standards set forth in these regulations.

### B. Definitions.

Refer to Chapter 4 of the City Code for additional definitions related to Historic Preservation.

**Historic** shall include, but is not limited to, cultural, artistic, social, economic, ethnic, or political heritage as well as those conditions meeting the State and Federal conditions and factors.

**Historic District** shall mean an area designated as an “Historic District” through listing on the Local, State, or National Register of Historic Places and which has definite geographic boundaries. All properties within the geographic boundaries are considered part of the Historic District. However, individual properties and buildings may be classified as non-contributing, contributing or key contributing based on their level of historic significance and their contribution to the overall historic character of the designated area.

**Historic Preservation** shall mean the preservation of historically, architecturally or culturally significant structures, neighborhoods and sites in order to facilitate the maintenance of the historic attributes of a building, structure or site. This may include the rehabilitation of the building or the restoration of the building to a former condition in accordance with the Secretary of the Interior’s Standards for Rehabilitation.

**Historic Structure** shall mean any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the United States Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on the Kansas Register of Historic Places or listed as a

contributing structure in a Kansas Register Historic District; (d) individually listed on the City of Hutchinson Local Register of Historic Places or listed as a contributing structure in a Local Register Historic District.

**Historic Site** shall mean a place of outstanding historical and cultural significance and designated as such by the local, state or federal government.

C. **Geographic Area.**

The Historic Preservation Overlay District as depicted on the official zoning map.

D. **Special Criteria for the HP Overlay District.**

The area defined as the HP Historic Preservation Overlay District shall be governed by Chapter 4 of the City Code.

**Sec. 27-431 FP Floodplain Overlay District.**

A. **Intent and Purpose of the District.**

The FP Floodplain Overlay District is intended for application in those areas of the community which are subject to inundation from surplus stormwater as defined by the Flood Insurance Study for Reno County, Kansas, and Incorporated Areas, and accompanying Flood Insurance Rate Map for the City of Hutchinson, Community Number 200283, Panel Numbers 0277, 0279, 0281, 0282, 0283, 0284, 0287, 0291, 0292, 0293, 0294, 0303, 0305 and 0311, effective January 6, 2010, and any subsequent additions or amendments. The FP Floodplain Overlay District is intended for application throughout the zoning jurisdiction in locations where official floodplain delineation has been established. These regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of life and property caused by floods; and to secure safety from floods through the confinement of floods within reasonable limits by regulating and restricting areas of development along or in natural water courses and drainageways.

B. **Geographic Coverage.**

The Floodplain Overlay District as depicted on the official zoning map.

C. **District Regulations.**

In the Floodplain Overlay District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except in accordance with the regulations of this section, and all uses shall be subject to the regulations of the underlying zoning district and the development and performance standards set forth in these regulations.

In areas within the zoning jurisdiction which are designated as an FP Floodplain Overlay District, all developed uses of land and buildings shall meet the minimum

standards and requirements for development within flood hazard areas as outlined and defined in the City Code and any amendments thereto.

Notwithstanding the requirements of the underlying zoning district, the other requirements of these zoning regulations, and the detailed regulations present in the City Code and any amendments thereto, the following regulations shall supplement the regulations of the underlying zoning district. These regulations shall supersede those of the underlying zoning district where there is a conflict between regulations.

Where by reason of flooding potential, and where the Flood Insurance Study and Flood Insurance Rate Map indicate the possibility of detrimental or limiting conditions for development, no person, firm or corporation shall initiate any development or substantial improvement, or cause the same to be done, without first obtaining a separate permit for development for each such building or structure in accordance with the detailed requirements of the City Code and any amendments thereto. The application for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed with the zoning administrator. The application shall be accompanied by explanatory background information as required of the City Code and any amendments thereto, which shall include as a minimum:

1. Identification and description of the work to be covered by the permit;
2. Description of the land on which the proposed work is to be done by lot, block, tract and house and street address or similar description that will readily identify and definitely locate the proposed building or work;
3. Indication of the use or occupancy for which the proposed work is intended;
4. Provisions of plans and specifications for proposed construction;
5. Evidence of compliance with the requirements of the City Code;
6. Signature of the permitted or his authorized agent who may be required to submit evidence to indicate such authority; and
7. Provision of other information as may be required by the Building Official.

D. Intensity of Use Regulations.

The lot coverage and intensity of use requirements of the underlying zoning district, which this overlay district supplements, shall be maximum allowable.

E. Height Regulations.

The height requirements of the underlying zoning district, which this overlay district supplements, shall be the maximum height requirements subject to additional requirements as prescribed by these regulations.

F. Yard Regulations.

The yard requirements of the underlying zoning district, which this overlay district supplements, shall be the minimum yard requirements subject to additional requirements as prescribed by these regulations.

- G. Sign Regulations.  
The sign regulations of the underlying zoning district, which this overlay district supplements, shall be the requirements for all signs locating in this overlay district.
- H. Parking and Loading Regulations.  
The parking and loading regulations of the underlying zoning district, which this overlay district supplements, shall be the requirements for parking and loading subject to additional requirements as prescribed by these regulations.

## **Article V. Conditional and Special Use Permits**

### **Sec. 27-501 Conditional Use Permits.**

- A. Intent.  
Some types of land uses have unique characteristics or may impact the surrounding environment. Within a given zoning district, some land uses may be allowed only after a conditional use permit has been issued. Where specifically required by these regulations, conditional use permits shall be issued before:
1. New construction of any type may occur;
  2. Construction of an addition may occur to an existing building where the total gross floor area of the addition totals 20 percent or more of the total gross floor area of the original building; or
  3. A new land use of a different land use category than the former land use is permitted.
- B. Application Procedure.
1. To obtain a conditional use permit, as provided for in these regulations, the property owner or authorized agent shall file an application. The application shall be filed with the zoning administrator. The application shall contain, at minimum:
    - a. A copy of the deed to the property;
    - b. The legal description of the pertinent parcel or parcels and a certified listing from either the Reno County Appraiser's Office or a title company of the names and addresses of all owners of all parcels or portions of parcels within 200 feet of the outer boundaries of the parcel or parcels within the City limits or within 1,000 feet of the outer boundaries of the parcel or parcels outside the City limits to which the application applies;
    - c. A statement of the proposed use of each parcel or parcels;
    - d. A sketch plan, drawn to scale, showing the location and exterior dimensions of all existing and proposed structures, yard improvements, landscaping, driveways, off-street parking areas, pedestrian walks and areas, storm water drainage facilities and exterior lighting fixtures in relation to parcel boundaries and adjacent street rights-of-way;

- e. A list of the height or heights of any existing and proposed structures;
  - f. A statement listing property taxes and special assessments and a declaration that all of same have been paid; and
  - g. Any other information necessary to determine compliance of the proposed use with the terms of these regulations.
2. The applicant shall submit a written statement with the pertinent application at the time such application is submitted to the zoning administrator. Written statements should address:
- a. How the proposed use is in keeping with the character of the neighborhood;
  - b. Whether the proposed use is consistent with the zoning and uses of nearby parcels;
  - c. The suitability of the parcel for its current zoning and use compared to the proposed use;
  - d. The extent of detrimental effects of the proposed use to nearby properties;
  - e. The length of time the property has been vacant prior to submittal of the application;
  - f. The hardship imposed upon the property owner if the application were denied;
  - g. How the proposed use helps to implement the Comprehensive Plan;
  - h. Whether public facilities and utilities are adequate to serve the proposed use;
  - i. Aspects of the proposed use which minimize impacts on the neighborhood, nearby properties, the public health, safety and welfare, and public facilities and utilities; and
  - j. Any other information that the property owner or authorized agent desires to submit including photographs, drawings, maps, statistics, legal documents, letters of support and other pertinent materials.

C. Conditional Use Permit Process.

- 1. Upon receipt of an application for a conditional use permit, the following procedures shall apply:
  - a. The zoning administrator shall set the date of a Planning Commission public hearing concerning the application. The public hearing shall be held within 60 days after the submittal date. The application shall be submitted at least 30 days prior to a scheduled Planning Commission meeting.
  - b. The zoning administrator shall publish a notice of the public hearing concerning the proposed conditional use permit in the official newspaper at least 20 days before the public hearing. The notice shall describe the proposal in general terms and list the time and place of the public hearing.
  - c. The zoning administrator shall prepare a staff report which may summarize the applicable sections of these regulations including:

- (i.) The character of the neighborhood;
  - (ii.) Existing land uses on neighboring parcels;
  - (iii.) Current zoning district boundaries; examine the suitability of the property for its current zoning and use compared to the proposed use;
  - (iv.) Possible detrimental effects on neighboring property if the application were approved;
  - (v.) Length of time the property has remained vacant as presently zoned;
  - (vi.) Comparison of the public health, safety and welfare gains to the hardship imposed on the landowner if the application were denied;
  - (vii.) Examine whether the proposed use conforms to the Comprehensive Plan;
  - (viii.) The impact of the proposed use on public facilities and utilities; and
  - (ix.) Other pertinent information and evaluations.
- d. Copies of the public hearing notice shall be mailed to all owners of land located within 200 feet of the area designated in the proposed conditional use permit and land within 1,000 feet in unincorporated areas if the subject property is adjacent to the city limits. The notice shall indicate the time and place of the public hearing and invite interested individuals to appear and be heard. Failure to receive the notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail. Comments may be solicited from Reno County, the City of South Hutchinson, the County Health Officer, and other affected agencies. Copies of the application, staff report and other relevant information shall be made available for the public to view.
  - e. Prior to the public hearing, the zoning administrator shall notify the Planning Commission of the case, transmit copies of the application and staff report, forward copies of any associated correspondence and provide other pertinent reports and materials.
  - f. The Planning Commission shall conduct the public hearing according to any adopted procedures and consistent with Kansas law. During the public hearing, the zoning administrator shall make recommendations. The public hearing may be adjourned from time to time.
  - g. The Planning Commission shall make a recommendation to the City Council. A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the conditional use permit to the City Council. The Planning Commission may recommend approval of the conditional use permit or denial of the application.
  - h. The City Council shall consider the recommendation of the Planning Commission at a regularly scheduled meeting a minimum of 14 days

after the public hearing. The City Council shall be provided copies of all pertinent materials and a record of the public hearing. The City Council may approve an ordinance adopting the recommendation, override the Planning Commission's recommendation by a two-thirds vote of the membership of the City Council, or return the recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

- i. Should the City Council return an application to the Planning Commission for reconsideration, the Planning Commission, after considering the application at its next regularly scheduled meeting, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. If the Planning Commission fails to act within this time limit, the original recommendation shall be resubmitted to the City Council. Upon receipt of the recommendation, the City Council, by a simple majority, may adopt or may revise or amend and adopt the recommendation, or it need take no further action thereon.
  - j. The conditional use permit shall become effective upon approval by the City Council.
2. The Planning Commission may recommend and the City Council may approve a conditional use permit and may impose conditions including but not limited to the following:
- a. It may be stipulated that a parcel shall be developed according to a specific site plan.
  - b. It may be stipulated that screening and landscaping are required as shown on a specific site plan.
  - c. Permitted land uses, including accessory and temporary uses, may be specified.
  - d. Off-street parking areas and parking lots including:
    - (i.) Surfacing material and landscaping;
    - (ii.) Buffering, screening, and barriers;
    - (iii.) Orientation and layout;
    - (iv.) Accessibility, entrances and exits;
    - (v.) Impervious surfaces and storm water drainage;
    - (vi.) Signage and lighting; and
    - (vii.) Maintenance and security.
  - e. The number and location of curb cuts may be specified.
  - f. Additional easements for utilities, egress and/or ingress.
  - g. Special conditions that are required to accommodate new technologies and/or design solutions.
  - h. Time limits of 30 days, 60 days, 90 days, 180 days or one year may be set to meet specific conditions of a conditional use permit.
  - i. The material used to cover any structure elevation may be specified as completely or some combination of metal siding, stucco, shingles,

vinyl siding, wood siding, brick, stone blocks, exposed stone panels, concrete, glass blocks, plate glass, decorative tiles, or other material.

- j. In commercially zoned districts, parcels that directly abut residential districts may be subject to regulation of hours of operation for outdoor activities. Directly abut means to have a common boundary or to have a common boundary upon an intervening alley.
- k. Any other conditions necessary to mitigate the impacts of the use and make the proposed use compatible with the neighborhood and surrounding properties.

D. Matters To Be Considered.

The Planning Commission and the City Council shall consider the following factors when approving or disapproving a conditional use permit request:

1. The character of the neighborhood;
2. The zoning and uses made of nearby property;
3. The suitability of the parcel for its current zoning and use compared to the proposed use;
4. The extent of detrimental effects to nearby properties if the application were approved;
5. The length of time the property has remained vacant prior to submittal of the application;
6. The relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied;
7. The conformance of the application to the comprehensive plan of the City;
8. The impact of the proposed use on public facilities and utilities; and
9. The recommendations of the professional city staff and their representatives.

E. Reapplication upon a Denial.

When a conditional use permit has been denied by the City Council, said action shall be final. Reapplication for the same use shall not be accepted or processed by the City until 365 days after date when the initial permit was denied by the City Council.

**Sec. 27-502 Special Use Permits.**

A. Intent.

Some types of land uses have unique characteristics or a need to mitigate special impacts on the surrounding environment. Within a given zoning district, some land uses may be allowed only after a special use permit has been reviewed and approved by the Board of Zoning Appeals. In such cases, special use permits shall be issued before:

1. New construction of any type may occur;
2. Construction of an addition may occur to an existing building where the total gross floor area of the addition totals 20 percent or more of the total gross floor area of the original building; or

3. A new land use which is of a different land use category than the former land use may occupy a parcel.

B. Application Procedure.

1. To obtain a special use permit, the property owner or authorized agent shall file an application with the zoning administrator. The application shall contain, at minimum:
  - a. A copy of the property deed;
  - b. The legal description of the pertinent parcel or parcels and a certified listing from either the Reno County Appraiser's Office or a title company of the names and addresses of all owners of all parcels or portions of parcels within 200 feet of the outer boundaries of the parcel or parcels within the City limits or within 1,000 feet of the outer boundaries of the parcel or parcels outside the City limits to which the application applies;
  - c. A statement of the proposed use of each parcel or parcels;
  - d. A sketch plan, drawn to scale, showing the location and exterior dimensions of all existing and proposed structures, yard improvements, landscaping, driveways, off-street parking areas, pedestrian walks and areas, storm water drainage facilities and exterior lighting fixtures in relation to parcel boundaries and adjacent street rights-of-way;
  - e. A list of the height or heights of any existing and proposed structures;
  - f. A statement listing property taxes and special assessments and a declaration that all of same have been paid; and
  - g. Any other information necessary to determine compliance of the proposed use with the terms of these regulations.
2. The applicant shall submit a statement which shall become part of and be attached to the pertinent application. Statements shall be completed in writing and submitted to the zoning administrator when the pertinent application is submitted. Statements should address:
  - a. How the proposed use is in keeping with the character of the neighborhood;
  - b. Whether the proposed use is consistent with the zoning and uses made of nearby parcels;
  - c. The suitability of the parcel for its current zoning and use compared to the proposed use;
  - d. The extent of detrimental effects of the proposed use to nearby properties;
  - e. The length of time the property has been vacant prior to submittal of the application;
  - f. The hardship imposed upon the property owner if the application is denied;
  - g. How the proposed use helps to implement the Comprehensive Plan;
  - h. Whether public facilities and utilities are adequate to serve the proposed use;

- i. Aspects of the proposed use which minimize impacts on the neighborhood, nearby properties, the public health, safety and welfare, and public facilities and utilities; and
- j. Any other information that the property owner or authorized agent desires to submit including photographs, drawings, maps, statistics, legal documents, letters of support and other pertinent materials.

C. Special Use Permit Process.

1. Upon receipt of an application for a conditional use permit, the following procedures shall apply:
  - a. The zoning administrator shall set the date of a Board of Zoning Appeals public hearing concerning the application. The public hearing shall be held within 60 days after the submittal date. The application shall be submitted at least 30 days prior to a scheduled Board of Zoning Appeals meeting.
  - b. The zoning administrator shall publish a notice of the public hearing concerning the proposed special use permit in the official newspaper at least 20 days before the public hearing. The notice shall describe the proposal in general terms and list the time and place of the public hearing.
  - c. The zoning administrator shall prepare a staff report which may summarize the applicable sections of these regulations including:
    - (i.) the character of the neighborhood;
    - (ii.) existing land uses on neighboring parcels;
    - (iii.) current zoning district boundaries;
    - (iv.) examine the suitability of the property for its current zoning and use compared to the proposed use;
    - (v.) possible detrimental effects on neighboring property if the application were approved;
    - (vi.) length of time the property has remained vacant prior to submittal of the application;
    - (vii.) comparison of the public health, safety and welfare gains to the hardship imposed on the landowner if the application were denied;
    - (viii.) examine whether the proposed use conforms to the Comprehensive Plan;
    - (ix.) the impact of the proposed use on public facilities and utilities; and
    - (x.) other pertinent information and evaluations.
  - d. Copies of the public hearing notice shall be mailed to all owners of land located within 200 feet of the area designated in the proposed conditional use permit and land within 1,000 feet in unincorporated areas if the subject property is adjacent to the city limits. The notice shall indicate the time and place of the public hearing and invite interested individuals to appear and be heard. Failure to receive the notice shall not invalidate any subsequent action taken when the

- notice has been properly addressed and deposited in the mail. Comments may be solicited from Reno County, the City of South Hutchinson, the County Health Officer, and other affected agencies. Copies of the application, staff report and other relevant information shall be made available for the public to view.
- e. Prior to the public hearing, the zoning administrator shall notify the Board of Zoning Appeals of the case, transmit copies of the application and staff report, forward copies of any associated correspondence and provide other pertinent reports and materials.
  - f. The Board of Zoning Appeals shall conduct the public hearing according to any adopted procedures and consistent with Kansas law. During the public hearing, the zoning administrator shall make recommendations. The public hearing may be adjourned from time to time.
  - g. The Board of Zoning Appeals shall make a final determination. A majority of the members of the Board of Zoning Appeals present and voting at the hearing shall be required to make a determination. All decisions of the Board of Zoning Appeals shall be final.
  - h. The special use permit shall become effective upon approval by the Board of Zoning Appeals.
2. Any appeal of a determination of the Board of Zoning Appeals shall be filed with the District Court of the County within 30 days of said determination.
  3. The Board of Zoning Appeals may impose conditions including but not limited to the following:
    - a. Permitted land uses including accessory and temporary uses may be specified.
    - b. The number and location of curb cuts may be specified.
    - c. Additional easements for utilities, egress and/or ingress.
    - d. Special conditions that are required to accommodate new technologies and/or design solutions.
    - e. Time limits of 30 days, 60 days, 90 days, 180 days or one year may be set to meet specific conditions of a special use permit.
    - f. The material used to cover any structure elevation may be specified as completely or some combination of metal siding, stucco, shingles, vinyl siding, wood siding, brick, stone blocks, exposed stone panels, concrete, glass blocks, plate glass, decorative tiles, or other material.
    - g. It may be stipulated that a parcel shall be developed according to a specific site plan.
    - h. It may be stipulated that screening and landscaping are required as shown on the site plan.
    - i. In commercially zoned districts, parcels that directly abut residential districts may be subject to regulation of hours of operation for outdoor activities. Directly abut means to have a common boundary or to have a common boundary upon an intervening alley.
    - j. Off-street parking areas and parking lots.

- k. Any other conditions necessary to make the proposed use compatible within the area and adjacent properties.

D. Matters To Be Considered.

The Board of Zoning Appeals shall consider the following factors when approving or disapproving a special use permit request:

1. The character of the neighborhood;
2. The zoning and uses made of nearby property;
3. The suitability of the property for its current zoning and use compared to the proposed zoning and use;
4. The extent of detrimental effects to nearby properties if the application were approved;
5. The length of time the property has remained vacant;
6. The relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied;
7. The conformance of the application to the comprehensive plan of the City;
8. The impact of the proposed use on public facilities and utilities; and
9. The recommendations of the professional city staff and their representatives.

E. Reapplication upon a Denial.

When a special use permit has been denied by the Board of Zoning Appeals, said action shall be final. Reapplication for the same use shall not be accepted and processed by the City until 365 days after the date when the initial permit was denied by the Board of Zoning Appeals.

## **Article VI. Temporary Uses**

### **Sec. 27-601 Temporary Uses.**

A. Intent.

Temporary uses shall be permitted in all zoning districts. Some types of temporary uses are permitted only in specified zoning districts. The zoning administrator may authorize a temporary use by issuing a zoning certificate. A zoning certificate verifies that a temporary use complies with the applicable provisions of these regulations. Certain temporary uses are allowed as accessory uses to existing uses that are permitted by right. The zoning administrator is granted the authority to interpret the provisions of this section and to classify temporary uses.

B. Application and Permit Processing.

The applicant must submit an application and a site plan for each proposed location to be reviewed by the zoning administrator at least 14 days in advance of the requested event. The site plan review will only be required once in a calendar

year if the approved temporary use permit remains at the same location and follows the same layout and requirements.

The applicant will submit an application at least five working days in advance of each requested subsequent event in the same calendar year. A temporary use permit must be issued prior to the commencement of any temporary use. The zoning administrator may make a determination that extreme/inclement weather has caused an approved temporary use to not be able to operate and allow the event to be rescheduled or extended.

The zoning administrator may, from time to time, specify the form of the temporary use permit application. The temporary use permit application shall include at minimum: a site plan; landowner approval (if other than the principal use of property); sales tax certificate or tax exempt ID; evidence of compliance with all other local, state, and federal regulations; and, other information as requested.

Applications for said temporary use permit shall be secured from the Planning and Development Department in the manner prescribed by this chapter. The application will be approved or denied within five days of the submittal of a complete application. Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation. The approved zoning certificate shall be displayed at all times during the sale and shall be placed in a location that is easily visible to the public.

C. Matters to Be Considered.

The zoning administrator shall approve applications for a temporary use permit if all of the following findings can be met:

1. The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means of odor, noise, dust or other nuisances;
2. The additional parking required by the temporary use will be provided on site;
3. Increased traffic caused by the temporary use will not adversely affect the safety of the surrounding neighborhood or city at large;
4. The proposed temporary use is consistent with the Comprehensive Plan, City Code and other applicable regulations;
5. A complete application and evidence of compliance with all other local, state and federal regulations have been received by the Planning and Development Department;
6. The property where the temporary use will be located and the applicant for the temporary use permit have not been cited for current violations of the regulations of the City of Hutchinson; and
7. The temporary use will not impact the public health, safety or general welfare.

D. State Fair Grounds.

Except as required by the State Fair grounds management, temporary uses on the State Fair grounds shall be exempt from all regulations of this section.

E. General Regulations.

Each temporary use shall:

1. Be described in a permit issued by the zoning administrator prior to commencement of the event. This permit shall be in addition to evidence of compliance with all other local, state and federal regulations.
2. The number of additional parking spaces required for the temporary activity shall be determined by the zoning administrator. The parking spaces required for the temporary use shall not reduce the amount of parking required for the principal use.
3. Temporary uses shall be set back a minimum of 25 feet from the edge of the roadway. The zoning administrator is authorized to increase or reduce the required setback if conditions warrant.
4. Pedestrian entrances and exits for a temporary use shall not be placed directly adjacent to drive aisles.
5. The maximum duration of any temporary use for each applicant shall be four consecutive days, not to exceed eight events in a calendar year unless specified otherwise in these regulations. The maximum duration of temporary uses may be extended to coincide with special community events such as HutchFest and the Kansas State Fair.
6. All sites shall be completely cleaned of debris and temporary structures removed immediately following the termination of the sale or special event.
7. No public right-of-way may be used for temporary uses.
8. All temporary use permit holders must maintain a professional appearance at the site. Motor vehicles, trailers and other structures not specifically designed to be used for a temporary use shall not be used.
9. Proof of ownership of applicant, or a signed contract or letter of authorization from the property owner on which the activity is to take place shall be presented at the time the temporary use permit is requested.
10. The accumulation of one or more motor vehicles for sale on a property that are not owned by the property owner or lessee of the premises shall not be permitted.
11. Off-site advertising shall not be permitted as a temporary use.
12. Temporary uses shall not be located in any sight triangle.
13. The outside display of products normally for sale at a business permanently located on the property does not require a temporary use permit as long as the display is in compliance with all codes and regulations.
14. The City Manager has the discretion to reimburse required fees when the entire proceeds from the operation are given to a charity in the City of Hutchinson or used for charitable purposes within the City of Hutchinson.

F. Uses Requiring a Temporary Use Permit.

The following uses are subject to the corresponding regulations and do require a temporary use permit provided they meet the following criteria:

1. Retail Sale of Fireworks.
  - a. Permitted districts: C-3, C-4, I-1, I-2 and I-3.
  - b. Maximum duration: June 27 through July 4.
  - c. Application: Payment of fees and issuance by the City Clerk's office of an approved application shall be considered the approval of the temporary use permit.
  - d. Refer to Sec. 25-102 of the City Code for additional regulations on fireworks.
2. Retail Sales.
  - a. Permitted districts: C-1, C-2, C-3, C-4, C-5 and P/I.
  - b. Buffer: No sale shall occur on a parcel that is within 250 feet of a parcel where another temporary sale is occurring. No temporary sale shall occur on a parcel that is within 500 feet of a parcel on which a similar business is operating unless the similar business gives its written approval for the temporary sale to occur.
  - c. Area of operation: The area of operation shall not exceed 800 square feet and no dimension shall exceed 40 linear feet. The zoning administrator may review and permit a larger operation on parcels which exceed 500,000 square feet.
3. Sale of Farm and Garden Produce.
  - a. Permitted districts: All districts except the AE District. In the following districts, sales of farm and garden produce shall be limited to produce grown on the parcel: TA, R-1, R-2, R-3, R-4, R-5, EN, MP and MH.
  - b. Maximum duration: Four consecutive months during any one calendar year.
  - c. Definition: Farm and garden produce includes items that are commonly grown such as field crops, fruits and vegetables but does not include any prepared foods or meat, poultry or fish.
4. Food Sales (other than farm and garden produce).
  - a. Permitted districts: C-1, C-2, C-3, C-4 and C-5.
  - b. Maximum duration: Four consecutive months during any calendar year.
  - c. Required approval from state or local jurisdictions.
  - d. Refer to Sec. 13-109 of the City Code for additional regulations on concessions or stands operated in a City park.
5. Garden Center.
  - a. Permitted districts: C-3, C-4 and C-5.

- b. Maximum duration: One event, not to exceed six months in a calendar year.
  - c. For the purposes of this section, “garden center” shall mean the temporary sale of landscaping nursery materials including the sale of plants, nursery products, fertilizers, potting soil, garden tools and utensils.
6. Tent Shelters.
- a. Permitted districts: All districts except the AE District.
  - b. Maximum duration: 14 consecutive days unless approved for a longer duration by the Fire Chief.
  - c. Location: May be erected in any yard or off-street parking area, except in the CR District, where they shall not be erected in a front yard.
  - d. Inspection: All tent shelters must be inspected by the Fire Department.
  - e. For the purposes of this section, “tent shelter” shall mean a structure made of rigid supports and flexible fabric.
7. Portable Storage Units for Temporary Use.
- a. “Portable storage unit” shall be defined as a transportable unit designed and used for the temporary storage of retail merchandise, household goods, personal items, construction materials, supplies and non-hazardous materials which is placed on a property temporarily for the use of the occupants of a dwelling or building on the property or for use during the construction of a building. Portable storage units shall be designed to be used outside of an enclosed building and shall not be placed on a permanent foundation or used for occupancy by persons. Portable storage units shall include but not be limited to such units commonly known as “PODS,” mobile attics, shipping containers, portable storage containers, and similar uses. Under no circumstances shall a railroad car be used as a portable storage unit within the City’s zoning jurisdiction.
  - b. Permitted districts: Portable storage units shall be permitted in all districts as a temporary use.
  - c. Portable storage units shall only be placed on a driveway or parking area or, if access exists at the side or rear of the site, in the side or rear yard. Portable storage units shall not be located in or impede the use of any required parking area, loading area, aisle or driveway.
  - d. Portable storage units must be set back a minimum of five feet from all property lines and all structures.
  - e. Portable storage units shall not be placed in any easement.
  - f. Portable storage units shall be prohibited on all streets, alleys, and rights-of-way.
  - g. Portable Storage Units on Residential Properties.  
In addition to subsections (a.) through (f.) above, portable storage units on residential properties shall comply with the following requirements:

- (i.) Portable storage units on residential properties shall not be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, retail merchandise, commercial goods, goods for property other than at the residential property where the portable storage unit is located (i.e. used for retail sales) or any illegal or hazardous materials. Upon reasonable notice to the property owner, the City may inspect the contents of any portable storage unit at any reasonable time to ensure that it is not being used to store said materials.
- (ii.) There shall be no more than one portable storage unit per residential parcel.
- (iii.) On residential parcels, the portable storage unit shall be no greater than 10 feet in width, 20 feet in length and 10 feet in height.
- (iv.) A portable storage unit must not remain on any residential property in excess of seven consecutive days, including the days of delivery and removal, and must not be placed on any one residential property in excess of 14 days in any calendar year. At the expiration of a 14-day period, applicants may seek to extend the use of their portable storage unit for a maximum of seven additional days by seeking an extension for cause from the zoning administrator.

h. Portable Storage Units on Commercial and Industrial Properties. Portable storage units on commercial and industrial properties shall meet the requirements of subsections (a.) through (f.) above and shall be permitted as a temporary use for a maximum of 120 days in a calendar year. Portable storage units used for longer periods shall be considered permanent and shall follow the requirements of Sec. 27-915, Portable Storage Units for Long-Term or Permanent Use.

8. Other Temporary Uses Which Are Similar to the Uses Listed in this Section.

G. Uses Not Requiring a Temporary Use Permit.

The following temporary uses are subject to the corresponding regulations but do not require a temporary use permit:

- 1. Garage or Yard Sales.
  - a. Permitted districts: Garage or yard sales shall be permitted only on residential lots in all zoning districts.
  - b. Maximum duration: Four events in any calendar year not to exceed three consecutive days per event.
- 2. Real estate sales or leasing offices.
  - a. Permitted district: All districts.
  - b. Maximum duration: Following the issuance of a building permit until a construction project has been completed.

- c. Requirements: The office shall not contain sleeping accommodations.
- 3. Contractor's Office and Construction Equipment Sheds.
  - a. Permitted districts: All districts.
  - b. Maximum duration: Following the issuance of a building permit and shall be removed when the construction project is complete.
- 4. Temporary Shelter.
  - a. Permitted districts: MP, MH, TA, R-1, R-2, R-3, R-4, R-5 and EN.
  - b. Maximum duration: In the event of fire or natural disaster a manufactured home may be located on a parcel during the repair, reconstruction or new construction of permanent housing on the same parcel but not to exceed 12 months.
  - c. Extension: One six-month extension may be granted.
  - d. Requirements: Adequate water supply and wastewater disposal facilities must be available.
  - e. Removal: The manufactured home shall be removed when the permanent dwelling is suitable for habitation. The property owner must assure that the manufactured home will be removed or authorize the City to remove it at the owner's expense.
- 5. Temporary Shelter During Home Construction.
  - a. Permitted districts: MH, TA, R-1, and R-2 Districts.
  - b. Maximum duration: A manufactured home may be located on a parcel to provide temporary shelter during new construction on the same parcel but not to exceed 12 months.
  - c. Extension: The Board of Zoning Appeals may grant an exception for one six-month extension.
  - d. Requirements: Adequate water supply and wastewater disposal facilities must be available.
  - e. Removal: The manufactured home shall be removed when the permanent dwelling is suitable for habitation. The property owner must assure that the manufactured home will be removed or authorize the City to remove it at the owner's expense.

H. Conditions of Approval.

The zoning administrator may impose such conditions on a temporary use permit as is necessary to meet the purposes of this chapter and protect the public health, safety and welfare. Conditions which may be imposed may include, but are not limited to:

- 1. Yard setback and open space requirements;
- 2. Parking and paving type;
- 3. Fencing, walls and other screening or barriers for screening the use or separating conflicts between vehicles and pedestrians;
- 4. Signs;
- 5. Vehicular and pedestrian ingress and egress;
- 6. Property maintenance during the course of the activity;
- 7. Control of illumination, noise, odor, vibration or other nuisances;

8. Hours of operation;
9. Documentation showing all other applicable regulations are followed (e.g., state or local jurisdiction); and
10. Any other requirement which protects the health, safety and welfare of the public or the adjacent properties.

I. Fees.

The applicant for a temporary use permit shall pay to the City an application fee as established on the City's Master Fee Schedule.

J. Violation.

Any person or business found to be in violation of this section shall not be eligible to obtain a temporary use permit in the City for the next calendar year following such determination.

## **Article VII. Parking Regulations**

### **Sec. 27-701 Off-Street Parking.**

A. General Requirements.

1. Off-street parking shall be provided for each land use as indicated in the Table of Off-Street Parking and Loading Requirements which is hereby made a part of these regulations.
2. The Table of Off-Street Parking and Loading Requirements specifies the minimum and maximum number of required off-street parking spaces, loading spaces, and recommended bicycle spaces for each land use category regardless of the zoning district in which the use is located except as allowed by Sec. 27-701(L).
3. All minimum required off-street parking spaces and loading spaces must be located on the same zoning lot as the land use except as allowed in Sec. 27-701(L).
4. Off-street parking may be provided inside a structure or outdoors.
5. In the case where there are a variety of land uses on one site, the zoning administrator may calculate two or more different use types together in order to determine the total parking requirement. Example: A regional shopping center with a movie theater would need one parking space per 300 square feet of gross floor area of retail space and one parking space per six movie theater seats. See Sec. 27-701(L) *Allowable Exceptions, for shared parking requirements.*
6. The requirements set forth in the Table of Off-Street Parking and Loading Requirements must be met when any building or structure is hereafter erected, any building or structure is hereafter altered to the extent of increasing the gross floor area by 20 percent or more, and any property being changed to another use that has a higher parking standard, as

specified in §27-702, unless otherwise noted by this section. Uses that cannot meet the standards specified in §27-702 shall be required to obtain a variance for parking in accordance with the provisions of §27-1110 prior to City approval of the proposal.

7. Whenever any parking lot is constructed, enlarged or changed to a “hard surface,” construction shall not proceed unless a building permit is issued by the Building Official. A site plan shall be submitted that demonstrates the proper design and construction of any off-street parking spaces, landscaping areas, drainage, traffic flow patterns, and access drives. The building permit application process shall include a review of the parking lot layout, landscaping and screening, street access, drainage study, setback requirements and parking regulations by the City Engineer and the zoning administrator.

B. Driveway Approaches.

Before constructing or reconstructing any driveway from a City street onto private property, the property owner or contractor must apply for a driveway approach construction permit from the Building Official and must install such approach consistent with City specifications.

C. Residential Parking Standards.

1. Any construction as described below shall require the property owner or contractor to apply for and receive a permit from the City of Hutchinson.
2. The standards of this section shall apply to single family detached dwellings, single family attached dwellings (townhouses), two family dwellings (duplexes), manufactured homes, multiple family dwellings with three or fewer dwelling units, and similar residential uses.
3. All parking spaces shall be paved with asphalt or concrete.
4. Any structure which is designed or intended for the storage of one or more motor vehicles, or which has an entrance wide enough to accommodate a motor vehicle, shall be provided with a driveway for vehicular access to said structure from a public street or alley in accordance with the paving standards set forth in these regulations.
5. All private driveways shall be paved with concrete, asphalt or asphalt millings with slurry seal, except where a driveway leads from a gravel alley or unimproved alley to a rear garage or parking area.
6. Driveways from gravel alleys or unimproved alleys to a rear garage or carport, at a minimum, must be covered by crushed stone 1.5” to 2” in diameter to a depth of six inches.
7. No more than 40 percent of the front yard on any residential lot shall be paved.
8. All motor vehicles must be parked on a driveway or parking area paved with concrete, asphalt, asphalt millings with slurry seal or other material approved by the City.

9. All RV's, boats and trailers must be parked in a building, under a carport or in a side yard or rear yard. RV's, boats and trailers shall not be parked in a front yard between the front of the principal structure and the front lot line or in a side yard or rear yard setback. Parking areas for RV's, boats and trailers are not required to have a hard surface; provided, however, that any RV, boat or trailer must be parked on a dust-free, rut-free surface including, without being limited to, any such areas covered with grass, ground cover, water-permeable grass pavers, concrete, asphalt or other similar ground cover. Parking, driving or storage of RV's, boats and trailers on exposed dirt shall be prohibited. Drive areas to and from the parking space for an RV, boat or trailer shall be rut-free.

D. Parking Lot Design for Non-Residential Uses and Multiple Family Dwellings.

The following requirements shall apply to all non-residential uses and to all multiple family dwellings with four or more dwelling units unless exempted under this section. When an addition, change of use or new construction requires the provision of paved parking under these regulations, all required parking areas and drive aisles associated with existing and new uses on the property shall be paved.

1. Any construction as described below shall require the property owner or contractor to apply for and receive a permit from the City of Hutchinson.
2. All off-street parking areas and driveways to and from parking areas shall be paved with asphalt or concrete. All materials shall be designed to meet AASHTO standards for the type of traffic that will be using the off-street parking area. Areas used for the storage of equipment, vehicles or materials may be paved with all-weather dust-free materials.
3. Any alternative paving methods are subject to review and approval by the Director of Planning and Development and the City Engineer. Alternative paving methods meeting the following criteria may be considered:
  - a. Alternate all-weather, dust-free, permeable paving materials may be approved by the Director of Planning and Development and City Engineer when used as a stormwater treatment facility. The pavement and base shall be designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the ability of the permeable paving material to drain properly and the structural ability to support the anticipated vehicle loads for the use. Pervious pavement shall comply with the following conditions:
    - (i.) Pervious pavement shall be located only on soils having a permeability rating of moderately rapid to very rapid;
    - (i.) Pervious pavement shall not be located in soils with an apparent or perched high-water table or a depth to bedrock of less than 10 feet, as set forth in the Reno County Soil Survey; and
    - (i.) Pervious pavement shall not be located on any slope exceeding 10 percent over 20 feet.

- b. As an alternative, some of the required off-street parking for multiple family residential uses or areas of low intensity/infrequent off-street parking use as determined by the City Engineer (such as fire safety lanes or overflow parking areas), may be surfaced with the following alternative methods of paving:
  - (i.) Grid unit pavers with grass installed per the manufacturer's recommendations with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be subject to review and approval by the City Engineer.
  - (ii.) Concrete, brick, or clay interlocking paver units installed per the manufacturer's recommendations with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be subject to review and approval by the City Engineer.
- 4. Parking spaces along the perimeter of a parking lot shall be provided with wheel guards, bumper guards, or continuous curbing so located that no parked vehicles will extend beyond the property line. If wheel stops are used, one wheel stop shall be placed at the end of each parking space.
- 5. Exemption for Industrial Zoning Districts. Existing, unpaved parking areas located in industrial zoning districts shall be permitted to be covered with a dust-free, all-weather surface designed to meet AASHTO standards upon a change in use unless new construction involving an expansion of 20% or more of the gross floor area is proposed.

E. Compact Vehicles.

- 1. Up to 20 percent of the required parking spaces may be designed for use by compact vehicles if approved by the City Engineer.
- 2. Compact vehicle parking stalls shall have minimum dimensions of eight feet by 16 feet.
- 3. Each compact vehicle stall shall be individually marked with an elevated sign at the front of the parking space that states "Compact Cars Only," which is visible to the driver.

F. Parking Lot Ingress and Egress.

- 1. Head-in parking (parking stalls on private property that require drivers to back out onto public rights-of-way) shall be prohibited. This shall not apply to residential driveways for single family dwellings, single family attached dwellings (townhouses), two family dwellings (duplexes), multiple family dwellings with less than five units or similar residential uses.

2. All parking lots must provide a minimum of one driveway and a circulation plan that will prevent drivers from backing out onto any public right-of-way.
3. The City encourages parking lot designs that minimize driveways onto public rights-of-way, especially city arterial streets. Parking lot designs with one driveway entrance are preferable. Multiple driveways will only be permitted where there are significant site limitations or where the size of the property merits multiple driveways as determined by the City Engineer.
4. Existing nonconforming parking lots that do not meet the ingress and egress requirements of this section shall be permitted to continue in the same size and manner as existing upon a change of use, provided, however, changes that would require the provision of additional nonconforming parking shall not be permitted.

G. Maximum Parking Spaces.

Vehicle parking spaces may exceed the maximum number of spaces permitted in the Table of Off-Street Parking and Loading Requirements of these regulations if the additional spaces are designed as pervious pavement and approved subject to Sec. 27-701(D)(3) of these regulations.

H. Loading Requirements.

1. The minimum required dimensions of loading spaces, open or enclosed, shall be 12 feet in width by 35 feet in length with a vertical clearance of at least 14 feet.
2. All open off-street loading spaces shall have a hard surface of concrete or asphalt and shall be constructed to provide for adequate drainage as approved by the City Engineer.
3. Required off-street loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading only. No sales, storage, display of merchandise (including motor vehicles), repair work or dismantling shall be permitted in such areas.
4. In no event shall areas that provide direct access to off-street loading areas, such as the areas in front of loading docks and overhead doors, be used to satisfy the off-street parking requirements of these regulations.
5. No off-street loading space or maneuvering area shall be located within 20 feet of the right-of-way of a public street or within 10 feet of any other property line. Any loading dock or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading or unloading and maneuvering. Maneuvering areas shall be designed to permit vehicle access to a loading space in a single movement.
6. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the City Engineer may

require installation of physical barriers or other means of separating loading areas from parking areas and pedestrian traffic.

7. No loading space shall be located in a manner that blocks access by emergency vehicles.
8. Loading areas shall not be located within a front yard except where the Director of Planning and Development determines that site conditions, building function or other factors unique to the proposed development make alternative locations, such as rear and side yards, impractical.

I. Computing Parking Requirements.

1. Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses, unless a shared parking plan is approved pursuant to Sec. 27-701(L).
2. When measurements of the number of required spaces result in a fraction, the fraction shall be rounded to the next higher whole number.
3. In assembly uses where seating consists of chairs, benches, pews or other forms of fixed and non-fixed seating, the provisions of Chapter 10 of the International Building Code, or other applicable section of the Building Codes adopted by the City, shall be used to determine the number of seats to be counted in calculating off-street parking requirements.
4. Unless otherwise noted in the provisions, all square footage based parking and loading standards shall be computed on the basis of gross floor area.
5. For the purposes of computing parking requirements based on the number of employees, calculations shall be the greatest number of persons working on any single shift, including owners and managers.
6. Upon receiving an application for a use not specifically listed in the Table of Off-Street Parking and Loading Requirements, the zoning administrator shall either:
  - a. Apply the parking requirements specified for the use that is deemed to be most similar to the use proposed in the application; or
  - b. Require a study of the parking demand for the given use.

J. Drive-through/Drive-up Stacking Requirements.

1. Commercial establishments providing drive-in and drive-through services shall provide minimum on-site stacking distances as provided below:

<b>Type of Operation</b>	<b>Minimum Stacking Space*</b>
Financial institution – electronic teller	Two vehicle per lane
Financial institution – personal teller	Three vehicles per window or kiosk
Car wash – self-service	Two vehicles per bay at entrance
	One vehicle per bay at exit
Car wash – automatic/conveyor	Five vehicles from the order box
Restaurant	10 vehicles from the order box
Coffee kiosk	
- Drive side service	Four vehicles per lane
- Passenger side service	Two vehicles per lane
Pharmacy	Two vehicles per lane
Service station/convenience stores with fuel	

- Service islands	Two vehicles per pump lane
- Service bay	One vehicle per bay
- Quick lube / oil change	Two vehicles per bay
- Four or more pump islands, side by side, 18 feet apart	One vehicle per lane
Drive-thru liquor store	Two vehicles per lane
Gated parking lot entrance	One vehicle per gate
Garage unit or overhead door	One vehicle per door
Other uses	Two vehicles per lane being serviced

\*Stacking requirements are in addition to the vehicle being served.

2. Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in a side, front, or rear yards where parking stalls are prohibited.
3. Each vehicle stacking unit shall be 22 feet in length.
4. Required stacking may be reduced based on a traffic study submitted for review and approval by the City Engineer.
5. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

K. Bicycle Parking.

1. The Planning and Development Department recommends bicycle parking for land uses as indicated in Sec. 27-702, Table of Off-Street Parking and Loading Requirements. The provision of bicycle parking promotes sustainable development and contributes to the public health, safety, welfare and convenience.
2. Bicycle parking may be provided through spaces or bicycle storage racks.
3. Bicycle spaces shall be a minimum of 30 inches in width and six feet in length and shall provide a method for cyclists to secure their bikes with their own locks.
4. Overhead clearance shall meet AASHTO standards.
5. Racks and other fixtures must be securely affixed to the ground and allow for the bicycle to be locked and chained.
6. The design of bicycle racks and fixtures shall be included in site plans submitted to the Site Plan Review Committee in accordance with Article X of these regulations.
7. Bicycle racks shall not be located on a public sidewalk unless approved by the City Engineer. Any bicycle racks located in a public right-of-way shall be located as directed by the City.
8. Bicycles spaces, racks or fixtures shall not be located behind any wall, shrubbery or other visual barrier lying between the bicycle parking location and the principal building.
9. Areas used for bicycle parking shall be paved and well drained.
10. Areas used for bicycle parking shall have adequate lighting to provide for safe use and visibility during evening and nighttime hours.

11. All bicycle parking areas not immediately in front of the principal building and/or visible from the street shall have proper wayfinding signs to direct bicyclists.
12. Bicycle parking areas shall be within 50 feet of the primary entrance to the principal building.

L. Allowable Exceptions.

1. Shared Parking.

The Board of Zoning Appeals, through the variance process, may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another and which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

- a. Location: All uses that participate in a single shared parking plan shall be located on the same lot or on lots that share a common boundary or are separated by an intervening alley. The shared parking lot shall be developed and used as though the uses on the lots are a single unit.
- b. Shared Parking Study: A shared parking study acceptable to the City Engineer shall be submitted which clearly establishes that uses will make use of shared spaces at different times of the day, week, month, or year. The study shall use the following guidelines for shared parking facilities:
  - (i.) For each applicable general land use category, calculate the number of spaces required for a use as if it were the only use (refer to Sec. 27-702, Table of Off-Street Parking and Loading Requirements).
  - (i.) Use the figures for each individual land use in the table below to calculate the number of spaces required for that use for each time period specified in the table (six time periods per use).
  - (i.) For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
  - (i.) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.

General Land Use Category	Weekday			Weekend		
	12 a.m. to 7 a.m.	7 a.m. to 6 p.m.	6 p.m. to 12 a.m.	12 a.m. to 7 a.m.	7 a.m. to 6 p.m.	6 p.m. to 12 a.m.
Office and Industrial	5%	100%	5%	0%	5%	0%
Retail	5%	100%	80%	5%	100%	60%
Restaurant	50%	70%	100%	70%	50%	100%
Hotel	100%	65%	100%	100%	65%	100%
Residential	100%	50%	80%	100%	75%	75%
Theater / Entertainment	5%	20%	100%	5%	50%	100%
Place of Assembly	0%	30%	50%	0%	100%	75%

- c. The shared parking plan shall be reviewed and approved by the City Engineer.
- d. Agreement for Shared Parking Plan: A shared parking plan shall be enforced through written agreement. An attested copy of the agreement among the owners of record shall be submitted to the zoning administrator who shall forward a copy to the City Attorney and City Engineer for review. Proof of recording of the agreement shall be presented to the zoning administrator prior to the issuance of a certificate of occupancy. The agreement shall:
  - (i.) List the names and ownership interest of all parties to the agreement and contain signatures of those parties;
  - (ii.) Provide a legal description of the land;
  - (iii.) Include a site plan showing the area of the parking parcel and open space reserve areas which would provide for future parking;
  - (iv.) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions that would interfere with its use;
  - (v.) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
  - (vi.) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
  - (vii.) Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
  - (viii.) Incorporate the shared parking study by reference; and
  - (ix.) Describe the method by which the covenant shall, if necessary, be revised.
- e. Change in Use: Should any of the shared parking uses be changed, or should the zoning administrator find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner shall have the option of submitting a revised shared parking study and an amended shared parking agreement in accordance with the standards of these regulations or of providing the number of spaces required for each use as if computed separately. If the zoning administrator and the City Engineer determine that the revised shared parking study agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificate of occupancy shall be issued until the full number of off-street parking spaces are provided.
- f. Revocation of Permits: Failure to comply with the shared parking provisions of this subsection shall constitute a violation of these

regulations and shall specifically be cause for revocation of a certificate of occupancy.

2. C-5 Downtown District Exception.

The off-street parking requirements shall not apply to changes of use within existing buildings in the C-5 Downtown District. All requirements of this section must be met by any new construction projects and any additions. Off-street parking must be reviewed by the Downtown Hutchinson Revitalization Partnership (DHRP) Board and approved by the City Engineer where required.

3. Off-Site Parking.

In all districts, except for commercial and industrial uses in the R-1, R-2, R-3, R-4 and R-5 Districts, off-site parking uses shall be allowed by conditional use permit. Off-site parking for commercial and industrial uses shall not be permitted in the R-1, R-2, R-3, R-4 and R-5 Districts. The Planning Commission may permit, by conditional use, all or a portion of the required parking spaces to be located on a remote and separate lot from the lot on which the principal use is located. Off-site parking shall be subject to the following standards:

- a. Necessity: The applicant shall demonstrate that it is not feasible to locate all of the required parking on the same lot as the principal use.
- b. Ineligible Uses: Off-site parking shall not be used to satisfy the off-street parking standards for restaurants, bars or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities associated with the principal use shall not be located in an off-site parking facility.
- c. Location: No off-site parking space shall be located more than 600 feet from the primary entrance of the use served, measured along the route of the shortest lawful, practical walking distance. Off-site parking spaces shall not be separated from the principal use by a street crossing wider than 50 feet from back of curb to back of curb unless otherwise approved by the City Engineer.
- d. Agreement for Use of Non-Owned Parking Lot: When an off-site parking lot is not under the same ownership as the principal use served, a written agreement for the use of the parking lot shall be required. An attested copy of the agreement among the owners of record shall be submitted to the zoning administrator and shall be filed with the Reno County Register of Deeds by the owner. Proof of recording the agreement shall be presented to the zoning administrator. This agreement shall:
  - (i.) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
  - (ii.) Provide a legal description of the land;
  - (iii.) Include a site plan showing the area of the use and parking lot;

- (iv.) Expressly declare the intent for the agreement to run with the land and bind all parties and all successors in interest to the agreement;
- (v.) Assure continued availability of the spaces and provide assurance that all spaces will be usable without charge;
- (vi.) Describe the obligations of each party, including the maintenance responsibility;
- (vii.) Require that the zoning administrator be notified prior to the expiration or termination of an off-site parking area lease agreement; and
- (viii.) Describe the method by which the agreement shall, if necessary, be revised.

M. Turnarounds.

All parking areas containing three or more parking spaces shall include a turnaround that is designated and located so that vehicles can enter and exit the parking area without backing onto the public right-of-way.

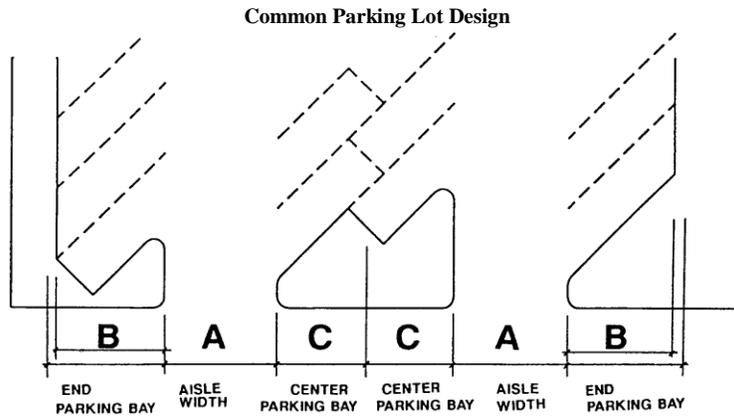
N. Rear parking.

1. For purposes of this section, “rear parking” means any parking area located between the principal building and the rear lot line or an alley.
2. The City may allow for the use of rear parking and for its inclusion in accommodating the required off-street parking requirements.
3. Rear parking areas that are screened from the view of public streets by the principal buildings are exempt from the parking lot screening requirements in Sec. 27-908 (E)(3) of these regulations.

O. Additional Standards for Parking Lot Design and Maintenance.

1. Maintenance: Parking areas shall be properly graded for drainage and maintained in good condition free of weeds, dust, trash, and debris.
2. Lighting: Parking areas shall be designed and laid out so that the source of any lighting is concealed from public view and from adjacent residential properties, and does not interfere with traffic in any adjacent street.
3. Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb.
4. Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.
5. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration	90-degree	60-degree	45-degree
<b>Aisle Width (A)</b>			
One-way traffic	----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
<b>End Parking Bay Width (B)</b>			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
<b>Center Parking Bay Width (C)</b>	18 feet	18 feet	16 feet



**Sec. 27-702 Table of Off-Street Parking and Loading Requirements.**

The following table identifies the required parking for land uses permitted by right, conditional use permit or special use permit. When the required number of spaces is not a whole number, the number shall be rounded up to the next higher number. Land uses not listed in the table are not necessarily excluded. The zoning administrator is empowered to make interpretations of land uses and parking requirements for such land uses.

USE/ACTIVITY	PARKING AND LOADING REQUIREMENTS			
	SPACES			
	Minimum Parking	Maximum Parking	Recommended Bicycle Parking	Minimum Loading Area
<b>Agricultural Uses: Agriculture and Related Sales and Services</b>				
Agricultural buildings for general agricultural use	-	-	-	-
Agricultural chemicals, fertilizer, anhydrous ammonia - storage and distribution	1 per 1,500 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
Agricultural implement and vehicle sales and service	1 per 1,000 s.f. yard area + 2 per service bay	1 per 300 s.f. yard area + 3 per service bay	-	1
Agricultural research farms	1 per 1,500 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area		

USE/ACTIVITY	PARKING AND LOADING REQUIREMENTS			
	SPACES			
	Minimum Parking	Maximum Parking	Recommended Bicycle Parking	Minimum Loading Area
Agricultural processing	1 per 1,500 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
Equestrian centers and stables	1 per employee + 1 per 4 stalls	-	-	1
Agricultural sales and services	1 per 350 s.f. GFA	1 per 200 s.f. GFA	-	1
Agricultural feed mixing and blending, seed sales and grain handling operations	1 per 1,500 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
Community gardens	-	-	0.5 per garden lot	-
Farm wineries	1 per 350 s.f. GFA sales area + 1 per employee	1 per 200 s.f. GFA sales area + 1 per employee	-	1
Horses and other non-commercial livestock on residential lots	-	-	-	-
General agriculture	-	-	-	-
<b>Residential Uses: Household</b>				
Live-work unit	1 per DU	1.5 per DU	0.5 per DU	-
Manufactured home, Residential-design	2	-	-	-
Manufactured home, Single-wide	2	-	-	-
Multiple family dwelling	1 per DU	2.5 per DU	0.5 per DU	-
Single family attached dwellings	2 per DU	3 per DU	0.5 per DU	-
Single family detached dwellings	2	-	-	-
Two family dwelling/Duplex	2 per DU	3 per DU	0.5 per DU	-
Ground floor housing in a commercial building	1 per DU	2.5 per DU	0.5 per DU	-
Upper story housing	1 per DU	2.5 per DU	0.5 per DU	-
<b>Residential Uses: Residential Commercial &amp; Institutions</b>				
Adult care homes	1 per 3 beds	-	-	-
Adult family home	2	-	-	-
Assisted living facilities	1 per 3 beds	-	-	1
Bed and Breakfast	1 per guest room + 2 for owner's quarters	-	0.25 per guest room	-
Boarding and rooming houses	1 per bedroom	2 per bedroom	0.25 per bedroom	-
Convents and Monasteries	1 per 4 beds	1 per bed	0.5 per bed	-
Dormitories	1 per 4 beds	1 per 2 beds	0.5 per bed	1 per building

USE/ACTIVITY	PARKING AND LOADING REQUIREMENTS			
	SPACES			
	Minimum Parking	Maximum Parking	Recommended Bicycle Parking	Minimum Loading Area
Emergency shelters	1 per 4 beds + 1 per 2 employees	1 per 2 beds + 1 per employee	-	-
Fraternity and Sorority houses	1 per 3 beds	1 per bed	0.5 per bed	-
Group boarding homes	2	3	-	-
Hospice	1 per employee + 2	1 per employee + 5	-	-
Nursing homes	1 per 4 beds	1 per 2 beds	-	1
Retirement homes (individual)	1 per DU	2 per DU	0.25 per DU	-
Transitional housing	1 per 3 beds	-	1 per 6 beds	-

Institutional and Civic: Community Services and Civic Uses				
Public animal shelters	1 per employee + 2	-	-	-
Bus/transit garages	1 per employee + 5	-	-	-
Cemeteries	1 per 4 seats in chapel/assembly area	-	-	-
Churches, synagogues, temples and other places of worship	1 per 4 seats in assembly area	1 per 1.5 seats in assembly area	1 per 20 vehicle spaces	-
Columbarium	1 per 4 seats in assembly area	1 per 2 seats + 1 per employee	-	1
Community centers and buildings	1 per 300 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
Fire and rescue facilities	1 per employee + 2	-	1 per 10 vehicle spaces	-
Fraternal organization	1 per 250 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
Governmental offices and necessary secondary uses	1 per 300 s.f. GFA plus 1 per government vehicle	-	1 per 20 vehicle spaces	-
Hospitals	1 per 400 s.f. GFA	1 per 100 s.f. GFA	1 per 30 vehicle spaces	1
Law enforcement centers including office space and holding areas	1 per employee + 1 per 15 inmates	-	1 per 10 vehicle spaces	-
Libraries and museums	1 per 1,000 s.f. GFA	-	1 per 10 vehicle spaces	1
Planetariums	1 per 4 seats in assembly area	-	1 per 20 vehicle spaces	1
Senior citizen centers	1 per 300 s.f. GFA	1 per 100 s.f. GFA	1 per 20 vehicle spaces	-

Institutional and Civic: Treatment, rehabilitation, and incarceration facilities				
Community corrections centers	1 per employee + 1 per 15 inmates	-	-	-
Drug and alcohol rehabilitation centers	1 per employee + 4	-	-	-
Half-way houses	1 per 3 beds + 1 per employee	-	1 per 6 beds	-
Jails	1 per employee + 1 per 25 inmates	-	1 per 10 vehicle spaces	-
Juvenile detention centers	1 per employee + 1 per 15 inmates	-	1 per 10 vehicle spaces	-
Prisons	1 per employee + 1 per 25 inmates	-	1 per 10 vehicle spaces	-
Reformatories	1 per employee + 1 per 25 inmates	-	1 per 20 vehicle spaces	-
Institutional and Civic: Day Care and Educational Institutions				
Adult day-care home	1 per employee	4	-	-
Colleges and universities	1 per 4 students + 1 per employee	-	1 per 20 students	1 per building of more than 5,000 s.f. GFA
Child care centers	1.5 per employee	2 per employee	-	-
Licensed day care homes and Licensed group day care homes	1 per employee + 1	1.5 per employee	-	-
Preschools	1 per employee + 3	1.5 per employee	-	-
Public and private schools (K-8)	1.25 per classroom	2.5 per classroom	1 per 10 students	1
Public and private schools (high school)	1 per employee + 1 per 6 students	1 per employee + 1 per 3 students	1 per 20 students	1
Trade, career, and technical schools	1 per 4 students + 1 per employee	-	-	1
Institutional and Civic: Public Parks and Open Space				
Arboretums	-	-	-	-
Athletic fields (with fixed seating)	1 per 6 seats	-	1 per 10 vehicle spaces	-
Athletic fields (without fixed seating)	1 per 3,000 s.f. of field area	-	1 per 10 vehicle spaces	-
Dog parks	1 per 10,000 s.f. of open land area	-	1 per 5 vehicle spaces	-
Nature centers	1 per 300 s.f. GFA	-	1 per 10 vehicle spaces	-
Parks, trails, picnic areas and playgrounds (100 acres or less)	1 per 10,000 s.f. of open land area	-	1 per 5 vehicle spaces	-
Parks, trails, picnic areas and playgrounds (More than 100 acres)	1 per 10 acres	-	1 per 5 vehicle spaces	-
State Fair grounds	-	-	-	-
State parks	-	-	-	-

Public pools and/or water parks	1 space per 3 persons of maximum capacity	-	1 per 10 vehicle spaces	-
<b>Institutional and Civic: Public and Private Utilities</b>				
Natural gas depots	-	-	-	-
Oil exploration and pumping	-	-	-	-
Private wells	-	-	-	-
Radio tower and transmitter (no office)	-	-	-	-
Wind energy conversion systems	-	-	-	-
Public works facilities and related storage and maintenance garages	1 per employee + 1 per facility vehicle	1.5 per employee + 1 per facility vehicle	1 per 20 vehicle spaces	1
Wireless telecommunications facilities	-	-	-	-
<b>Retail Services and Commercial Uses: Adult Uses</b>				
Adult entertainment	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	1
<b>Retail Services and Commercial Uses: Animal Care</b>				
Animal boarding, animal shelter or kennel	1 per 500 s.f. GFA	1 per 200 s.f. GFA	-	-
Pet cemetery	-	-	-	-
Pet crematorium	-	-	-	-
Pet grooming	1 per 400 s.f. GFA	1 per 200 s.f. GFA	-	-
Pet training	1 per 400 s.f. GFA	1 per 200 s.f. GFA	-	-
Veterinary clinics and hospitals	1 per 300 s.f. GFA	1 per 200 s.f. GFA	-	1
<b>Retail, Services and Commercial Uses: Business and Household Services</b>				
All business and household services land uses	1 per 250 s.f. GFA	1 per 150 s.f. GFA	1 per 10 vehicle spaces	-
<b>Retail, Services, and Commercial Uses: Financial Services</b>				
All financial services land uses	1 per 250 s.f. GFA	1 per 150 s.f. GFA	1 per 10 vehicle spaces	-
<b>Retail, Services, and Commercial Uses: Food and Beverage Services</b>				
Banquet/reception facility	1 per 4 seats + 1 per 2 employees	1 per 2 seats + 1 per employee	-	1
Brew pub, micro-brewery	1 per 4 seats	1 per 2 seats + 1 per employee	1 per 10 vehicle spaces	1
Catering service	1 per employee + 1 delivery vehicle + 1 per 500 s.f. GFA	1 per employee + 1 per delivery vehicle + 1 per 250 s.f. GFA	-	1
Class A club	1 per 4 seats	1 per 2 seats + 1 per employee	-	1
Class B club	1 per 3 persons of capacity	1 per 2 persons of capacity	1 per 10 vehicle spaces	1
Coffee houses, coffee shops	1 per 100 s.f. GFA	1 per 50 s.f. GFA	1 per 10 vehicle spaces	-

Coffee kiosks	-	-	-	-
Demonstration kitchens	1 per 100 s.f. GFA	1 per 50 s.f. GFA	-	-
Donut and pastry shops	1 per 100 s.f. GFA	1 per 50 s.f. GFA	1 per 10 vehicle spaces	-
Drinking establishments, taverns and bars	1 per 4 seats	1 per 2 seats + 1 per employee	1 per 10 vehicle spaces	1
Restaurants without drive-thru windows	1 per 4 seats	1 per 2 seats + 1 per employee	1 per 10 vehicle spaces	1
Restaurants with drive-thru windows	1 per 100 s.f. GFA	1 per 50 s.f. GFA	1 per 10 vehicle spaces	1
<b>Retail, Services and Commercial Uses: General Commercial</b>				
Antiques and collectibles store	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Art gallery, arts and crafts store, artisan shop	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Bicycle sales and service	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Book store, music and musical instrument store	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Bridal sales and services	1 per 350 s.f. GFA	1 per 200 s.f. GFA	-	1
Camping equipment sales	1 per 400 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Candy store	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Clothing, accessories, costume sales and rental	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Computer hardware and software sales	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Crematoriums	1 per 4 seats in assembly area	1 per 2 seats + 1 per employee	-	1
Dance studios and schools	1 space per employee + 1 per 150 s.f. GFA	1 per employee + 1 per 75 s.f. GFA	1 per 20 vehicle spaces	-
Department stores	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Drug store/pharmacy	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Dry cleaners	1 per 400 s.f. GFA	1 per 200 s.f. GFA	-	1
Electronic and appliance sales and service	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Equipment sales/storage/rental business	1 per 3,000 s.f. of sales/storage lot + 1 per 350 s.f. of interior showroom	-	-	1
Exercise equipment sales	1 per 400 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Fabric and sewing supply stores	1 per 350 s.f. GFA	1 per 200 s.f. GFA	-	1
Firearms and ammunition sales	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Florists	1 per 400 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Food store (including bakeries, meat lockers, butchers, delicatessens, and specialty markets; NOT a full-service grocery)	1 per 350 s.f. GFA if no seating provided. If seating is provided, follow	1 per 200 s.f. GFA if no seating provided. If seating is provided, follow	1 per 20 vehicle spaces	1

	requirements for Restaurant, no drive-thru	requirements for Restaurant, no drive-thru		
Funeral homes and mortuaries	1 per 4 seats in assembly area	1 per 2 seats + 1 per employee	-	1
Garden center	1 per 300 s.f. GFA + 1 per 1,000 s.f. of outdoor display area	1 per 200 s.f. GFA + 1 per 500 s.f. of outdoor display area	1 per 20 vehicle spaces	1
Grocery, supermarket	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Hair salons, barber shops, beauty salons and nail salons	1 per 300 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
Hardware store	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Heating and cooling sales and services	1 per employee + 3	-	-	1
Home furnishings	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Houseware and kitchenware sales	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Lawn and garden equipment sales and service	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Massage therapy, health spas and day spas	1 per 300 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
Newspaper and magazine sales and stands	1 per 250 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
Novelty and souvenir stores	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Office supplies and furniture sales	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Pawn shops	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Pet store	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Photographic equipment and supplies	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Pottery stores	1 per 350 s.f. GFA	1 per 200 s.f. GFA	-	-
Religious book, card and articles stores	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Secondhand store, thrift or consignment store	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Self-services laundry and Laundromat	1 per 250 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
Shoe stores and repair	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Shopping center/strip mall/mall	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1 per anchor store
Sporting goods store	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Tattoo artists and body piercing	1 per 350 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
Toy and game store	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Upholstery shops	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Video, movie and game rental and sales	1 per 300 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
Warehouse club sales	1 per 400 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1

Retail, Services, and Commercial Uses: Specialized Commercial				
Billiard halls	1 per 300 s.f. GFA	1 per 100 s.f. GFA	-	1
Brick and tile sales	1 per 1,000 s.f. of indoor and outdoor sales area	-	-	1
Building materials dealers	1 per 1,000 s.f. of indoor and outdoor sales area	-	-	1
Bus and/or train depots including ticket sales	1 per 200 s.f. of waiting area	-	-	-
Commercial greenhouses	1 per 1,000 s.f. of indoor and outdoor sales area	-	-	1
Concrete and cinder block sales	1 per 1,000 s.f. of indoor and outdoor sales area	-	-	1
Convenience stores	1 per 300 s.f. GFA	1 per 150 s.f. GFA	-	1
Drive-in movie theater	-	-	-	-
Equipment rental and leasing	1 per 1,000 s.f. of indoor and outdoor sales area	-	-	1
Fencing dealers	1 per 300 s.f. GFA + 1 per 1,000 s.f. of outdoor display area	-	-	1
Gasoline filling stations	1 per 500 s.f. GFA, including service bays, car wash, and retail areas	1 per 375 s.f. GFA including service bays, car wash, and retail areas	-	1
Hot tub and spa sales	1 per 500 s.f. of indoor and outdoor sales area	-	-	1
Liquor stores	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Lumber yards (indoor or outdoor)	1 per 1,000 s.f. of indoor and outdoor sales area	-	-	1
Manufactured home sales	1 per 1,500 s.f. of indoor and outdoor sales area	1 per 500 s.f. of indoor and outdoor sales area	-	1
Monument sales	1 per 500 s.f. GFA + 1 per 1,000 s.f. outdoor storage area	-	-	1
Motels and hotels	1 per room or suite + 1 per employee	-	1 per 30 vehicle spaces	1

Movie theaters	1 space per 4 seats	1 space per 2 seats	1 per 20 vehicle spaces	1
Nurseries, retail sales	1 per 300 s.f. GFA + 1 per 1,000 s.f. of outdoor display area	-	-	1
Performance theaters and auditoriums	1 space per 4 seats	1 space per 2 seats	1 per 20 vehicle spaces	1
Swimming pool sales	1 per 500 s.f. GFA + 1 per 1,000 s.f. outdoor storage area	-	-	1
Taxi stands	-	-	-	-
Tobacco stores	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Truck stops	-	-	-	-
<b>Retail, Services, and Commercial Uses:</b>				
<b>Medical Uses</b>				
All medical land uses	1 per 250 s.f. GFA	1 per 100 s.f. GFA	1 per 10 vehicle spaces	-
<b>Retail, Services, and Commercial Uses: Office Uses</b>				
Optical sales and services	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Accountants and financial advisors offices	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Business offices	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Consultant offices	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Design offices including architects, engineers, landscape architects, graphic designers and interior designers	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Counselors, psychiatrists, psychologists and social workers offices	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
Lawyer/attorney offices	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Photographic studios	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Radio and television studios, not transmitter towers	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Insurance and real estate agencies offices	1 per 300 s.f. GFA	1 per 200 s.f. GFA	1 per 10 vehicle spaces	-
Utility and telephone company offices	1 per 350 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	-
<b>Retail, Services, and Commercial Uses:</b>				
<b>Recreational Commercial</b>				
Amusement parks	1 space per 3 persons of maximum capacity	-	1 per 30 vehicle spaces	1
Bingo parlors	1 per 3 seats	1 per 1.5 seats	1 per 10 vehicle spaces	-
Bowling alleys	2 spaces per alley + 1 per 100 s.f. of amusement or assembly area	-	1 per 20 vehicle spaces	-
Commercial stables	1 space per employee + 1 space per 4 stalls	-	1 per 10 vehicle spaces	-

Commercial swimming pools	1 per 3 persons of capacity	-	1 per 10 vehicle spaces	-
Public and private golf courses	4 spaces per hole	-	-	-
Golf driving ranges	1.5 spaces per tee	-	-	-
Gun clubs	1 space per firing position + 5	-	-	-
Gymnasiums (other than school)	1 per 4 seats of assembly area	-	1 per 10 vehicle spaces	-
Health clubs and spas including YMCA/YWCA	1 per 300 s.f. GFA	-	1 per 10 vehicle spaces	-
Miniature golf courses	1 space per hole + 1 per employee	-	1 per 20 vehicle spaces	-
Race tracks	1 per 4 seats	1 per 2 seats	-	1
Recreational vehicle parks (RV parks)	-	-	-	-
Roller and ice skating rinks	1 per 200 s.f. GFA	-	1 per 20 vehicle spaces	-
Sports arenas	1 per 4 seats	1 per 2 seats	1 per 30 vehicle spaces	1
Stadiums	1 per 4 seats	1 per 2 seats	1 per 30 vehicle spaces	1
Video arcades	1 per 200 s.f. GFA + 1 per employee	-	1 per 10 vehicle spaces	-
<b>Retail, Services, and Commercial Uses:</b>				
<b>Vehicular Commercial</b>				
Boat dealers	1 per 2,000 s.f. of indoor and outdoor sales area	-	-	1
Motor vehicle paint and repair shops	3 spaces per service bay	-	-	1
Motor vehicle sales, rental, and leasing	1 per 1,600 s.f. of indoor and outdoor sales area	-	-	1
Motor vehicle washes (self service/automatic)	must meet drive-thru requirements	-	-	-
Motorcycle dealers, including mopeds and scooters	1 per 600 s.f. of indoor and outdoor sales area	-	-	1
Recreational vehicle sales and rentals	1 per 2,000 s.f. of indoor and outdoor sales area	1 per 500 s.f. of indoor and outdoor sales area	-	1
<b>Industrial: Research and Development</b>				
General research facilities	1 per 400 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
Scientific research facilities	1 per 400 s.f. GFA	1 per 200 s.f. GFA	1 per 20 vehicle spaces	1
<b>Industrial: Warehousing and Storage</b>				
Bulk materials or machinery storage (fully enclosed)	1 per employee +5	-	-	1
Bus garage and repair shops	3 per service bay	-	-	1

Self-service storage facilities (mini warehouses)	1 per employee + 3	-	-	-
Truck terminals/motor freight terminals	1 per 300 s.f. of office area + 1 per 3,000 s.f. of lot area	-	-	1
Vehicle, trailer, recreational vehicle and boat storage	1 per employee + 5	-	-	-
Warehouses	1 per employee + 10	-	1 per 20 vehicle spaces	1
Wholesale business and storage	1 per employee + 10	-	1 per 20 vehicle spaces	1
<b>Industrial: Contractors, Contractor Yards, Storage and Supply</b>				
Storage yards (excluding asphalt or concrete mixing)	1 per 1,500 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
Carpenters	1 per employee + 1 per 3,000 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
Carpet and rug cleaning plants	1 per 1,500 s.f. GFA	1 per 300 s.f. GFA	-	1
Carport and storage building sales	1 per 1,500 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
Contractors' offices and equipment storage yards, excluding heavy machinery	1 per employee + 1 per 3,000 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
Electricians	1 per employee + 3	1 per 300 s.f. GFA	-	1
Heating and ventilating contractors	1 per employee + 3	1 per 300 s.f. GFA	-	1
Masons and bricklayers	1 per 1,500 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
Plumbers	1 per employee + 3	1 per 300 s.f. GFA	-	1
Trade shops (including cabinet makers)	1 per employee + 3	1 per 300 s.f. GFA	-	1
<b>Industrial: Large Contracting and Materials Manufacturing</b>				
All large contracting and materials manufacturing land uses	1 per employee + 1 per 3,000 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	-	1
<b>Industrial: Food Processing and Manufacturing</b>				
All food processing and manufacturing land uses	1 per 1,500 s.f. GFA	1 per 300 s.f. GFA	1 per 30 vehicle spaces	1
<b>Industrial: Clothing Manufacturing</b>				
All clothing manufacturing land uses	1 per 1,500 s.f. GFA	1 per 300 s.f. GFA	1 per 30 vehicle spaces	1
<b>Industrial: Mining and Excavation</b>				
Brick, firebrick, and clay products manufacturing	1 per employee + 1 per 3,000 s.f.	1 per 300 s.f. GFA and yard area	1 per 30 vehicle spaces	1

	GFA and yard area			
Monument and architectural stone manufacturing	1 per employee + 1 per 3,000 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	1 per 30 vehicle spaces	1
Quarries	1 per employee + 5	-	-	1
Salt mining	1 per employee + 5	-	1 per 30 vehicle spaces	1
Sand and gravel excavation	1 per employee + 5	-	1 per 30 vehicle spaces	1
Sand, lime, and stone products manufacturing	1 per employee + 5	-	1 per 30 vehicle spaces	1
<b>Industrial: Machinery and Vehicle Manufacturing</b>				
All machinery and vehicle manufacturing land uses	1 per 1,500 s.f. GFA	1 per 300 s.f. GFA	1 per 30 vehicle spaces	1
<b>Industrial: Metal Processing, Stamping</b>				
All metal processing and stamping land uses	1 per 1,500 s.f. GFA	1 per 300 s.f. GFA	1 per 30 vehicle spaces	1
<b>Industrial: Metal Processing, Forging, Fabrication (Hazardous)</b>				
All metal processing, forging, and fabrication (hazardous) land uses	1 per 1,500 s.f. GFA	1 per 300 s.f. GFA	1 per 30 vehicle spaces	1
<b>Industrial: Wood Products Manufacturing</b>				
All wood products manufacturing land uses	1 per 1,000 s.f. GFA	1 per 300 s.f. GFA	1 per 30 vehicle spaces	1
<b>Industrial: General Manufacturing</b>				
All general manufacturing land uses unless otherwise indicated	1 per 1,500 s.f. GFA	1 per 300 s.f. GFA	1 per 40 vehicle spaces	1
Recycling centers (with exterior storage)	1 per employee + 1 per 3,000 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	1 per 40 vehicle spaces	1
Motor vehicle graveyard	1 per employee + 3	-	-	1
Junkyard	1 per employee + 3	-	-	1
Landfills	1 per employee + 5	-	-	1
Railroad switching and classification yard, roundhouses, repair and overhaul shop	1 per employee + 1 per 3,000 s.f. GFA and yard area	1 per 300 s.f. GFA and yard area	1 per 40 vehicle spaces	1
Recycling centers	1 per employee + 5	-	-	1
Salvage operations/salvage yards	1 per employee + 3	-	-	1
Scrap or salvage yards	1 per employee + 3	-	-	1

DU = dwelling unit; s.f. = square feet; and GFA = gross floor area. A dash ("-") means that the standard is not applicable.

**Sec. 27-703 Off-Street Parking: Parking for Individuals with Disabilities.**

Parking for individuals with disabilities shall be provided in accordance with adopted federal regulations.

**Sec. 27-704 Off-Street Parking in the CR District.**

The following off-street parking requirements are in addition to the standard requirements within this article and shall apply to all lots within the CR District.

- A. Off-street parking shall be provided for each use as indicated in Sec. 27-702, Table of Off-Street Parking and Loading Requirements. Different amounts of off-street parking are required based on the use and the gross floor area for non-residential uses. Off-street parking may be provided inside a structure or outdoors.
- B. Off-street parking areas and facilities shall be permanently reserved for the temporary storage of vehicles and connected with a street or alley by a paved driveway which affords satisfactory ingress and egress for vehicles. Off-street parking areas and facilities shall be maintained in good condition and kept free of weeds, litter and debris. Entrances and exits for all off-street parking areas and facilities shall comply with the requirements of the City Engineer; shared entrances and exits shall be encouraged. If entrances/exits are not shared, only one entrance/exit will be allowed per parcel. All off-street parking areas and facilities, and their access drives shall be planned and engineered to assure proper drainage of surface water. The owner shall maintain all off-street parking areas and facilities and their drives in such a manner that no nuisance or offensive condition shall arise.
- C. In all cases, off-street parking shall be located on the interior of the parcel and not in any required yard.
- D. All parking spaces required herein shall be located on the same parcel with the building or use served, except as otherwise provided.
- E. The Planning Commission or the City Council may require plans to be prepared and presented to assure proper design and construction of any off-street parking spaces and their access drives.

**Article VIII. Sign Regulations**

**Sec. 27-801 Signs.**

- A. Intent.

The intent of these regulations is to set forth the comprehensive regulations, conditions and limitations under which signs may be permitted in the City as follows:

- 1. To permit and regulate signs in the least burdensome way that will carry out the purpose of these regulations and to support and complement land use objectives set forth in the Comprehensive Plan and the zoning regulations;

2. To provide minimum standards for regulating and controlling the structural design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building;
3. To assure compatibility of signs with surrounding land uses and preserve property values of surrounding properties;
4. To allow sign users to communicate their products, services and facilities to patrons, customers and visitors;
5. To ensure signs are designed, constructed and installed to not compromise public safety by impairing vision or confusing motorists and pedestrians;
6. To prevent visual clutter caused by the proliferation of signage that may reduce the effectiveness of individual signs; and
7. To preserve views of special and unique natural and architectural features and historic landmarks.

B. Applicability.

A sign may be erected, placed, established, painted, created or maintained within the City only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations unless otherwise required or permitted in other portions of these regulations. Under no circumstances shall a sign be erected within the public right-of-way or within a defined sight triangle of a property, unless otherwise permitted in these regulations.

C. Compatibility.

Signs shall be of an aesthetic quality and of a type that is generally compatible with other signs in the surrounding area or district.

**Sec.27-802 Definitions.**

**Abandoned Sign** shall mean a sign which no longer identifies or advertises a business, lessor, service, owner, product or activity on the zoning lot where the sign is located or a sign for which no legal owner can be found.

**Aerial Sign** shall mean a balloon or other airborne flotation or inflatable device which sits on a surface or is tethered to the ground or to a building that directs attention to a business, commodity, service or entertainment conducted, sold or offered, regardless of whether it does or does not contain text or advertising copy.

**Animated Sign** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene. An animated sign does not include time and temperature or message center signs.

**Announcement Sign** shall mean a small announcement or professional sign, not over 32 square feet in area, set back at least 20 feet from any property line which may be

erected in connection with any of the permitted principal uses, except the setback shall not apply in the C-5 Downtown District.

**Audible Sign** shall mean any sign that conveys audible noise including music, spoken message, and/or sounds to attract attention to the sign.

**Awning Sign** shall mean a roof like structure made of cloth, metal or other material attached to a building and erected over a window, walk and/or entrance, with a sign area integrated into its surface.

**Banner/Flag Sign (Non-Commercial)** shall mean any suspended sign of lightweight material that is mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flags of any institution or business shall not be considered banners. Banner signs shall not represent or contain a commercial message.

**Banner Sign (Commercial)** shall mean an advertising sign made of light weight material mounted on a building or structural frame, typically for the use as a temporary sign.

**Bench Sign** shall mean a sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

**Billboard Sign** shall mean an off-premise outdoor advertising structure, freestanding or attached to a building wall, with a per face area greater than 200 square feet. See “Off-Premises Sign”.

**Building Marker (Memorial) Sign** shall mean any sign indicating the name of a building and date and incidental information about its construction, which the sign is cut into a masonry surface or displayed on a stone or metal plaque attached to the building.

**Cabinet** shall mean that part of the sign consisting of the frame and face(s), not including the supporting structure.

**Canopy Sign** shall mean a roofed, open-sided structure that is attached to the wall of a building or is independently supported, with the face of the sign approximately parallel to the canopy and which is permanently affixed to or part of a canopy face.

**Center Identification (Center ID) Sign** shall mean a sign indicating direction to a multi-tenant commercial building, building complex, shopping center or similar center which may include multiple uses and/or structures within the development. Center identification signs shall include the name of the development and/or the names of major tenants of the development.

**Changeable Copy Sign** shall mean a sign or portion thereof designed to utilize individual letters, numerals, characters or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign.

**Commemorative Sign** shall mean a permanent sign indicating the name of a structure or site, its address, or other information of commemorative or historical significance.

**Commercial Balloon Sign** shall mean one or more balloons used as a temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any entertainment.

**Commercial Message** shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Construction Sign** shall mean a temporary sign displayed in conjunction with a construction project.

**Destination Sign** shall mean a sign used to inform and direct the public to important public places, buildings, landmarks and historical sites in the most simple, direct and concise manner possible.

**Detached Sign** shall mean any sign supported upon the ground and independent of support from any building.

**Directional/Informational Sign** shall mean an on-premises sign which provides direction for the safe and efficient flow of vehicular or pedestrian traffic to an activity on the premises. Directional/Informational signs shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises.

**Directory Sign** shall mean an on-premises sign identifying an activity, operational feature or business name upon such premise. Directory signs shall include building names, offices or activities in same size letters, colors and general design and shall be limited to one sign per street entrance.

**Double-Faced Sign** shall mean a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.

**Electronic Message Sign** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. See "Sign, Digital".

**Façade** shall mean the entire building front, including the parapet.

**Flashing Sign** shall mean a sign, which, by method or manner of illumination, flashes on or off or blinks with varying light intensity, shows motion or creates the illusion of being on or off. A flashing sign does not include time and temperature signs or electronic message signs.

**Freestanding Sign** shall mean any sign supported by multiple uprights or braces, the base of which is not solid and does not have continuous contact with the ground which is used principally for advertising or identification purposes and is not supported by any building. This definition does not include ground monument or pole signs.

**Frontage** see Sec. 27-202 Definitions.

**Government Sign** shall mean any temporary or permanent sign erected and maintained by the City, County, State or Federal government.

**Grade** see Sec. 27-202 Definitions.

**Ground Monument Sign** shall mean a structure built on grade that is solid and has continuous contact with the ground. This definition does not include freestanding or pole signs.

**Hazardous Sign** shall mean a sign that by reason of design, inadequate maintenance, dilapidation, obsolescence or placement creates a hazard to the public health, safety and welfare.

**Holiday Decoration Sign** shall mean a temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local or religious holidays and contains no commercial message.

**Identification Sign** shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol and address of a building, business development or establishment on the premises where it is located.

**Illegal Sign** shall mean any sign not in conformance with these regulations.

**Illuminated Sign** shall mean a sign illuminated in any manner whether internally, externally, direct or indirectly, by an artificial light source.

**Incidental Sign** shall mean a sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone” and other similar directives. Incidental signs shall be either attached or painted on a wall and may be put on a primary or secondary building face.

**Inflatable Sign** shall mean a temporary sign designed or constructed with the ability to be mechanically filled with air or gas that displays a commercial message or an identifiable corporate character or logo.

**Internal Sign** shall mean a sign that is not visible or not intended to be viewed from outside the building.

**Kiosk Sign** shall mean a freestanding bulletin board or information sign structure having more than two sides that is meant to provide announcements or direction to the public.

**Maintenance** shall mean the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

**Marquee Sign** shall mean a permanent roof structure projecting over a sidewalk and attached to and supported by a building.

**Menu Board Sign** shall mean a permanently mounted sign designed and used for the display of menu items, pictures and/or prices of menu items.

**Mobile/Vehicle Sign** shall mean a sign mounted on a motor vehicle, trailer or other framework, not permanently attached to a pole, building or other structure.

**Moving Sign** shall mean any sign which in part or in total rotates, revolves or otherwise is in motion.

**Nameplate Sign** shall mean an on-premises identification sign, giving only the name, address and/or occupation of an occupant.

**Nonconforming Sign** shall mean any sign that does not conform to the requirements of these regulations.

**Off-Premises Sign** shall mean a sign structure or digital message advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located.

**On-Premises Sign** shall mean a sign structure or digital message advertising an establishment, merchandise, service or entertainment which is sold, produced, manufactured or furnished at the property on which said sign is located.

**Painted Ghost Wall Sign** shall mean a historic sign copy applied to a building wall with paint or similar substances on the face of a wall and has been in existence for 50 years or more.

**Painted Wall Sign** shall mean a sign applied to a building wall with paint or similar substances which has no sign structure. A "Painted Wall Sign" is considered to be a wall mounted sign for calculation purposes.

**Pennant Sign** shall mean a sign constructed of any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, and designed to move in the wind.

**Permanent Sign** shall mean a sign intended for permanent display.

**Pole Sign** shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 10 feet or more above grade.

**Political Sign** shall mean a sign identifying and urging voter support for a particular election issue, political party or candidate for public office.

**Projecting Sign** shall mean a sign other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign and is not parallel to the structure to which it is attached.

**Public Notice/Traffic Information Sign** shall mean a sign, usually erected and maintained by a public agency that provides the public with information and in no way relates to a commercial activity. Such signs include but are not limited to, speed limit signs, stop signs, city limit signs, welcome signs, street name signs, vehicle identification signs, pedestrian way finding signs and destination and directional signs.

**Real Estate Sign** shall mean a temporary sign that identifies property or properties that are for rent, sale or lease.

**Roof Line** shall mean the top edge of the roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections, and forms the top line of the building silhouette.

**Roof Sign** shall mean any sign erected upon the roof line or parapet wall of the building which is wholly or partially supported by such building.

**Roof Integral Sign** shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign at the base is separated from the rest of the roof by a space of more than six inches.

**Sandwich Sign** shall mean an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

**Searchlight Sign** shall mean a searchlight that is used to announce direct attention to or advertise businesses. Shall also be referred to as a beacon light.

**Sign** shall mean any device, structure, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, point of view, opinion, product, goods, services, activities or uses.

**Sign Base** shall mean any structural element extending upward from grade to the base of the sign.

**Sign Copy** shall mean any combination of letters or numbers which are intended to inform, direct or otherwise transmit information.

**Sign Copy Area** shall mean the area of the sign occupied by sign copy. It is computed by measuring the area enclosed by straight lines drawn to enclose the extremities of the letters or numbers.

**Sign, Digital** shall mean a sign which displays an advertisement or message which is generated electronically and commonly utilizes computerized or electronic digital

technology, including but not limited to digital display boards, electronic variable message signs and light emitting diode (LED) signs.

**Sign Face** shall mean the area or display surface used for the sign copy or message.

**Sign, Gross Area** shall mean the entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, this perimeter shall not include any structural elements lying outside of the limits of the sign and not forming an integral part of the display.

**Sign Height** shall mean the vertical distance measured from the grade at the public right-of-way edge to the highest point of the sign.

**Sign Setback** shall mean the horizontal distance from the property line to the closest projection of the existing or proposed sign structure. Signs shall not be considered as structures which are subject to the standard yard setback of these regulations except as may be specifically noted in Sec. 27-804 herein.

**Sign Structure** shall mean the base, supports, uprights, bracing or framework of any structure exhibiting a sign.

**Sign Surface** shall mean the entire area of a sign.

**Sight Triangle** *see Sec. 27-202 Definitions and Sec. 27-308 Obstructions to Vision at Street Intersections Prohibited.*

**Subdivision Entrance Sign** shall mean a freestanding or ground monument style sign identifying a subdivision or multifamily complex.

**Suspended Sign** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. This can be a sign attached beneath a canopy, ceiling, roof, marquee or awning.

**Temporary Portable Sign** shall mean a movable reusable sign structure made of durable materials, mounted on wheels and towed or on a rigid frame and trucked, which is regularly and periodically moved from parcel to parcel.

**Temporary Sign** shall mean a sign constructed of cloth, fabric, or other materials with or without a structural frame intended for a limited period of display, to call attention to a special, unique or limited activity, service, product or sale.

**Time and Temperature Sign** shall mean an electrically controlled sign which contains only time and temperature information.

**Video Sign** shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

**Wall Sign** shall mean a sign fastened to or painted on a wall of a building or structure which does not project more than 18 inches from the building and which displays only one sign surface. See “*façade*”.

**Warning Sign** shall mean a sign located on a property posting such property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming or other activity.

**Window Sign** shall mean any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. This definition does not include address or hours of operation announcements.

**Zoning Lot** see *Sec. 27-202 Definitions*.

### **Sec. 27-803 Sign Calculations.**

A. Single face.

1. The area of a single face sign shall be measured by calculating the area of each cabinet, module or panel which makes up the sign face and summing the combined areas to determine the total area.
2. No integral structural element or support, including structural embellishments such as pole covers, framing or architectural design elements, shall be included in the measurement of sign area; provided, that there is no written copy, symbol or other advertising message upon such structural element or support.
3. Such structural element or embellishment shall not exceed the total square footage allowed for the sign area. Should any written sign copy, symbol or other advertising message be located on such structural element or support, the area enclosed by straight lines drawn closest to the copy extremities encompassing the individual letters, words or symbols shall be measured and added to the total area calculation.
4. The gross area of a sign composed only of separate letters, words or symbols, without background, shall be measured as the area enclosed by straight lines drawn closest to the copy extremities encompassing the individual letters, words or symbols.

B. Double-faced. Same as single face except that a double-faced sign shall only count one face for area determination.

C. Computation of Area of Multi-Faced Signs.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign

structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

D. Multiple Frontage Lots.

Zoning lots which have separate frontages on more than one street, including through lots and corner lots, shall not display signs along any one street frontage in excess of the maximum area and maximum number permitted for that street frontage. Each frontage is to be considered separately.

E. Computation of Height.

The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

F. Painted Wall Signs.

Nonstructural signs painted on buildings shall be regulated in size, location, height and number as wall mounted signs.

**Sec. 27-804 Permitted Signs, Design Criteria and Limitations.**

A. Ground Monument, Freestanding, Center ID and Pole Signs.

1. Ground monument, freestanding, center ID and pole signs shall be located along the frontage of the zoning lot. All signs shall be of permanent construction and comply with Sec. 27-806(A) of these regulations. On corner lots, ground monument, freestanding and center ID signs may be placed on either frontage but not in the required sight triangle.
2. All signs shall be located on the same zoning lot as the advertised use and shall contain only the information of the business, identifying logo, building or complex which it identifies.
3. Acceptable materials shall include:
  - a. Brick;
  - b. Split face concrete masonry units;
  - c. Stone;
  - d. Metal including aluminum;
  - e. Exterior-grade wood or surfaced wood;
  - f. Materials such as acrylic and flex-face;
  - g. Materials utilized should be reflective of the character of the use; and
  - h. Banner signs shall not be used as ground monument, freestanding, center ID or pole signs.
4. A maximum of one detached sign (ground monument, freestanding, center ID or pole sign) shall be permitted per each 150 feet of lot frontage; provided, there shall be a distance of no less than 75 feet between each sign.

5. For vehicular commercial uses with a nonconforming ground monument, freestanding or pole sign in existence as of the effective date of these regulations, the sign cabinet may be replaced so long as the existing pole or support structure is not removed or relocated, the square footage of the sign structure is not increased, and the use of the zoning lot remains vehicular commercial. Nothing in this regulation shall be construed to prevent the strengthening or improvement of the sign to current structural requirements.
6. The sign height shall include the base and shall be measured from the average grade around the sign base.
7. Signs shall display on-premises advertising only.
8. Signs may include digital and electronic message signs in accordance with Sec. 27-804(F) of these regulations.
9. Signs may include illumination in accordance with Sec. 27-804(G) of these regulations.
10. For applicable criteria see Sec. 27-804(H) of these regulations.

B. Subdivision Entrance.

1. Subdivision entrance signs may be ground monument or freestanding signs located along the frontage of the zoning lot or on a specially designated outlot at the entrance access. All signs shall be of permanent construction and shall comply with Sec. 27-806(A) of these regulations. On corner lots, the subdivision entrance sign may be placed on either frontage but not in the required sight triangle.
2. Acceptable materials shall include:
  - a. Split face concrete masonry units;
  - b. Stone;
  - c. Metal including aluminum;
  - d. Other materials such as acrylic and flex-face;
  - e. Materials utilized should be reflective of the character of the use; and
  - f. Banner signs shall not be used as subdivision entrance signs.
3. Signs shall contain only the information regarding to the name of the subdivision and/or developer.
4. The height of a subdivision entrance sign shall include the base and shall be measured from the average grade around the sign base.
5. Signs may be illuminated with indirect lighting only in accordance with Sec. 27-804(G) of these regulations.
6. Subdivision signs may be located inside street islands or medians, provided:
  - a. Signs shall be monument style signs and shall be located at least two feet from back side of curb.
  - b. Signs shall not be located in street islands or medians less than eight feet in width and the square footage of such signs shall not comprise more than 25 percent of such island/median square

footage. Street islands or medians greater than 10 feet in width are required to have landscaping.

7. Such signs shall not be located within the designated sight triangle, and sign location and height shall not obstruct vision, hearing, or interfere with pedestrian or vehicular traffic in any way.
8. If signs are installed by the developer or homeowner's association, then such signs shall be maintained by said developer or homeowner's association.
9. For applicable criteria see Sec. 27-804(H) of these regulations.

C. Wall Signs.

1. Wall signs shall be mounted or painted to an external wall of the building for on-premises advertising. The sign shall be of permanent construction and comply with Sec. 27-806(A) of these regulations. Each building face is considered a wall and will be calculated separately.
2. Incidental signs are to be considered in the calculations of the total square footage allowed per wall.
3. Each tenant may have multiple wall signs as long as the total square footage of signs does not exceed the allowance established for wall signs. Allowable advertising square footage per tenant shall be in proportion to the square footage of occupancy for each tenant in the building, except as may be allowable by written agreement among tenants and the property owner.
4. Wall signs shall advertise only services or products that can be found on that zoning lot and shall contain only the information of the business, identifying logo, building or complex which it identifies.
5. Wall signs may include digital and electronic message signs in accordance with Sec. 27-804(F) of these regulations and shall be for on-premises advertising only.
6. Wall signs may include illumination in accordance with Sec. 27-804(G) of these regulations.
7. Additional signage made out of banner-type material may be attached to a building fully contained on or within a permanent frame. If a business does not already have the maximum signage permitted for a wall sign, then the above-described banners may be added to the building up to the maximum signage allowed for a wall sign. The maximum number of permanent banners allowed is five as long as they do not exceed the total square footage of permitted signage. Each banner shall require a separate permit and shall be considered permanent signage. The banners can be interchanged without securing a permit at each installation.
8. For applicable criteria see Sec. 27-804(H) of these regulations.

D. Billboards.

Billboards shall be either freestanding or attached to a building wall. Only flat, single-faced or double-faced billboards of permanent construction shall be permitted.

1. Digital/Electronic message billboards shall comply with the following:

- a. Shall be equipped with a mechanism to automatically adjust the display's illuminative brightness according to Sec. 27-804(G) of these regulations and shall be controlled by means of a light detector/photo cell;
  - b. Shall be equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs;
  - c. Shall be separated by a minimum of 500 feet and shall be measured from the center of the sign as located on the ground to center as measured on the ground of any other digital/electronic message billboard. This separation requirement may be reduced if the billboards are fully screened by a permanent building or structure that conceals the advertising message from public view if going in the same line of travel. A conditional use permit shall be required for all billboards in the C-4 and C-5 Districts;
  - d. Shall not be located within 150 feet of any public park;
  - e. Shall not be located within 200 feet of a residential district; and
  - f. Shall not be located closer than 50 feet of a signalized intersection.
2. Non-digital/electronic message billboards shall comply with the following:
    - a. Can be illuminated according to Sec. 27-804(G) of these regulations;
    - b. Shall be separated by a minimum of 300 feet and shall be measured from the center of the sign as located on the ground to center as measured on the ground of any other billboard. This separation requirement may be reduced if the billboards are fully screened by a permanent building or structure that conceals the advertising message from public view if going in the same line of travel. A conditional use permit shall be required for all billboards in the C-4 and C-5 Districts;
    - c. Shall not be located within 150 feet of a public park;
    - d. Shall not be located within 200 feet of a residential district; and
  3. For applicable criteria see Sec. 27-804(H) of these regulations.

E. Off-Premises Signs.

1. Off-premises signs may be digital/electronic message, illuminated or non-illuminated and shall be allowed when the off-premises sign is located on a zoning lot that is adjacent to the zoning lot on which the advertised business is located and on which the proposed off-premises sign would otherwise be permitted if it were an on-premises sign.
2. Off-premises signs shall be limited to the height, size and allowable material limitations of a ground monument or freestanding sign only and shall be separated by a minimum of 75 feet from any other type of ground monument, freestanding or pole sign. Separation shall be measured from the center of each sign.
3. Off-premises signs that incorporate digital/electronic message shall comply with the following:
  - a. Shall be equipped with a mechanism to automatically adjust the display's illuminative brightness according to Sec. 27-804(G) of

these regulations and shall be controlled by means of a light detector/photo cell; and

- b. Shall be equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs
4. For applicable criteria see Sec. 27-804(H) of these regulations.

F. General Requirements for Message Signs: Digital and Electronic.

1. A zoning lot is permitted one on-premises digital/electronic message sign.
2. On-premises digital/electronic message signs shall not be utilized in a manner that constitutes advertising for an off-site business.
3. Digital/Electronic message sign shall not cast light directly upon any residential property.
4. Digital/Electronic message signs that are installed in a residential district shall not display messages between the hours of 10:00 p.m. and 6:00 a.m.
5. For applicable criteria see Sec. 27-804(H) of these regulations.

G. General Requirements for Sign Illumination.

Signs shall be illuminated subject the conditions herein:

1. Exterior lighting from a commercial or industrial use shall be shaded so that no light in excess of 0.3 foot candles intrudes upon an adjacent residential use, measured at the property line of where the lighting is generated. Illumination from the sign shall not cast light directly upon any residential property.
2. The maximum permitted illumination shall be measured at the parcel boundary. The maximum permitted illumination standards shall apply independently and separately to each parcel boundary.
3. Maximum permitted illumination shall be measured in lumens per square meter or foot candles. Measurements shall be made with a portable light meter, tested and calibrated by a laboratory or manufacturer. The light meter shall be mounted at ground level in a horizontal position. Two measurements shall be taken during the night, one with the light source in question on and one with the light source off. The difference between the two readings shall not exceed the maximum permitted illumination. This procedure will eliminate the effects of moonlight and other existing sources of light.
4. Shall be equipped with a mechanism to automatically adjust the display's illuminative brightness and shall be controlled by means of a light detector/photo cell.
5. Illumination shall include direct, indirect, internal, bare bulb, tube and neon lighting.
6. Illuminated signs that are installed in a residential district shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
7. The illumination levels of this section shall also apply to all digital/electronic message signs.
8. For applicable criteria see Sec. 27-804(H) of these regulations.

H. Table of Criteria for Signs Requiring a Permit.

**TA Transitional Agricultural Rural District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument	Yes	1 plf*	100 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing	Yes	1 plf*	100 sq. ft.	15'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID	No	-	-	-	-	-	-	-	-	-
Pole	Yes	1 plf*	100 sq. ft.	20'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy*	Yes	-	40%	-	-	Yes	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**R-1 Single Household Suburban Residential District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	40 sq. ft.	10'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	40 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	70 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Pole	No	-	-	-	-	-	-	-	-	-
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	SUP	Yes	No	No	804(B,F,G)
Wall Signs*	Yes	10%	-	-	-	SUP	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100 %	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**R-2 Single Household Residential District**

	<b>Permitted</b>	<b>Number</b>	<b>Max Size</b>	<b>Height</b>	<b>Set Back</b>	<b>Electronic Message</b>	<b>Illumination</b>	<b>Time &amp; Temperature</b>	<b>Changeable Copy</b>	<b>Reference Section</b>
Ground Monument*	Yes	1 plf*	40 sq. ft.	10'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	40 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	70 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Pole	No	-	-	-	-	-	-	-	-	-
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	SUP	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100 %	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	1	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**R-3 Moderate Density Residential District**

	<b>Permitted</b>	<b>Number</b>	<b>Max Size</b>	<b>Height</b>	<b>Set Back</b>	<b>Electronic Message</b>	<b>Illumination</b>	<b>Time &amp; Temperature</b>	<b>Changeable Copy</b>	<b>Reference Section</b>
Ground Monument*	Yes	1 plf*	40 sq. ft.	10'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	40 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	70 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Pole	No	-	-	-	-	-	-	-	-	-
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	SUP	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100 %	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**R-4 Residential Neighborhood Conservation District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	40 sq. ft.	10'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	40 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	70 sq. ft.	20'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Pole	No	-	-	-	-	-	-	-	-	-
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	SUP	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100 %	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**R-5 High Density Residential District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	40 sq. ft.	10'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	40 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	70 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Pole	No	-	-	-	-	-	-	-	-	-
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	SUP	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100 %	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**MH Manufactured Home Subdivision District**

	<b>Permitted</b>	<b>Number</b>	<b>Max Size</b>	<b>Height</b>	<b>Set Back</b>	<b>Electronic Message</b>	<b>Illumination</b>	<b>Time &amp; Temperature</b>	<b>Changeable Copy</b>	<b>Reference Section</b>
Ground Monument*	Yes	1 plf*	40 sq. ft.	10'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	40 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	70 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Pole	No	-	-	-	-	-	-	-	-	-
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	SUP	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**MP Manufactured Home Park District**

	<b>Permitted</b>	<b>Number</b>	<b>Max Size</b>	<b>Height</b>	<b>Set Back</b>	<b>Electronic Message</b>	<b>Illumination</b>	<b>Time &amp; Temperature</b>	<b>Changeable Copy</b>	<b>Reference Section</b>
Ground Monument*	Yes	1 plf*	100 sq. ft.	10'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	100 sq. ft.	15'	5'	SUP	Yes	Yes	Yes	804(A,F,G)
Center ID	No	-	-	-	-	-	-	-	-	-
Pole	No	-	-	-	-	-	-	-	-	-
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs	Yes	10%	-	-	-	SUP	Yes	Yes	Yes	-
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**EN Established Neighborhood District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	150 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	150 sq. ft.	15'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID	No	-	-	-	-	-	-	-	-	-
Pole*	Yes	1 plf*	150 sq. ft.	30'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	20%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**P/I Public and Institutional District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	100 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	100 sq. ft.	15'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	200 sq. ft.	20'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	SUP	1 plf*	150 sq. ft.	30'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	20%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee*	SUP	1	100%	20'	-	Yes	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	150 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**C-1 Office Commercial District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	120 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	120 sq. ft.	15'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	200 sq. ft.	20'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	SUP	1 plf*	150 sq. ft.	30'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign*	Yes	1	120 sq. ft.	15'	5'	Yes	Yes	Yes	Yes	804(E,F,G)
Canopy*	Yes	-	40%	-	-	Yes	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee*	SUP	1	100%	20'	-	Yes	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	100 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**C-2 Neighborhood Commercial District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	150 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	150 sq. ft.	15'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	200 sq. ft.	20'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	Yes	1 plf*	150 sq. ft.	30'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign*	Yes	1	150 sq. ft.	15'	5'	Yes	Yes	Yes	Yes	804(E,F,G)
Canopy*	Yes	-	40%	-	-	Yes	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee*	SUP	1	100%	20'	-	Yes	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	100 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

### C-3 Outdoor Commercial District

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	150 sq. ft.	10'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	150 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	200 sq. ft.	20'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	Yes	1 plf*	200 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	70 sq. ft.	10'	0'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	20%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign*	SUP	1	150 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(E,F,G)
Canopy*	Yes	-	40%	-	-	Yes	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee*	Yes	1	100%	20'	-	Yes	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	150 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

### C-4 Special Commercial District

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	150 sq. ft.	10'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	150 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	250 sq. ft.	30'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	Yes	1 plf*	200 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	70 sq. ft.	10'	0'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	20%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	CUP	1	300 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(D,F,G)
Off-Premises Sign*	SUP	1	150 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(E,F,G)
Canopy*	Yes	-	40%	-	-	Yes	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804 (G)
Marquee*	Yes	1	100%	20'	-	Yes	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	150 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**C-5 Downtown District-** Sign requirements for buildings and uses within the C-5 Downtown District shall be subject to any special requirements of the C-5 District or the Historic Preservation Overlay District.

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	100 sq. ft.	10'	0'	CUP	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	100 sq. ft.	10'	0'	CUP	Yes	Yes	Yes	804(A,F,G)
Center ID	No	-	-	-	-	-	-	-	-	-
Pole	No	-	-	-	-	-	-	-	-	-
Subdivision	No	-	-	-	-	-	-	-	-	-
Wall Signs*	Yes	20%	-	-	-	CUP	Yes	Yes	Yes	804(C,F,G)
Billboard	CUP	1	300 sq. ft.	40'	0'	CUP	Yes	Yes	Yes	804(D,F,G)
Off-Premises Sign*	SUP	1	100 sq. ft.	10'	0'	CUP	Yes	Yes	Yes	804(E,F,G)
Canopy*	Yes	-	40%	-	-	CUP	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	16 sq. ft.	35'	-	No	Yes	No	No	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee*	Yes	1	100%	20'	-	CUP	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	150 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**CR Commercial / Residential District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	50 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	50 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	100 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	No	-	-	-	-	-	-	-	-	-
Subdivision	Yes	1 plf*	70 sq. ft.	10'	5'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	10%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Sign	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	12'	-	No	No	No	No	(Permit Exempt)

**I-1 Light Industrial District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	160 sq. ft.	10'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	160 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	200 sq. ft.	20'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	Yes	1 plf*	200 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	100 sq. ft.	10'	0'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	20%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	Yes	1	300 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(D,F,G)
Off-Premises Sign*	SUP	1	160 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(E,F,G)
Canopy*	Yes	-	40%	-	-	Yes	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee*	SUP	1	100%	20'	-	Yes	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	150 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**I-2 Industrial District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	160 sq. ft.	10'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	160 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	200 sq. ft.	20'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	Yes	1 plf*	200 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	100 sq. ft.	10'	0'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	20%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	Yes	1	300 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(D,F,G)
Off-Premises Sign*	SUP	1	160 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(E,F,G)
Canopy*	Yes	-	40%	-	-	Yes	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee*	SUP	1	100%	20'	-	Yes	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	150 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**I-3 Heavy Industrial District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	160 sq. ft.	10'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	160 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID*	Yes	1 plf*	200 sq. ft.	20'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Pole*	Yes	1 plf*	200 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	Yes	1 plf*	100 sq. ft.	10'	0'	No	Yes	No	No	804(B,G)
Wall Signs*	Yes	20%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	Yes	1	300 sq. ft.	40'	0'	Yes	Yes	Yes	Yes	804(D,F,G)
Off-Premises Sign*	SUP	1	160 sq. ft.	15'	0'	Yes	Yes	Yes	Yes	804(E,F,G)
Canopy*	Yes	-	40%	-	-	Yes	Yes	Yes	Yes	804(F,G)
Projecting*	Yes	1	32 sq. ft.	35'	-	Yes	Yes	Yes	Yes	804(F,G)
Awning*	Yes	-	100%	20'	-	No	Yes	No	No	804(G)
Marquee*	SUP	1	100%	20'	-	Yes	Yes	Yes	Yes	804(F,G)
Roof Integral*	Yes	1	150 sq. ft.	5'	-	No	Yes	No	No	804(G)
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	Yes	1	32 sq. ft.	5'	20'	No	No	No	No	(Permit Exempt)

**AE Adult Entertainment District**

	Permitted	Number	Max Size	Height	Set Back	Electronic Message	Illumination	Time & Temperature	Changeable Copy	Reference Section
Ground Monument*	Yes	1 plf*	160 sq. ft.	10'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Free Standing*	Yes	1 plf*	160 sq. ft.	15'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Center ID	No	-	-	-	-	-	-	-	-	-
Pole*	Yes	1 plf*	160 sq. ft.	30'	5'	Yes	Yes	Yes	Yes	804(A,F,G)
Subdivision	No	-	-	-	-	-	-	-	-	-
Wall Signs*	Yes	10%	-	-	-	Yes	Yes	Yes	Yes	804(C,F,G)
Billboard	No	-	-	-	-	-	-	-	-	-
Off-Premises Signs	No	-	-	-	-	-	-	-	-	-
Canopy	No	-	-	-	-	-	-	-	-	-
Projecting	No	-	-	-	-	-	-	-	-	-
Awning*	Yes	-	100 %	20'	-	No	Yes	No	No	804(G)
Marquee	No	-	-	-	-	-	-	-	-	-
Roof Integral	No	-	-	-	-	-	-	-	-	-
Building Marker	Yes	-	12 sq. ft.	6'	-	No	No	No	No	(Permit Exempt)
Announcement	No	-	-	-	-	-	-	-	-	-

**Gateway Corridor Overlay District** – Underlying zoning district limitations shall apply subject to review.

**\*Additional Notations:**

1. plf = per lot frontage. A maximum of one detached sign (ground monument, freestanding, center ID or pole sign) shall be permitted per each 150 feet of lot frontage; provided, there shall be a distance of no less than 75 feet between each sign.
2. CUP – Conditional Use Permit.
3. SUP – Special Use Permit.
4. Any permitted signs located in the R-1, R-2, R-3, R-4, R-5, MH, MP and EN Districts shall not be utilized in conjunction with individual residential lots.
5. Wall % = percentage of wall that can be in signage. The square footage of the wall shall include the entire building front, including the parapet. Wall signs cannot extend above the top of the wall.
6. Off-premises signs shall be permitted where the advertised business is on an adjacent zoning lot. Off-premises advertising signs located on zoning lots not adjacent to the advertised business shall be permitted only in the C-2, C-3, C-4, I-1, I-2 and I-3 Districts, and shall require a special use permit. Non-adjacent off-premise signs in the C-2 District shall be limited to a maximum sign height of 8 feet and a maximum sign area of 40 square feet.
7. Canopy % = percentage of canopy face per side.
8. Projecting signs shall be at least 10 feet above the building wall grade. Projecting signs may project over the public right-of-way, but in no case beyond the width of the sidewalk. If a projecting sign is within two feet of the curb, it shall be 15 feet above the grade at the right-of-way edge. No part of any projecting sign shall extend more than nine feet from its supporting wall. Projecting signs shall be installed at right angles to a building elevation except where two streets intersect in which case a projecting sign may be installed at a 45-degree angle from the plane of the building elevation. No projecting sign shall be installed so that it is nearer than 10 feet to any other projecting sign.
9. Awnings may extend over public property not more than seven feet from the face of a supporting building, but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally. In no case shall the awning extend over public property greater than two-thirds of the distance from the property line to the nearest curb in front of the building site. Awnings shall be at least eight feet above any public walkway. Awnings projecting over alley may extend over an alley provided that no awning shall project more than three and one half feet into such alley, measured horizontally, and that no part of any awning shall be less than eight feet above grade, to be measured from the building edge. The size includes only that portion of the sign that conveys the name of the use and/or an advertising message.
10. Awning % = percentage of total awning area.
11. Marquee % = percentage of marquee cabinet face per side.
12. Roof integral signs shall not extend vertically above the highest portion of the roof and no part of the sign at the base shall be separated from the rest of the roof by a space of more than six inches.

I. Special Signage Requiring a Permit.

1. Stand-Alone ATM's:

- a. One wall sign shall be permitted on each exterior wall provided each wall sign shall not exceed 60 square feet in size.
- b. Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM. In addition, the overall size of all canopy signs shall not exceed 60 square feet.
- c. Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- d. Said signage may be incorporated with lighting plan and backlight in order to provide for greater security on the premises.

2. Kiosks:

- a. One wall sign shall be permitted on each exterior wall provided each wall shall not exceed 60 square feet in size.
- b. Where a canopy is integrated into a kiosk, a canopy sign may be placed on each face of the kiosk. In addition, the overall size of all canopy signs shall not exceed 60 square feet.

3. Temporary Portable Signs:

Temporary portable signs may be placed on commercial and industrial use property in all zoning districts, except the MP and AE district. In districts R-1, R-2, R-3, R-4, MH and EN, temporary portable signs shall not be utilized in conjunction with individual residential lots. Before a temporary portable sign may be installed, the property owner or a representative shall obtain a sign permit. Temporary portable signs installed according to the provisions of this section shall pertain to special promotions, events, or temporary sales that are occurring or will occur on premises. The following additional regulations apply:

- a. Shall not exceed 32 square feet in area.
- b. Shall not be placed within or project over the public right-of-way.
- c. Shall not be placed within 20 feet of any monument sign or another temporary portable sign located on an adjacent zoning lot.
- d. Shall be anchored or weighted to prevent movement and overturning by the wind.
- e. Electrical lines shall not lie on the ground where vehicular traffic is permitted. The use of ungrounded extension cords shall be prohibited.
- f. Temporary portable signs may be placed and displayed by a property owner or business operator up to 60 days during a calendar year. Should a parcel or building change occupancy during the year, the new occupant may place and display a temporary portable sign up to 60 days during the remainder of the calendar year. Temporary portable signs shall be erected and maintained for a period not to exceed 30 days per permit and 30 days must elapse between applications for a temporary portable signs.
- g. At any given time, there may be only one temporary portable sign placed and displayed on a zoning lot.

4. **Commercial Balloon Signs:**

Commercial balloon signs may be placed on commercial and industrial use property in all zoning districts, except the MP and AE district. In districts R-1, R-2, R-3, R-4, MH and EN, commercial balloon signs shall not be utilized in conjunction with individual residential lots. The advertising shall pertain to special promotions, events or temporary sales that are occurring or will occur on the premises. The following additional regulations apply:

  - a. Shall be limited to one balloon sign per zoning lot at any given time.
  - b. Shall be limited to a maximum of 160 square feet in area as measured at the largest cross-section.
  - c. Shall be limited to seven day permits issued no more than four times per calendar year.
  - d. Shall be limited in height to a maximum of 45 feet above grade when mounted or tethered on a roof or structure, and to 25 feet above grade when mounted on or tethered to the ground.
  - e. Shall be located no closer than 100 feet to the nearest lot line of any residential district.
  - f. Balloon signs must be anchored and/or tethered in accordance with the commercial balloon sign manufacturer's specifications.
  - g. Must be deflated and properly secured when wind speeds exceed 40 miles per hour or the manufacturer's maximum wind speed, whichever is less.
  - h. Shall be located no closer than 500 feet to any hospital helicopter landing pad.
  - i. Shall be located in accordance with all applicable Federal Aviation Administration regulations.
  - j. Any gas used in commercial balloon signs must be noncombustible and shall be fire retardant.
5. **Subdivision Development Signs:**

Signs must be on the site of the development, and shall not exceed 64 square feet in area and 10 feet in height. If a development has more than one street frontage, then a separate on-site development sign may be permitted for a development. Subdivision development signs have a time period of two years, but extensions may be granted every six months until 90 percent of the lots are sold provided the sign is adequately maintained. The sign permit can be issued only after the final subdivision plat has been duly recorded. Signs are to be exclusively for the purpose of advertising the subdivision in which the sign is located. The sign is to be located at or near entrances to tract sections under construction.

An additional subdivision development sign may be allowed to direct the public to the subdivision subject to the following additional limitations:

- a. Must be located on a vacant lot or tract that is at least 500 feet, and no more than a mile from the subdivision.

- b. May not be located within 150 feet of a residential structure, or from any other sign facing the same direction of travel, or in a location prohibited by these regulations.

J. Special Conditions for Signage Exempt from Obtaining a Permit.

The following signs shall be exempt from permitting under these regulations, except no sign in these regulations shall be located in the public right-of-way or create an obstruction to vision or create a hazard to the public:

1. Any public notice, traffic control or warning signs required by a valid and applicable federal, state, or local law, regulation or ordinance, including emergency warning signs erected by a governmental agency, public utility company or a contractor doing authorized or permitted work within the public right-of-way.
2. Street identification and destination signs.
3. Commemorative signs.
4. Painted ghost wall signs.
5. Signs on the Kansas State Fair grounds.
6. Official flags of nations or states.
7. Sandwich sidewalk signs no taller than four feet and no wider than three feet.
8. Temporary Advertising Signs:  
Temporary advertising signs may be placed on commercial and industrial use property in all zoning districts, except the MP and AE district. In districts R-1, R-2, R-3, R-4, MH and EN, temporary advertising signs shall not be utilized in conjunction with individual residential lots. The following additional regulations apply:
  - a. Temporary signs shall be building signs or freestanding signs. Banners are considered a temporary advertising sign.
  - b. The maximum sign area of a temporary sign shall be 32 square feet in area.
  - c. Signs shall not be displayed for more than 14 consecutive days in a 30-day period and shall not be displayed more than six times per calendar year.
  - d. Only one freestanding sign and one wall sign may be placed and displayed on a zoning lot at any one given time.
  - e. In addition, one temporary sign, such as "now hiring," is allowed which size is no more than three square feet in area.
9. Quasi-Public Signs:  
Quasi-public signs giving notice of special events and activities sponsored by public, civic, patriotic, religious or charitable organizations for noncommercial purposes are subject to the following:
  - a. Signs may be placed on commercial, industrial, public/institutional use property in all zoning districts except the AE District and shall not be utilized in conjunction with individual residential lots.
  - b. May be located on or off the premise where the event is taking place provided permission is given by the owner of the property. Such

- signs shall not exceed 32 square feet in area or be placed in the public right-of-way.
- c. Signs shall not be erected or maintained more than 30 days prior to the date on which the event advertised is to occur and shall be removed within 48 hours after the termination of the event.
  - d. Only one sign may be placed and displayed on a zoning lot at any given time.
  - e. In addition, one announcement sign, such as “now enrolling,” “mother’s day out,” school sessions or similar announcement signs. Such signs shall be not more than eight square feet in area and four feet in height and shall not be displayed for more than one 30-day period in any three-month period of time.
10. Temporary sales aids, such as pennants, flags, aerial or inflatable signs under 30 square feet in area, limited to two per zoning lot and not displayed more than 14 consecutive days in a 30-day period and are in good condition. No aids shall be placed in the public right-of-way.
  11. Suspended Signs of not more than three square feet in area and are located at least seven feet off ground level attached beneath a canopy, ceiling, roof, marquee or awning.
  12. Nameplates of five square feet or less, provided that in residential districts or on residential structures only name, address and/or occupation of the occupant may comprise the nameplate.
  13. Menu boards shall be permitted for drive-through establishments, but no more than two free-standing or wall mounted, per driving-through lane, which shall not exceed 64 square feet in areas or eight feet in height and shall be located adjacent to and oriented toward the drive-through lane.
  14. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of the zoning lot or parcel on which such sign is located.
  15. Interior signs located within a building interior, an enclosed lobby, or building courtyard; or signs located on the interior of a parcel that are not normally viewed from public right-of-way (such as stadium signs); provided they meet the structural, electrical and material specifications in these regulations.
  16. Window signs, non-illuminated and illuminated, not to exceed 50 percent of the window pane and/or an electronic message sign not exceeding six square feet.
  17. Holiday lights and decorations with no commercial message.
  18. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort.
  19. An on-premises temporary sign of not more that four square feet may be placed on residential property displaying special event messages limited to announcing the birth of a child, birthdays, weddings, anniversaries, garage sales or other similar noncommercial events of the residents not to be displayed more than three consecutive days and no more than 12 days per calendar year. Such signs cannot be used to advertise the sale of new

- merchandise, vehicles, recreational vehicles, boats, products or services associated with a home occupation.
20. Off-site garage sale directional signs are allowed subject to the following requirements:
    - a. Sign area shall not exceed three square feet in area and four feet in height.
    - b. Off-site signs may only be placed on the block that the sale is located.
    - c. Signs shall only be placed on private property provided that prior permission has been obtained from the owner of the property.
    - d. Signs permitted by this provision are not to be displayed more than three consecutive days.
  21. Real estate signs on residential property provided they are not over 12 square feet in area and not over five feet in height. Real estate signs advertising commercial, agricultural or industrial property or subdivisions of multiple lots shall not be over 32 square feet in area and 10 feet in height. Signs are permitted only on property that is actively being offered for sale, rent or lease and shall not contain information about any other property. Such signs shall not be placed in any public right-of-way or in sight triangles on corner lots.
  22. Off-site real estate directional signs shall be allowed subject to the following requirements:
    - a. Sign area shall not exceed three square feet in area and four feet in height.
    - b. Off-site signs may only be placed on the block that the sale is located.
    - c. Signs shall only be placed on private property provided that prior permission has been obtained from the owner of the property.
    - d. Signs permitted by this provision are not to be displayed more than three consecutive days.
  23. Construction project signs on residential property provided such sign is not over four square feet in area. Construction project signs are only allowed during the construction period and only on the premises which the construction is taking place. Only one sign is allowed per zoning lot.
  24. Construction project signs for single family dwellings, two family dwellings (duplexes), townhouses and multiple family dwellings provided such sign shall not exceed 32 square feet in area and six feet in height. One major contractor sign shall be permitted and one sign for each minor contractor not identified with a major contractor sign is allowed provided such sign shall not exceed four square feet in area and three feet in height. All construction project signs shall be removed when the work is completed. All signs are to maintain a 10 foot setback from the property line.
  25. Construction signs for commercial and industrial projects provided such sign shall not exceed 64 square feet in area and eight feet in height. One major contractor sign shall be permitted for each street frontage, provided that a maximum of three such signs are permitted for any single project.

Where an independent construction project is taking place concurrently within a larger project, an additional major contractor sign shall be permitted on the site. One sign for each minor contractor not identified with a major contractor sign is allowed provided such sign shall not exceed four square feet in area and four feet in height. All construction signs shall be removed when the work is completed. All construction signs shall maintain a 10-foot setback from the property line.

26. "Coming Soon" signs for commercial and industrial projects provided such sign shall not exceed 64 square feet in area and eight feet in height. One "Coming Soon" sign shall be permitted per project and shall be removed no later than five days after a certificate of occupancy has been issued for the last building or tenant on the zoning lot.
27. Political signs exhibited in conjunction with the election of political candidates. Such signs may not exceed six square feet in any residential district and 32 square feet in any other district. Only four political signs shall be allowed per zoning lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than seven days after the election. Political signs shall be placed on private property only.
28. Directional/Informational signs shall not exceed five square feet in area and four feet in height and may include a business logo. No more than two directional signs may be allowed per street frontage.

K. Signs Prohibited.

All signs not expressly permitted in these regulations or exempt from these regulations are prohibited in the City. The following signs shall be expressly prohibited in all zoning districts. Such signs include, but are not limited to:

1. Any sign prohibited by state or federal regulation.
2. Any sign which infringes upon the area of visibility required on a corner lot.
3. Any sign which is an imitation of or is likely to be confused with any sign customarily displayed by a public authority.
4. Any sign which obstructs the reasonable visibility of a sign maintained by a public authority, or which otherwise distracts attention from such sign.
5. Any sign attached to public or private utility poles, signs or other appurtenances, including trees, located in the public right-of-way.
6. Strobe light, beacons, search lights, flashing, blinking or fluttering signs, except as allowed by sign permit.
7. Motion picture or video media.
8. Portable signs, including any sign displayed from a stored vehicle or trailer, except as allowed by a temporary sign permit and except temporary political signs.
9. Signs on vehicles and/or trailers when the vehicle/trailer is placed in a location not normally expected for such vehicles and the location apparently has the primary purpose of attraction, attention or providing advertising.
10. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section.

11. Roof signs except for commercial balloon signs.
12. Audible signs.
13. Street spanning banner signs.
14. Bench signs.
15. Fence signs except for identification.

**Sec. 27-805 Administration.**

**A. Design, Construction and Maintenance Specifications.**

All signs and sign structures shall be designed, constructed and maintained according to the adopted Building Code and the Electrical Code of the City. The following additional regulations also shall be complied with:

1. All signs, except for flags, temporary signs and window signs shall be constructed of structurally sound weather proof materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
2. All permanent sign structures shall be permanently supported by concrete foundations or anchored with metallic connections to the supporting structure. Specifications shall be submitted with the sign permit application. Sign posts shall not include electric fence posts.
3. All signs including temporary signs shall be securely fastened at all times so that movement in any direction is prevented.
4. Temporary Portable signs with or without the wheels shall not be considered as permanent sign structures.
5. All signs, other than wall signs, shall withstand wind loads according to the adopted Building Codes.
6. No sign or sign structure shall obstruct any fire escape, required exit, window or door opening.
7. No sign or sign structure shall interfere with an opening required for ventilation.
8. In no case shall a sign be installed or maintained closer than eight feet vertically or horizontally from any electrical lines, conductors or electrical utility guy wires.
9. The installation and maintenance of any sign shall not interfere with the proper stormwater drainage from a public right-of-way, private property and building roofs.
10. No sign or sign structure shall substantially endanger vehicular traffic by obstructing the vision of motorists.

**B. Administrator.**

1. The Planning & Development Director or designee shall administer these sign regulations. The Planning and Development Director is authorized to enforce and carry out all provisions of these sign regulations. The Planning and Development Director is authorized to develop application forms and establish procedures consistent with these regulations.

2. The Planning & Development Director or an authorized representative is empowered to enter onto any property or building in the City to inspect a sign, its structural supports, and electrical connections and ensure compliance with all adopted codes. Such inspections shall be conducted during the regular business hours of the City unless an emergency exists.

C. Sign Installer's Licensing.

1. Persons, firms or corporations desiring to engage in the business of erecting, altering, reconstructing, replacing, renting or placing signs within the City shall first apply for a Sign Installer's License with the Building Official. The Building Official shall issue a license effective for the calendar year. Persons, firms or corporations desiring to erect, alter, reconstruct, replace or place signs only for their personal businesses on property they own or rent do not have to secure a sign installer's license.
2. No license shall be issued unless, at the time of application, the person, firm or corporation provides a certificate of general liability insurance. The certificate of insurance shall require that the City be given notice within 10 days of cancellation of the insurance policy. At such time that an insurance policy lapses, the contractor license shall lapse also.
3. At the time of licensure, the Building Official shall provide a copy of the sign code to the sign installer. The Building Official may provide instruction, training and information to the sign installer concerning the sign code and safe sign construction.

D. Sign Installation Performed by Licensed Contractor, Owner, or Lessee.

The work necessary to construct, install, erect, illuminate, paint or modify signage within the City shall conform to the following:

1. Work which may be performed by a sign contractor, electrical contractor or other contractor licensed with the City to perform such work:
  - a. Construction, installation, erection or electrical connection of any sign which is internally illuminated.
  - b. Construction, installation or erection of any permanent freestanding sign requiring wind load calculations.
  - c. Construction, installation or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway.
  - d. Construction, installation or erection of any sign not described in subsection 2. below.
2. Work which shall be performed by a property owner or lessee:
  - a. Painting the face of any freestanding or wall sign.
  - b. Installation or attachment of any individual letters, which does not require electrical service or structural modifications of the surface or wall to which such letters are being attached.
  - c. Construction and erection of any temporary freestanding or wall sign.

E. Application for Permits.

1. In order to erect, place, relocate, alter or substantially repair signs, as listed elsewhere in this sign code, an owner, tenant, authorized agent or licensed sign installer shall submit an application. All signage applications shall be completed on application forms provided by the City.
2. A sign permit shall not be required for painting, repainting, cleaning or other normal maintenance or repair of a sign; provided, no change is made in the structure or overall sign dimensions.
3. A sign permit shall not be required if during the repair or replacement of a sign the dimensions are not changed.

F. Issuance of permits.

Within 14 days after receipt of an application or signage plan the Planning & Development Director shall either; issue a sign permit, deny the permit, or request additional information. When a sign permit is denied, the applicant will be provided a written statement of the reasons for denial. The Planning & Development Director may also:

1. Revoke an issued sign permit if:
  - a. There is any false statement or misrepresentation in the application.
  - b. Work, authorized by the permit, has not commenced within 90 days after the sign permit was issued.
  - c. The sign has not been completely erected, placed, relocated, altered or substantially repaired within 120 days after the sign permit was issued.
2. Renew a sign permit but shall require an additional payment of one-half of the original permit fee.
3. Double the specified permit fee, if any sign is erected, placed, relocated, altered, or substantially repaired without first obtaining a sign permit.
4. The issuance of a sign permit shall not authorize the installation or display of a prohibited sign.

G. Permit fees.

Each application for a sign permit shall be accompanied by the applicable fees, which shall be established in the Master Fee Schedule. Such payment shall be made at the time an application is submitted.

H. Nonconforming signs.

Any permanent advertising sign in existence on the effective date of these regulations, which does not conform to the provisions of these regulations, but which was installed or painted in compliance with all previously applicable regulations shall be regarded as a nonconforming sign and may continue to exist as a nonconforming sign except as hereafter provided.

1. Any nonconforming sign shall lose such status if:
  - a. It is relocated, replaced, expanded, modified or otherwise structurally altered in any way that would require application for a sign permit;
  - b. It is 50 percent damaged based on replacement cost; or

- c. It has been abandoned for advertising purposes for a period of twelve consecutive months.
2. Nonconforming signs may be maintained and repaired such as painting, cleaning and other normal maintenance provided all such improvements shall be in conformance with subsection 1. (a) above.
3. The sign panel or copy may be replaced without losing nonconforming status if no structural modifications of the sign are made during the change.
4. Existing temporary portable signs, temporary signs and banners shall not be designated as nonconforming signs.

I. Abandoned signs.

Except as may be otherwise provided for in these regulations, any permanent advertising sign which is located on a building, structure, or real property, which no longer advertises a viable business, product or service for a period of three months, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Any sign structure that is in conformance with these regulations may remain as long as it is maintained and does not become unsafe, unsightly or structurally unsound (e.g. dilapidated, decayed, corroded, rotten, unpainted, exposed electrical components, broken panels, etc.). The advertising message is to be removed or covered by changing the sign panel(s) or sign face with materials consistent with the existing sign material.

J. Enforcement.

1. It shall be the responsibility of the property owner to assure that all signs are maintained in a safe and attractive manner. All signs shall be maintained free from structural, material, and electrical defect or hazard. The property owner is responsible for assuring that any sign on their property complies with the provisions of these regulations.
2. The Planning & Development Director is hereby authorized to exercise the following enforcement authority:
  - a. When the Planning & Development Director determines that a sign poses an immediate threat to the public safety, the Planning & Development Director shall arrange for the immediate removal of the dangerous sign without notice.
  - b. The Planning & Development Director shall order the property owner in writing to remove or repair any sign which endangers the public safety, health, or welfare and/or has become a public nuisance (e.g. missing a section, panel, chipped paint, is unreadable or structural unsound). This order shall specify the defect or hazard and require that the sign be removed or the defect or hazard corrected within 15 days of receipt of letter.
  - c. The Planning & Development Director shall order the property owner in writing to remove an abandoned sign within 30 days of receipt of letter.

- d. The Planning & Development Director shall order in writing the removal of any illegal temporary, temporary portable or banner sign within 24 hours of receipt of letter. Any violations of the temporary, temporary portable or banner sign regulations may void any future requested permits.

K. Administrative correction, removal and forfeiture.

1. The Planning & Development Director may correct a violation of this code or remove any defective, abandoned, or illegal sign, if an order has been correctly issued and mailed or delivered, and if:
  - a. The sign has not been removed or repaired by the specified time limit; and
  - b. The property owner or an authorized representative has failed to file an appeal by the specified time limit.
2. The City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. If the cost is not recovered the expenses may be assessed as a special assessment against the parcel on which the sign was located.
3. For the purposes of this section, the term, "sign," shall include all sign embellishments and supporting structures.
4. Any sign installed or placed on public property, except in conformance with these regulations, shall be forfeited to the public and shall be subject to confiscation. Temporary signs removed by the City may be recovered by the owner within 10 days upon payment of a service charge as shown in the Master Fee Schedule.

L. Appeals and variances.

1. Any applicant, property owner or authorized representative may appeal:
  - a. A decision by the Planning & Development Director to deny a sign permit.
  - b. The permit fee required by the Planning & Development Director.
  - c. A written order issued by the Planning & Development Director.
2. Any applicant, property owner or authorized representative may request a variance from the provisions of these regulations. The Board of Zoning Appeals may grant a variance from a specific regulation in accordance with Article XI of these regulations.
3. The request for an appeal or variance shall be made on forms provided by the City. The request shall be processed in accordance with Article XI of these regulations.

M. Penalties.

Any person, firm or corporation that violates the provisions of these regulations may be subject to general penalties as provided by Sec. 27-1210.

N. Violations.

Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties provided for in Sec. 27-1210 of these regulations:

1. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.
2. To install, create, erect or maintain any sign requiring a permit without such permit.
3. To fail to remove any sign that is installed, created, erected or maintained in violation of these regulations, or for which the sign permit has lapsed.
4. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of these regulations.
5. Each sign installed, created, erected, or maintained in violation of these regulations shall be considered a separate violation when applying the penalty portions of these regulations.

### **Article IX. Supplemental Regulations**

The regulations set forth in this article qualify or supplement the zoning district regulations appearing elsewhere in these regulations. It is the intent of the supplemental regulations to provide overview and guidance for a range of development considerations which will affect the health, safety, welfare and living environment within the City's zoning jurisdiction.

#### **Sec. 27-901 Home Occupations.**

A. Intent.

Home occupations are activities accessory to legal residential uses. Special regulations apply to such activities to ensure that the residential character of the property shall be maintained. These regulations are intended to assure that the home occupation remains subordinate to the residential use and that the residential visual quality and environment of the neighborhood is maintained.

The intent of the regulations of this section is to establish performance standards for all home occupations rather than to limit uses and activities to a specific list. Home occupations that comply with the performance standards of this section are allowed by right unless otherwise expressly stated.

B. Exemptions.

The following uses shall be exempt from the regulations of this section.

1. Home Product Demonstrations:

Occasional home product demonstrations for guests (no more than two per week).

2. Accessory Retail Sales:  
Retail sales of goods that are clearly subordinate and subsidiary to a service provided on site (such as hair care products sold to hair cutting clients).

C. Site-Related Standards.

1. Signs:

One non-animated, non-illuminated, accessory identification sign of no more than five square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, or displayed in a window.

2. Alterations:

The home occupation shall be limited to the principal structure on the premises and shall not occupy more than 50 percent of the gross floor area of such structure.

3. Outdoor Activities:

There shall be no outdoor storage including but not limited to inventory, equipment and materials used in a home occupation.

4. Appearance:

The dwelling and site shall remain residential in appearance and characteristics. External changes that would make the dwelling appear less residential in character or function shall be prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

D. Impact-Related Standards.

The following are additional regulations that shall apply to home occupations. Waivers or variances from the regulations in this section shall be prohibited.

1. Noise:

No equipment or process shall be in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of a person off the lot if the occupation is conducted in a single family detached dwelling, or outside the individual dwelling unit if conducted in a structure other than a single family detached dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

2. Traffic:

No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in a residential neighborhood.

3. Nonresident Employees:

No more than one person other than the persons occupying such dwelling unit as their residence shall work as an employee. For the purpose of this section, the term "employee" includes an employee, business partner, co-

owner, or other person affiliated with the home occupation who does not live at the site but who regularly visits the site as part of the home occupation.

4. Other Regulations:  
Home occupations must comply with all other city, county, state and federal regulations.

E. Prohibited Uses.

The following uses shall not in any event be considered home occupations within this definition:

1. Wholesale or retail sales (online and catalog sales are permitted);
2. Any type of business activity involving the repair or assembly of vehicles or equipment with internal combustion engines (such as motor vehicles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers and refrigerators) or any other work related to vehicles and their parts;
3. Tourist accommodations including bed and breakfast establishments;
4. Funeral and interment services;
5. Stables, veterinary services or animal hospitals;
6. Restaurants and other on-site commercial food service or sales are not allowed as home occupations; Catering for off-premises consumption is not prohibited so long as all applicable city, county and state regulations are met.;
7. Construction contractor's shop including the storage of materials, goods, equipment, and trailers except when such materials, goods, equipment and trailers are stored inside a completely enclosed building;
8. Grocery stores;
9. Liquor stores, bars and taverns;
10. Tattooing and body piercing facility;
11. Sale, manufacture or storage of explosives, including ammunition;
12. Adult entertainment; and
13. Industrial uses.

F. Home Occupation Permit.

1. Purpose.

Permits for home occupations shall, prior to their establishment, be obtained from the zoning administrator. The permit requirements are intended to ensure:

- a. That the applicant is aware of the provisions of the zoning regulations governing home occupations;
  - b. That the city has all information necessary to evaluate whether the proposal initially meets, and continues to meet these regulations;
- and

- c. That the permit protects the interests of the home occupation and provides the zoning administrator with documentation to respond to inquiries in an informative and timely manner.
2. Procedure and Renewal Process.

Home occupations shall be required to register with the zoning administrator prior to their establishment. At the time of registration, the applicant shall provide an affidavit pledging compliance with the standards, conditions and the documentation of the home occupation. The permit is tied to the land occupied by the home occupation and is not transferable to other sites or to other operators.

The applicant shall complete the home occupation permit that describes the standards set forth in this section, the type of business activities to take place at the site, the hours of operation, and either the existence of a nonresident employee or the expected number of customers/clients on a daily basis. The zoning administrator may impose such conditions on a home occupation permit as is necessary to meet the purposes of these regulations and protect the public health, safety and welfare of adjacent and nearby uses.

3. Revocation.
  - a. If a complaint has been signed and filed with the zoning administrator by the owners of 30 percent or more of the total land area within 200 feet of the boundaries of the parcel of the home occupation, the zoning administrator shall reconsider the permit and upon showing of a violation may terminate the authority to operate the home occupation.
  - b. When a home occupation permit has been terminated due to non-compliance with conditions of the existing permit on file, a new home occupation permit will not be issued to the applicant or other persons residing with the application for two years.

### **Sec. 27-902 Residential-Design Manufactured Home Requirements.**

Specific requirements for residential-design manufactured homes shall include all of the following:

- A. The minimum width of a residential-design manufactured home shall be 22 feet.
- B. The roof shall be double-pitched and shall have a minimum vertical rise of two inches for each 12 inches of horizontal run.
- C. Roof covering shall be residential in appearance, including but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or metal roofing materials not approved by the City.

- D. The siding shall be of materials that are customarily used on site-built homes, but excluding materials such as smooth, ribbed or corrugated metal or plastic panels. The exterior covering material must extend to the ground, except that, when a solid concrete or masonry foundation is used, the exterior covering material need not extend below the top of the foundation;
- E. The manufactured home shall be installed in accordance with the recommended installation procedures of the manufacturer and/or standards set by the International Code Council. Foundation and tie down construction shall be pre-engineered by a structural engineer licensed in the State of Kansas.
- F. At each exit door there shall be a landing which is constructed to meet the requirements of the City Building Code.
- G. All manufactured home running gear, tongues, axles and wheels must be removed from the site at the time of installation of the home on the lot as required by the City Building Code.
- H. The finished floor of the residential-design manufactured home shall be a maximum of 18 inches above the exterior finished grade of the lot on which it is located.
- I. Any addition to a residential-design manufactured home shall comply with all construction requirements of the Building Code and all applicable standards specified in the Federal Manufactured Home Construction and Safety Standards, otherwise known as the HUD Code, or whichever code is most restrictive.
- J. If 50 percent or more of the existing homes on the frontage of the block in which the residential-design manufactured home is to be installed have an attached garage, the residential-design manufactured home shall also have an attached garage.
- K. External roofing and siding of the garage shall be of the same materials as the roofing and siding materials of the residential-design manufactured home.
- L. If 50 percent or more of the existing homes on the frontage of the block in which the residential-design manufactured home is to be installed have a primary entrance facing the street, the primary entrance of the residential-design manufactured home shall also face the street.
- M. Required building permits shall be obtained by a registered contractor for all work related to placement of residential-design manufactured homes.
- N. Refer to Article II: *Definitions, "Manufactured Home, Residential-Design"* and Article IV: *Districts, Sec. 27-406 Table of Land Use Categories*, to determine where

a residential-design manufactured home is permitted, not permitted or permitted by conditional or special use permit.

**Sec. 27-903 Licensed Day Care Homes, Licensed Group Day Care Homes, Child Care Centers and Preschools.**

- A. Day care homes and group day care homes shall be permitted subject to the approval of a residential day care permit by the City. The following standards shall apply:
  - 1. The day care provider shall be licensed by the State of Kansas and shall reside on the premises.
  - 2. Outside play areas shall be fenced.
  - 3. Only one employee, other than persons residing on the premises, shall be permitted.
  - 4. Prior to the approval of a residential day care permit or the renewal of a permit, the home shall be inspected for compliance with any applicable building or fire codes. If any deficiencies are found, they shall be corrected prior to approval of the permit by the City.
  - 5. The initial permit shall be valid for a maximum of one year from the date of the City's approval. The first renewal of a permit may be approved for up to three years, and subsequent renewals may be for up to five years.
  
- B. Child care centers and preschools may be permitted based upon the following:
  - 1. As an accessory use permitted by right in conjunction with an approved educational or institutional use.
  - 2. As an accessory use and in conjunction with an approved commercial or industrial use or governmental agency provided that a special use permit is approved by the Board of Zoning Appeals.
  - 3. As a principal use that meets all state and local regulations. Refer to Sec. 27-406 Table of Land Use Categories, to determine the zoning districts in which a child care center or preschool is permitted.
  - 4. Child care centers and preschools shall be subject to a general traffic plan being submitted to and approved by the City Engineer. Such plan shall not permit parking on any adjacent public street, and shall include a drop-off and pick-up site designated to prevent traffic congestion or vehicles stacking onto the public streets.

**Sec. 27-904 Detailed Regulations for Treatment Homes Housing Sex Offender Populations.**

A. Purpose.

The purpose of these regulations pertaining to treatment homes housing sex offender populations is to help ensure the proper placement of such a facility within the Hutchinson zoning jurisdiction. It is the intent of this section to help ensure that

these types of facilities are compatible with the neighborhood in which they are proposed to be located.

**B. General Requirements.**

1. A sex offender, as that term is used herewith referring to the sex offender population, is defined as a sex offender who is required by K.S.A. 22-4901 et seq., as may be amended from time to time, to register with the sheriff within 10 days of moving into a community or county.
2. Any change in the types of services offered in a treatment home (regardless if the change is still within the same land use category) shall require an additional conditional use permit.
3. Conditional use permits shall not be issued to a treatment home with a sex offender population for any facility within 500 feet of a facility such as: day care centers or facilities; public parks or playgrounds; private businesses that primarily serve children and/or youth under the age of 18; public or private preschools, elementary, middle and high schools; and residences of agencies that provide on-site services to persons suffering from developmental, physical or mental disabilities.
4. The distances in this section shall be measured from the nearest portion of the exterior of the specific portion of the building subject to the application to the property line of the building already being used as any of the other uses set forth in subsection (3) above. 5. The Planning Commission and City Council must also consider the following criteria when considering a conditional use permit for a treatment home with a sex offender population:
  - a. Character of the neighborhood;
  - b. Current zoning and uses of nearby property;
  - c. Suitability of the parcel for its current zoning and use compared to the proposed use;
  - d. Detrimental effects to nearby properties if the conditional use permit were approved;
  - e. Length of time of vacancy;
  - f. Consideration of public interest and landowner hardship;
  - g. Conformance of the request with the Comprehensive Plan;
  - h. Impact on public facilities and utilities; and
  - i. Recommendations of City staff and their representatives.

**Sec. 27-905 Parking of Recreational Vehicles.**

- A. Unless otherwise provided, it shall be unlawful for any person to park or occupy a recreational vehicle (RV) in the City.
- B. RV's shall be included in calculations of maximum permitted percentage of lot coverage. (Refer to the Height and Lot Requirements tables listed for each district in Article IV.)

- C. Parking of an RV is not permitted in the front yard. On a corner lot, an RV may be parked in the side street front yard but shall be subject to the same required setbacks as an accessory structure.
- D. An RV shall be parked a minimum of five feet from any structure on the property and a minimum of 10 feet from all property lines or a distance equal to the height of the RV, whichever is greater.
- E. All RV's, boats and trailers must be parked in a building, under a carport or in a side yard or rear yard. RV's, boats and trailers shall not be parked in a front yard between the front of the principal structure and the front lot line or in a side yard or rear yard setback. Parking areas for RV's, boats and trailers are not required to have a hard surface; provided, however, that any RV, boat or trailer must be parked on a dust-free, rut-free surface including, without being limited to, any such areas covered with grass, ground cover, water-permeable grass pavers, concrete, asphalt or other similar ground cover. Parking, driving or storage of RV's, boats and trailers on exposed dirt shall be prohibited. Drive areas to and from the parking space for an RV, boat or trailer shall be rut-free.
- F. An RV shall not be utilized for residency or dwelling purposes in any district.
- G. An RV, used exclusively for the purpose of traveling and occupancy by the owner, members of his family and guests, while in attendance at events held at the Hutchinson Sports Arena may be parked in any portion of the Sports Arena parking lot designated for parking of RV's.
- H. Parking an RV in a front yard: When allowed.
  - 1. Parking of a single RV shall be allowed in the front yard of any residential property strictly for the purpose of loading or unloading, but parking for such purpose shall not exceed 48 hours.
  - 2. A single RV may be parked on the front driveway by the visiting guest of the occupant of the premises for up to five days in any calendar month, subject to the following criteria:
    - a. No cooking appliance of any kind shall be operated;
    - b. No litter, sewage, effluent or other matter shall be discharged from an RV except into sanitary facilities designed for such use;
    - c. No RV shall be connected to sewer lines, water lines, or electricity; provided, that an RV may be connected to electricity temporarily for charging batteries and other hook-up facilities, and all such connections shall comply with applicable state and local regulations; and
    - d. No RV shall be used for storage of goods, materials or equipment other than those items considered to be a part of the RV or essential for its immediate use.

**Sec. 27-906 Recreational Vehicle Parks.**

A. Purpose.

These regulations are intended to provide standards for the development, operation and grounds maintenance of recreational vehicle parks in the city in

order to provide a reasonable living environment for inhabitants, prevent nuisances, and protect residential neighborhoods in the vicinity of recreational vehicle parks.

B. Zoning District.

A recreational vehicle park (RV park) shall be allowed to locate only in the C-3 Outdoor Commercial District, I-1 Light Industrial District and I-2 Industrial District, and only upon issuance of a conditional use permit.

C. General Requirements.

1. The applicant shall prepare and submit a conditional use permit application, a development plan, a proposed method of solid waste collection/disposal, and associated elements including a schedule of construction for review by the Site Plan Review Committee.
2. The minimum lot area of an RV park shall be four acres. RV parks shall only be used for temporary, transient recreational lodging. RV Parks shall not be used for the establishment of permanent dwelling units other than for the park operator.
3. RV parks shall have a maximum density of 20 RV spaces per acre. A minimum of 1,250 square feet shall be provided for each RV space. Each RV space shall be marked with a sign with a specified number or code for differentiation from other spaces, which shall be shown on a map of the RV park. It shall be the responsibility of the owner or manager of the RV park to keep a current record of the names and addresses of the occupants of each RV space, and the arrival and departure dates of each occupant. This record shall be made available for inspection to the building official, inspections department and other authorized agencies.
4. RV Pad/Space Requirements:

RV Pad surface material	Concrete
Minimum RV Pad Size	10 feet by 40 feet
RV Pad minimum clearance	Between RV Pads: 20 feet From buildings and property lines: 25 feet
RV Space minimum frontage along an interior roadway	20 feet

5. Design of RV pads and spaces shall be reviewed and approved by the City Engineer. Each RV unit shall be parked entirely on the concrete pad.
6. Roadways, walkways, and exposed ground surfaces in all parts of the park shall be paved, covered with stone or other solid materials or protected with a vegetative growth capable of preventing erosion and eliminating dust.
7. All roadways and walkways within the RV park shall be designed to provide safe and convenient access to all spaces and to facilities for common use

by park occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times. The design of roadways and walkways, including surface paving, shall be approved by the City Engineer, to maintain proper drainage and minimize dust. All bridges and culverts within the development shall have a bearing capacity of at least 32 tons, to allow access by emergency vehicles. All roadways and walkways within the park shall be adequately lighted at night to provide safe access.

8. A drainage study meeting the requirements of the City Engineer shall be required for all RV parks.
9. Open space for common areas, playgrounds and other recreational uses shall be provided at the rate of at least 15 percent of the gross area of the RV park, and shall be of sufficient size and distribution as to be a functional part of the entire development.
10. A solid fence or wall at least six feet in height shall be provided between the RV park and any adjacent property which is located in the following zoning districts: R-1, R-2, R-3, R-4, R-5, MH, EN, CR, C-1, C-2 and AE.
11. An open or solid fence or wall at least four feet in height shall be provided between the RV park and any adjacent property which is located in any zoning district other than the zoning districts listed in No. 10 above.
12. If the park operator resides on site, one dwelling unit may be permitted, which includes a single- or double-wide manufactured home. The dwelling unit may only be used for the park operator. If the dwelling unit is a manufactured home, it must meet all City specifications. No RV spaces shall be permitted for the placement of permanent dwellings.
13. A properly ventilated and constructed storm shelter shall be provided in a central or other convenient location within the RV park. Storm shelter design and size shall be constructed in accordance with all City building codes.
14. Every RV park shall be provided with one or more service buildings equipped with flush toilets, lavatories and showers meeting all City building codes. Such facilities shall be conveniently located at a distance of not more than 300 feet from any RV served. Such facilities shall be kept in a clean and sanitary condition, and plumbing fixtures shall be maintained in good working order. All such facilities shall be adequately lighted at all times of the day and night, shall be well ventilated, and shall meet all requirements of the City building codes.
15. Every RV park shall contain at least one sanitary disposal station for the sole purpose of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner.
  - a. Each sanitary station shall consist of a holding basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.
  - b. The disposal hatch of sanitary station units shall be connected to the sewage disposal system. Related facilities required to wash holding

- tanks and the general area of the sanitary station shall be connected to the RV park water supply system.
- c. Each sanitary station shall have a sign posted stating “Danger—Not to be used for drinking or domestic purposes.”
  - d. Sanitary stations shall be approved by KDHE.
16. All utilities shall be placed underground and shall comply with the following requirements:
- a. An accessible, adequate and safe supply of potable City water shall be provided in every RV park. The water supply system shall be designed, constructed and maintained in compliance with applicable city standards. All plans and specifications shall be submitted with the conditional use permit request. Each rental space equipped with sewer and electrical hookups shall also be equipped with two water outlets, to provide connection for the RV and a garden hose. All other rental spaces shall be equipped with one water outlet.
  - b. A minimum of 80 percent of all rental spaces shall be equipped with a hookup to a public sewage system by way of a branch line and riser pipe at least four inches inside diameter. The riser pipe shall be capped with a watertight cap or plug when not in use. Sanitary sewage systems and plumbing shall be installed in compliance with City Code standards.
  - c. A minimum of 80 percent of all RV spaces shall be equipped with an electrical outlet installed in accordance with applicable and current City electrical codes.
  - d. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. All refuse shall be stored in durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids. Such containers shall be provided at the rate of at least one 55-gallon container, secured in a rack or holder, for each rental space, or an equivalent storage capacity in centralized storage facilities as may be approved through the development plan review process. All refuse containers shall be adequately screened in accordance with Sec. 27-908(E)(7) of these regulations. Adequate refuse collection and removal shall be the responsibility of the park owner.
17. A landscaping plan shall be submitted with the development plan and conditional use permit application. The landscaping plan shall be designed in accordance with the landscaping requirements of these regulations.
18. Fires shall be made only in stoves and other equipment intended for such purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires shall be permitted.
19. Tents shall not be permitted in any RV park.

D. Development Plan.

1. The applicant shall prepare or cause to be prepared a development plan with the conditional use permit application and shall present 18 copies of said plan for review by the Site Plan Review Committee, Planning Commission and City Council. The development plan shall show the proposed development and shall conform with the following requirements:
  - a. Proposed RV spaces, consecutively numbered, with their approximate dimensions;
  - b. Service buildings;
  - c. Site topography;
  - d. A drainage study meeting the requirements of the Engineering Department;
  - e. Location of storm shelters;
  - f. Location and dimensions of parking spaces;
  - g. Electrical outlets;
  - h. Sewer outlets and lines;
  - i. Water outlets and lines;
  - j. Proposed method of solid waste collection and disposal;
  - k. Location and size of recreation facilities and open space;
  - l. Location of light poles and areas of illumination;
  - m. Landscaped areas and walls or fences;
  - n. Proposed streets and driveways with dimensions and traffic circulation plan;
  - o. Proposed signage, including entryway project signage;
  - p. Any existing streets in or abutting the property;
  - q. Sidewalks/walkways;
  - r. Legal description of the property;
  - s. Names of the landowner, the developer and the person or firm preparing the plan;
  - t. North arrow, scale and date; and
  - u. Any other information required by the City.
2. When the conditional use permit and required development plan have been approved by the Planning Commission and City Council, the building official shall issue applicable building permits to proceed with the RV park. If it shall be found that the holder of said permit has violated or caused to be violated any provision of this article, concerning either construction or operation, the City shall have the power to revoke the authority for operation of the RV park.

E. Effective Date.

After the effective date of these regulations, no new RV park shall be established or operated and no existing RV park shall be expanded or altered, except in accordance with these regulations and under permit from the zoning administrator.

**Sec. 27-907 Fences.**

No fence shall be constructed within the zoning jurisdiction of the City unless it is constructed in conformance with the following requirements:

- A. A fence or wall may project into or enclose any required front, side or rear yard subject to access requirements of any established easement and in accordance with the following:
  - 1. The maximum height of fences or walls that project into any front yard shall be no more than three feet high at the grade from the right-of-way edge. Except that fences such as chain link, split rail and others that allow visibility through at least 50 percent of their area may be four feet high.
  - 2. The maximum height of fences or walls that project into side yards shall not exceed six feet in height at the grade of the nearest wall of the principal structure.
  - 3. A fence in excess of three feet in height shall not extend beyond the front of any principal structure located on adjacent parcels except as set out above and the required front yard setback must be maintained.
  - 4. The maximum height of fences or walls that project into rear yards shall not exceed six feet in height at the grade of the nearest wall of the principal structure unless otherwise required.
  - 5. In an industrial district, fences or walls needed for security and safety shall not exceed eight feet in height in any yard, except as may be otherwise permitted.
  - 6. Where a residential structure is on a corner lot, a solid fence six feet in height may be constructed in the side street front yard subject to the following:
    - a. If the side street front yard is adjacent to the front yard of an adjacent lot, then the fence must not project nearer to the side street than the front exterior wall of the adjacent building.
    - b. The fence shall not project beyond the property line nor into a city right-of-way.
    - c. The fence shall not extend nearer to the front street lot line than the front wall of the principal building.
    - d. The fence shall not extend into any sight triangle as defined in these regulations.
    - e. The fence shall not exceed a height of six feet as measured at the average highest adjacent grade.
    - f. The zoning administrator shall establish which yard is the side street front yard.
  - 7. Except as otherwise set forth in this code, permitted materials for fences on all properties shall include:
    - a. new lumber and new wood boards;
    - b. rustic wood;
    - c. chain link;

- d. wrought iron and decorative aluminum;
  - e. vinyl;
  - f. brick and masonry;
  - g. stone, rock and concrete block;
  - h. stucco;
  - i. welded wire; and
  - j. any generally accepted fencing materials commonly used in the fencing industry.
8. Prohibited materials shall include but not be limited to:
- a. sheet metal;
  - b. metal building siding and roofing materials;
  - c. corrugated metal or fiberglass;
  - d. barbed wire except as may be permitted for security requirements;
  - e. chicken wire;
  - f. plywood;
  - g. scrap wood;
  - h. scrap metal;
  - i. canvas, nylon or other non-rigid material or fabric;
  - j. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence; and
  - k. stock fences.
9. The zoning administrator may require a photograph or sketch of the proposed fence.
10. All new fence construction must provide the approved fencing materials. An application for the construction of a fence shall be made on forms supplied by the Planning and Development Department. Upon approval of the application and payment of the required fee for a building permit, the Building Official and zoning administrator shall issue a permit.

B. Electric Fences.

No electric fence shall be constructed or maintained within the City of Hutchinson zoning jurisdiction except in the TA District, subject to review and approval by the zoning administrator.

C. Facing.

The finished surface of all fences shall face outward from the property. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

D. Effective Date.

Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of these regulations may remain without change, notwithstanding same may be in conflict with one or

more provisions of these regulations. However, any replacement or change consisting of more than 50 percent of said existing fence or addition of a new fence shall meet the requirements of these regulations.

## **Sec. 27-908 Landscaping Requirements.**

### **A. Intent.**

The purpose of these regulations is to require the use of landscaping, particularly with plants and trees, in proposed developments in an organized and harmonious fashion that will enhance, protect and promote the economic, ecological and aesthetic environment of the City of Hutchinson for the safety, comfort and enjoyment of its citizens. The City recognizes the value of landscaping in achieving the following goals:

1. Promote the enhancement of Hutchinson's urban forest;
2. Promote the reestablishment of vegetation in urban areas for health, ecological, and aesthetic benefits;
3. Provide new planting in harmony with natural vegetation and careful grading;
4. Encourage the preservation of existing trees and vegetation;
5. Provide greenery to visually soften paved areas and buildings, while being sensitive to safety concerns;
6. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and surrounding properties;
7. Screen certain unsightly equipment or materials from the view of persons on public streets or surrounding properties;
8. Unify development and enhance and define public and private places;
9. Encourage xeriscape principles in the preparation of landscape plans;
10. Provide an overall planting scheme that will:
  - a. Reduce soil erosion and the volume and rate of discharge of stormwater runoff;
  - b. Promote ground water recharge;
  - c. Aid in energy conservation by shading and sheltering structures from energy losses caused by weather and wind;
  - d. Mitigate the loss of natural resources;
  - e. Provide visual screens and buffers that mitigate the impact of a land use on a neighborhood to preserve the appearance, character and value of existing neighborhoods;
  - f. Provide shade, comfort and seasonal color;
  - g. Reduce glare, noise and heat; and
  - h. Provide greater perceptual clarity along streets by more consistent planting of properly sized street trees; and
11. Increase property values, attract potential residents and businesses to Hutchinson, and create a safer, more attractive and more pleasant living and working environment for residents and visitors.

B. Definitions.

**Caliper** shall mean the diameter of a tree trunk. Caliper is used for trees less than 12 inches in diameter. For trees less than four inches in diameter, the caliper is measured six inches from the ground. For trees between four inches and 12 inches in diameter, the caliper is measured 12 inches from the ground.

**Developed Area** shall mean the area of a lot disturbed for the purpose of developing structures, parking facilities, loading or storage areas, paved access to off-street parking or loading areas, or other areas paved with an all-weather material, or landscaped areas. It may be submitted for calculating landscape points as the legal description of the property, or as a scaled, dimensioned and well-defined area of development referenced on the site plan.

**Diameter at Breast Height (DBH)** shall mean the diameter of a tree, generally measured 54 inches above ground level.

**Evergreen Planting** shall mean a plant or tree which retains leaves or needles throughout the year.

**Landscape Buffer** shall mean a combination of living vegetation, such as trees, shrubs, grasses, perennials or ground cover material.

**Landscape Plan** shall mean the preparation of graphic and written criteria, specifications and detailed plans to arrange and modify the effects of natural and manmade features such as plantings, ground and water forms, circulation, walks, structures and other features to comply with the provisions of these regulations.

**Landscaped Area** shall mean any area that contains plantings that have been claimed for point credits.

**Mulch** shall mean material, such as seed hulls, pine needles or tree bark used to control weed growth and to reduce soil erosion and water loss.

**Natural Area/Undisturbed Natural Area** shall mean land and water that has substantially retained its natural character or land and water that, although altered in character, is important as habitats for plant, animal or marine life, for the study of its natural, historical, scientific or paleontological features, or for the enjoyment of its natural features.

**Parking Lot Island** shall mean a planting area used to fulfill parking lot landscaping requirements that are contained completely within the confines of a parking lot.

**Parking Lot Perimeter** shall mean the area within 10 feet of the boundary of a parking lot.

**Parking Lot Planting** shall mean a planting of hardy trees, shrubs, perennials and/or ground cover required to be planted within the parking lot and/or the perimeter of the parking lot area, excluding parking garages, decks and covered parking due to the construction of impervious surface parking.

**Parking Peninsula** shall mean a planting area used to fulfill parking lot landscaping requirements, which extends out into the parking area and is bounded on at least one side by the outer edge of the paving or a building.

**Planting Plan** shall mean the preparation of graphic and written criteria of plant placement, plant specification of type, size and spacing, and other features to comply with the provisions of these regulations.

**Planting Season** shall mean the most favorable time to plant trees in Hutchinson is established as the months including and between October and April.

**Perennial** shall mean any plant that persists for several years and lives over from one growing season to another. Perennials characteristically die down to the ground each year with new vegetative growth emerging each season from a part that survives over winter.

**Shrub** shall mean a woody plant other than a tree.

**Significant Tree** shall mean any existing tree with a caliper of six inches or greater, determined to be in good health by a qualified professional (i.e. urban forester, certified arborist) following guidelines established by the International Society of Arboriculture.

**Tree** shall mean any self-supporting woody plant, usually having one or more woody trunks, and a potential diameter at breast height (DBH) of four inches or more.

**Turf Grass** shall mean existing or installed grass that has been sodded, sprigged, seeded or hydro mulched. Turf grass eligible for point credits must be located within the property line of a development. The maximum credit for turf is 25 percent of the total landscape points required for any site. All turf credited for points shall completely cover all exposed areas of soil after one full growing season.

**Xeriscape** shall mean a method of landscaping that emphasizes water conservation and which is accomplished through sound horticultural and landscaping practices, such as planning and design, soil improvement, limited turf areas, use of mulches, use of low-water-demand plants, efficient irrigation practices and appropriate maintenance.

C. Applicability, Exemptions and General Regulations

These regulations shall be minimum standards for landscaping and screening. Property owners and developers are encouraged to exceed the standards set forth in these regulations in order to enhance the value of their properties and to benefit the collective health and enjoyment of all residents within the City of Hutchinson planning jurisdiction.

1. Applicability. Unless otherwise expressly stated in these regulations, all rules, regulations, conditions and requirements set forth in this section shall apply to the following:
  - a. The construction of any principal building or structure;
  - b. The addition to or enlargement of any principal building, except as exempted below, by more than 20 percent of its existing gross floor area (or smaller additions if the aggregate area of such additions over a period of 18 months exceeds the 20 percent threshold);
  - c. The addition to or enlargement of any principal building, except as exempted below, by more than 1,500 square feet (or smaller additions if the aggregate area of such additions over a period of 18 months exceeds 1,500 square feet);
  - d. The construction or installation of any surface parking area containing five or more off-street parking spaces (or smaller additions if five or more parking spaces are installed over a period of 18 months);
  - e. All areas of a site or development, except single family detached dwelling and residential duplex lots, that are not covered by buildings or impervious surfaces;
  - f. A change in use of a property that requires rezoning to a more intensive zoning classification;
  - g. A development or a change in use of a property that requires a conditional use permit or special use permit; and
  - h. Site-specific landscaping requirements may be imposed on developments within a Planned Unit Development, Historic Preservation Overlay District, Gateway Corridor Overlay District or properties affected by conditional use permit, special use permit or variance. Such requirements may be more restrictive than the requirements of these regulations.
2. Exemptions. The following shall be expressly exempt from the landscaping and screening standards of this article:
  - a. The construction or expansion of a single family detached dwelling, including a residential-design manufactured home, or a residential duplex; provided, however, that all required front, side and rear yards shall be landscaped, except walkways, parking surfaces, drainage utilities and accessory uses. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as trees, shrubs, grasses or ground cover materials, planted or

- transplanted and maintained, or preserved as existing natural vegetation areas; and
- b. Agricultural uses.
  3. Substitution of Parking for Landscaping. A maximum of 10 percent of the number of required off-street parking spaces may be replaced with landscaping. Ten (10) points of landscaping shall be required for each substituted off-street parking space.
  4. Additional Landscaping Not Required. If the site, including proposed buildings and parking areas, meets or exceeds current landscape requirements, additional landscaping shall not be required.
  5. Line of Sight Protected. Nothing herein shall reduce the lines of sight and traffic visibility standards adopted in these regulations. Plantings within the sight triangle shall not exceed a height of 30 inches.
  6. Landscaping in the Street Right-of-Way. Property owners in all zoning districts shall be responsible for landscaping the area within the street right-of-way between the edge of the roadway and the property line.
    - a. A maximum of 25 percent of required landscape points may be claimed within the street right-of-way;
    - b. The type and location of vegetation shall not interfere with utilities and the safe and efficient flow of vehicular and pedestrian traffic. Approval by the appropriate City departments responsible for streets and utilities shall be required; and
    - c. The area within the street right-of-way between the curb line and the property line shall not be hard-surfaced, other than a permitted driveway or sidewalk, and it shall not be used for parking, display or storage, unless otherwise permitted.
  7. Fire Hydrants and Fire Hose Connections. No landscaping or screening shall be installed in a manner that might impede access by the Fire Department to fire hose connections on buildings and fire hydrants. Consideration should be given to plant species that, upon reaching mature height, may block connections.
  8. Pervious Recreational Areas Excluded from Site Points. All pervious surface areas of public and private parks, playgrounds, playing fields and other outdoor recreation facilities shall be excluded from the calculation of site points as required by these regulations.
  9. Quality and Coverage Requirements.
    - a. All plant material planted to meet the requirements of these regulations shall be in a healthy condition at the time of planting and shall meet quality standards set forth by the American Standard for Nursery Stock;
    - b. Turf grass shall be planted, seeded or re-seeded as necessary, watered and maintained in such a manner as to completely cover all exposed areas of soil after one full growing season; and
    - c. No disturbed ground shall be left exposed. Grass and other approved and appropriate ground cover or mulch shall cover all non-paved and non-built developed areas.

10. Inspection Required. An inspection of all plantings to confirm compliance with the approved landscape plan shall be required prior to the issuance of a certificate of occupancy.
11. Maintenance. It shall be the responsibility of the property owner(s), or his/her assigned agent(s) to:
  - a. Maintain and keep all sight-proof screening and fencing in good repair at all times;
  - b. Maintain the landscaping by keeping lawns mowed, all plants properly groomed and maintained as disease-free, and planting beds groomed, except in naturally occurring dense growths of shrubs or undergrowth;
  - c. Replace any required planting(s), which have been removed, are diseased or no longer living, within one year or within the first planting season, whichever occurs first, except those in naturally occurring dense growths of shrubs or undergrowth; and
  - d. Maintain all landscaping included as part of an approved landscape plan.
12. Violations. Failure to provide the improvements required by these regulations or failure to maintain improvements in the manner prescribed by these regulations shall constitute an offense and violation of this chapter. Also see Sec. 27-1210.
13. Right of the City to Clear Trees. Nothing herein shall affect in any way the rights of, or exercise by, any public utility or City department of its present and future acquired rights to clear trees and other vegetation from lands used by a public utility or city department. The public utility or city department shall cooperate and coordinate with the City Forester when clearing or pruning in the rights-of-way.
14. Easements and Rights-of-Way. Plantings and other landscaping established within official easements of record and public rights-of-way may be subject to alteration and/or removal by the easement or right-of-way holder for purposes of access and/or maintenance without liability.

D. Steps Required for Approval of the Landscape Plan.

1. Calculate Points. Determine the number of site points, parking lot points and frontage tree requirements that apply to the development based on its land use and zoning district classification. (Refer to Sec. 27-908.E.)
2. Determine Plant Requirements. Determine the percentages and location of plantings, quantity, type and size of plant materials needed to meet point requirements. (Refer to Sec. 27-908.E.)
3. Determine Additional Requirements. Determine whether screening or buffer requirements apply to the development. (Refer to Sec. 27-908.E.)
4. Develop a Landscape Plan. Develop a landscape or planting plan with plantings that meet point requirements, including any applicable screening and buffers. (Refer to Sec. 27-908.F.)

E. Landscape Requirements.

1. Planting Requirements/Point System

- a. The developer may use any combination of plantings to obtain the required number of site points and/or parking lot points for the development. Different lots and landscapes will lend themselves to different types of plantings. These regulations are intended to encourage creativity and diversity in landscaping.
- b. Different types of plantings are worth different point values. Point values shall be determined according to the Table of Point Values for Various Plantings, which is hereby made a part of these regulations. Where a calculation of a requirement results in a fractional number, the requirement shall be considered the next greater whole number.
- c. Existing Tree Credits. In order to encourage the preservation of older trees, credits toward required points may be given for existing trees that are preserved. Trees for which an owner or developer wishes to receive credit must be in the developed area; however, no more than 25 percent of the total required points may be located within the public right-of-way.
  - (i.) Existing trees may be applied toward the fulfillment of this tree requirement when all of the following conditions exist:
    - (a.) The tree is healthy and of a species the Director of the Parks and Facilities or his/her designee determines to be desirable;
    - (b.) The DBH of a canopy shade tree is at least six inches, or in the case of an ornamental tree, the tree caliper is at least two inches measured six inches from the ground, in accordance with the American Nursery and Landscape Association standards;
    - (c.) The applicant has submitted a tree protection plan that conforms to the requirements of the City Forester;
    - (d.) The existing or proposed location of overhead utility lines will not prevent the full growth of the tree; and
    - (e.) Any tree claimed for points that dies during construction or as a result of construction shall be replaced with a tree (or trees) to equal or exceed the point of value of the lost tree.
- d. Decorative Fencing Credits. One landscape point per every 10 linear feet may be credited toward required landscape points for fences constructed of upgraded building materials, such as masonry (limited to brick, split-face concrete block, stone or cultured stone), decorative precast concrete fences or decorative iron.

e. Table of Point Values for Various Plantings.

Type of Plant Material		Minimum Size (at time of planting)		Point Value
		<i>Deciduous Trees</i>	<i>Evergreen Trees</i>	
Large Tree		8-inch or greater caliper	22 feet and higher	26
		7-inch caliper	19 – 21 feet in height	24
		6-inch caliper	16 – 18 feet in height	22
		5-inch caliper	13 – 15 feet in height	20
		4-inch caliper	11 – 12 feet in height	18
		3-inch caliper	9 – 10 feet in height	15
Medium Tree		2-inch caliper	7 – 8 feet in height	12
Small Tree		1.5-inch caliper	5 – 6 feet in height	9
Ornamental Tree		Multiple trunk (minimum of 3 trunks with smallest trunk 1.5-inch caliper)	5 – 6 feet in height	9
Large Shrub / Perennial		#5 (5 gallon)	24 inches in height	5
Medium Shrub / Perennial		#3 (3 gallon)	12 inches in height	3
Small Shrub / Perennial		#2 (2 gallon)	8 inches in height	2
Perennial		# 1 (1 gallon)		1
		4-inch pot		0.25
Existing Tree (see Sec. 27-908.E.1.c)	Ornamental Tree	2-inch caliper ornamental tree		12
		2.5-inch caliper ornamental tree		15
	Non-Ornamental Tree	6-inch caliper		22
		7-inch caliper		24
		8 to 10-inch caliper		26
		10.1-inch caliper to 15-inch DBH		30
		15.1 to 20-inch DBH		35
		20.1 to 25-inch DBH		40
Over 25-inch DBH		50		
Landscaped Berm		30 inches in height, 10 feet in length, and 3:1 slope		0.2 per linear foot
Ground cover and native grasses		N/A		1 per square yard
Turf Grass		N/A		0.25 per square yard

DBH = Diameter at breast height

Caliper = Diameter measured 6 inches above ground level for new material

2. Required Landscaping for Commercial, Institutional and Civic Uses, and Multiple Family Dwellings.

- a. All front, side and rear yards shall be landscaped, except walkways, parking surfaces, drainage utilities, and permitted accessory uses. The landscaping of these yards shall consist of a combination of living vegetation, such as trees, shrubs, grasses or ground cover materials, planted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets).
- b. All trees and shrubs shall be planted and maintained in accordance with the “American Standards for Nursery Stock”. All newly planted trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
- c. Landscaping within any developed area must equal or exceed a minimum number of points in order to obtain approval. Site points are determined by the size of the developed area, and parking lot points are determined by the number of parking spaces.
  - (i.) Number of points required for developed area exceeding 500 square feet:
    - (a.) Site points: one point for each 200 square feet of developed area with a minimum of 25 points.
    - (b.) Parking lot points: two points for each required parking space and one point for each additional parking space.
  - (ii.) When only a portion of a large tract is developed (e.g. one acre of a 10 acre tract), only the developed area shall be considered when determining the number of points required.
  - (iii.) Example of a retail development:

<b>Description of Property</b>	Developed area = 20,000 square feet Required parking spaces = 20      Proposed parking spaces = 30
<b>Requirements</b>	Site points: one point of landscaping for each 200 square feet of developed area. Parking lot points: two points of landscaping for each required parking space and one point for each additional parking space.
<b>Calculation of Points</b>	Site points $(20,000 \div 200)$ = 100
	Parking lot points <i>Required parking spaces</i> $(20 \times 2 = 40)$ plus <i>Additional parking spaces</i> $(10 \times 1 = 10)$ = 50
	Total points required $(100 \text{ Site Points} + 50 \text{ Parking Lot Points}) = 150$

- d. A minimum of 60 percent of site points shall be used for landscaping in front and side yards.
  - e. A minimum of 10 percent of required points shall be used for evergreen plantings.
  - f. A maximum of 25 percent of required points may be used for turf grass.
  - g. A maximum of 15 percent of required site points may be used for perennial plantings.
  - h. Any addition to existing building(s) or alterations to an existing site with a developed area exceeding 500 square feet over a period of 18 months shall require one point of landscaping for every 200 square feet of developed area, with a minimum of 10 points plus two points of landscaping for every parking space constructed for the building addition.
3. Required Parking Lot Landscaping for Commercial, Institutional and Civic Uses, and Multiple Family Dwellings.

The purpose of parking lot islands and/or parking lot peninsulas is to help reduce glare and heat buildup, promote interior islands for pedestrian safety and traffic separation, visually break up large expanses of pavement, and reduce surface runoff. All non-covered, street-level parking facilities shall be landscaped in accordance with the following requirements:

- a. In addition to the number of site points, if required, two additional points are added to the site for each required parking space. Any proposed parking space in excess of the number of required spaces shall require one point of landscaping. These points must be used for parking lot plantings. The plantings shall be located:
  - (i.) Within the parking lot perimeter to provide a uniform and attractive design, and/or
  - (ii.) Within parking lot islands and/or peninsulas within the developed parking lot.
- b. Each parking lot island and/or peninsula shall be a minimum of 130 square feet with a minimum average width of eight feet.
- c. Each parking lot island and/or peninsula shall contain a minimum of one medium tree.
- d. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other plant materials may be used to complement the trees but shall not be the sole means of landscaping.
- e. Landscaped areas shall be reasonably dispersed throughout the parking lot. The distance between any parking space and an intervening landscaped area shall be no greater than 75 feet.
- f. Required parking lot plantings shall be in-ground and not placed upon a paved or gravel surface.
- g. All parking lot planting areas shall be protected with concrete curbs, or equivalent barriers.

- h. Each tree shall be planted a minimum of two feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area. Trees shall be adequately protected from car doors and bumpers.
  - i. Ground cover or grasses shall be planted to cover each parking lot planting area within one year from the date of issuance of the certificate of occupancy. All ground cover shall have a mature height of not more than 24 inches. Loose rock, gravel, decorative rock, stone, or mulch shall not exceed 20 percent of the parking lot planting area.
  - j. Parking lots abutting a public or private street must have a perimeter hedge or vegetative buffer growing to a height of at least three feet within 24 months from the date of issuance of the certificate of occupancy. Such hedges or vegetative buffers may include sections of decorative fences and walls, shrubbery and trees.
  - k. Plantings applied to satisfy parking lot planting requirements shall be in addition to any required front, side and rear yard buffer requirements.
  - l. Stand-alone parking lots shall require three points of landscaping for each parking space and shall be exempt from site points for the developed area.
  - m. Any construction of new parking facilities and/or reconstruction of existing parking facilities in excess of 500 square feet over a period of 18 months shall be required to provide landscaping as follows:
    - (i.) One point of landscaping for every 200 square feet of newly developed and/or reconstructed area with a minimum of 10 points.
    - (ii.) One point of landscaping to be used for parking lot plantings for every newly developed and/or reconstructed parking space.
4. Exemptions from Parking Lot Landscaping Requirements.
- a. The requirements of this section shall not apply to:
  - b. Parking garages or parking decks;
  - c. Display areas for vehicular commercial uses;
  - d. Display areas for agricultural implement and vehicle sales uses;
  - e. Display areas for manufactured home sales uses; and
  - f. Parking lots of existing developments, regardless of any change in use, provided said parking lots are not materially changed or redesigned and which were legally established prior to the adoption of these regulations.
5. Required Landscaping for Manufactured Home Parks.  
 Manufactured home parks shall be in compliance with the landscaping plan and requirements approved for said manufactured home park.
6. Required Landscaping for Industrial Uses.
- a. For each required parking space, three points shall be used to plant parking lot plantings.

- (i.) If the parking lot is located to the rear of the building, up to 50 percent of the parking lot points may instead be used along public frontage or around the building.
    - (ii.) A minimum of 25 percent of required points for parking lot plantings shall be used for evergreen plant material.
  - b. For development abutting a street designated as an arterial or expressway by the Street Classification Plan, landscaping shall be provided according to the following:
    - (i.) For each 35 linear feet, or fraction thereof, of that portion of the developed area abutting an arterial/expressway right-of-way, at least one medium tree shall be planted on the developed area. Each tree shall be planted within 25 feet of the right-of-way.
    - (ii.) A vegetative buffer consisting of trees, shrubs and/or berms shall be provided around all parking lots and outside storage areas not screened by buildings from the arterial/expressway. The vegetative buffer shall be at least three feet in height and shall be placed along the arterial/expressway frontage of the parking lots and outside storage areas.
  - c. For development abutting a street other than an arterial or expressway, landscaping shall be provided according to the following:
    - (i.) For each 40 linear feet, or fraction thereof, of that portion of the developed area abutting a street right-of-way, at least one medium tree shall be planted on the developed area. Each tree shall be planted within 25 feet of the right-of-way.
  - d. Any addition to an existing building or construction with a developed area exceeding 500 square feet over a period of 18 months shall be required to provide three points of parking lot plantings for each newly constructed required parking space and shall be required to plant frontage trees within 25 feet of the right-of-way as follows:
    - (i.) If construction is adjacent to a street designated as an arterial or expressway, a minimum of one medium tree shall be planted for each 35 linear feet or fraction thereof along that portion of the development abutting the right-of-way.
    - (ii.) If construction is adjacent to a street other than an arterial or expressway, a minimum of one medium tree shall be planted for each 40 linear feet or fraction thereof along that portion of the development abutting the right-of-way.
- 7. Screening of Trash and Recycling Containers.  
 Where trash or recycling containers (any container larger than a typical single family residential trash container) are provided in locations other than alleys, they shall be effectively screened from public view on all four sides with a solid fence, preferably of masonry or vinyl, and a gate constructed of compatible, durable, low-maintenance materials. Chain link with slats may be used for the gate only. Such containers and enclosures shall not be

located in a front yard. Enclosures shall be located and designed to allow accessibility by refuse trucks as needed. Plans for such enclosures shall be approved by the zoning administrator.

8. Screening of Mechanical Equipment.

- a. Exterior ground-mounted or building-mounted equipment, including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture. For purposes of this paragraph, the phrase, "screened from public view," shall mean not visible from any adjoining properties or any street right-of-way. The phrase, "architectural treatment compatible with the building architecture," shall not include painted mechanical units or prefinished mechanical units. For mechanical units not adequately screened by the parapet, supplementary screening shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls or other similar building materials. The height of the screen shall be no lower than the height of the unit as measured from the roof surface.
- b. Exceptions to the screening requirements of this section may be granted by the Board of Zoning Appeals where the following findings can be made:
  - (i.) There is a physical or topographical constraint or circumstance which makes screening of mechanical equipment technically infeasible or impractical; and
  - (ii.) The request is the minimum needed to meet the spirit and intent of these regulations.

9. Industrial Screening and Security Fences.

- a. When permitted in industrial districts or in industrial portions of a PUD, a solid fence not to exceed a height of eight feet may be erected in the front yard along or behind the required setback line. Such fences may be topped with strands of barbed wire when the height of the barbed wire is a minimum of six feet above grade. A landscape buffer no less than five feet in width shall be required on the outside of the fence.
- b. All industrial uses separated by a local residential street from any residential district or residential use shall erect a solid fence with a minimum height of six feet on or behind the required setback line parallel to the street frontage, provided that all outdoor work, sales, display and/or storage in the yard shall be located behind the fence.
- c. Where permitted, a solid fence or screening may be erected, provided that required sight triangles are maintained at driveway and pedestrian access points and street intersections.

10. Buffering and Screening of Residential Property.

The purpose of residential buffers and screening is to create a smooth transition between land uses of varying use intensity by providing an attractive physical buffer along the more intensive use to provide separation. Such buffers and screening minimizes the potential for disruptive light, noise, odor, dust and unsightly appearances, and intrusive activity relative to the residential environment. Landscaped buffers and screening shall be designed to create compatible relationships of scale and appearance with surrounding properties.

Buffers and screening shall be required in instances where:

- a. A non-residential use is adjacent to a residential use;
- b. A multiple family dwelling is adjacent to a single family dwelling or residential duplex; or
- c. An industrial use is separated by a local residential street from any residential district or residential use.

In the above instances, buffers and screening shall be provided on the site of the more intensive use in accordance with the following:

- a. A landscaped buffer between the proposed developed area and the property line(s) of the adjacent property is required.
- b. The landscaped buffer shall run the entire length of the abutting property line(s). The type of landscaped buffer may consist of any or all of the following:
  - (i.) A solid fence and a landscaped buffer with a minimum width of five feet with either:
    - (1.) A minimum of nine points of landscaping installed for every 25 linear feet of abutment; or
    - (2.) Trees spaced a maximum of 25 feet on center.
  - (ii.) A landscaped buffer no less than six feet in width, planted with a series of evergreen plantings at least six feet in height and spaced in a manner to provide a continuous visual barrier; or
  - (iii.) A natural, undisturbed wooded area at least 20 feet in width.

11. Exemptions from Screening Requirements.

- a. In those instances where a development site abuts a public park or other permanent public open space and where at least 100 feet of undisturbed natural foliage exists along the common property line, a landscaped buffer along the common property line is not required; provided, however, that loading docks, trash receptacles, and storage areas on the development site along the common lot line shall be screened as provided within these regulations.
- b. In those instances where a residential development site abuts a railroad right-of-way, there shall be no landscape buffer required along the common property line.

12. Subdivision Buffers.

All residential subdivisions adjacent to major streets shall provide a landscaped buffer, located on the outside of any subdivision fence, consisting of any combination of trees, shrubs, grasses, ground cover, earthen berms and/or rock or stone accents, arranged in a manner to achieve visual continuity. A final landscape plan shall be submitted with all final plat applications.

  - a. The buffer shall contain a minimum of four points for every 20 feet of frontage.
  - b. No subdivision buffer shall be located within a public right-of-way. No trees, shrubs, fences, berms or other landscape improvements that would impede visibility shall be located in sight triangles.
  - c. The type and location of plantings shall not interfere with utilities. Plantings whose mature height exceeds 15 feet shall not be planted beneath overhead utility lines. Approval by the appropriate city departments responsible for street and utilities shall be required.
13. Required Landscaping for Drainage Facilities, Including Holding Ponds

As part of the required landscaping plan, drainage facilities including holding ponds shall be landscaped as appropriate to retard erosion and preserve the finished surface contour. Landscaping shall consist of living vegetation such as trees, shrubs and grasses in combination with natural, existing vegetation together with stone, gravel, concrete and other materials as necessary to preserve and enhance the function and appearance of the on-site drainage facilities.

F. Landscape Plans.

At the time of submission for a building permit, the required landscape plan, separate and apart from other required plans, shall be submitted and made a part of the file. No landscape plan shall be required for a single family detached dwelling or residential duplex.

1. Preparation of Plans  
Landscape plans may be prepared by any of the following:
  - a. A planting plan consisting only of plant material selections may be submitted by any person or company provided the plan is limited to plant specification and placement only;
  - b. A landscape architect registered in the State of Kansas; or
  - c. A licensed architect or professional engineer licensed in the State of Kansas when landscaping is an element of an overall project.
2. Landscape Plan Content.  
Landscape plans shall be submitted to the City on paper no smaller than 24" by 36" in a scale of at least one inch = 50 feet. All landscape plans shall include the following information:
  - a. North arrow and scale;
  - b. The location of existing property lines and dimensions of the tract, accurately drawn to scale;

- c. Exact locations and outline of all rights-of-way, both existing and proposed by the Street Classification Plan of the City of Hutchinson;
  - d. The location of all existing and proposed buildings, and parking areas, including the exact number of parking spaces provided;
  - e. The location and size of any permanent fixture or structure including, but not limited to, sidewalks, walls, fences, trash enclosures, project storage, lighting fixtures, signs and benches, which are relevant to the landscape plan;
  - f. The location, size and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be provided;
  - g. The location, size, type, spacing (on center), and quantity of all proposed plant materials and existing plant materials credited for points shall be graphically represented and referenced on the plan by a common name and scientific name and may utilize an appropriate key of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen standards;
  - h. The provisions to be taken during construction for the protection of existing trees to be saved (if any);
  - i. Provisions for maintenance for trees and landscaping (including how water line extensions will be paid) if proposed in street medians;
  - j. Indicate the method of irrigation on plans and define the area of coverage. If an automatic irrigation system is not proposed, the location of all required hose connections and other watering sources shall be noted;
  - k. All screening required by these regulations; and
  - l. A table listing the square footage of the developed area, number of proposed parking spaces, and all plant materials by scientific and common name, size, type, quantity and point value, and totals.
3. Planting Installation, Approval, and Guarantees.
- a. Timing of Landscape Placement.  
For developments requiring a landscape plan:
    - (i.) Trees shall be installed, after other public improvements, and water must be available for their care and maintenance. The property owner or his/her designee shall be required to guarantee planting of the tree at the time a building permit application is submitted.
    - (ii.) Prior to the issuance of a certificate of occupancy for any structure where landscaping is required, except when a certificate of occupancy is obtained by providing acceptable assurance to the city guaranteeing the completion of such landscaping, all work as indicated on a landscaping plan shall be inspected for approval by the zoning administrator. At the

time of inspection, the land owner shall possess a copy of the approved landscaping plan for use by the zoning administrator.

- (iii.) At the time of inspection, the zoning administrator shall check the quantities and locations of landscape materials. In the event that an inspection is not conducted by the Planning and Development Department prior to the issuance of a certificate of occupancy because acceptable assurance has been provided to the city guaranteeing the completion of such landscaping, such inspection shall be done by the City subsequent to the installation of such landscaping but prior to the release or expiration of the acceptable assurance.
- (iv.) A landowner may obtain a final certificate of occupancy for a structure prior to the completion of required landscaping work if the completion is not possible, due to seasonal or weather conditions, and if the landowner submits the necessary assurances to the Planning and Development Department for the completion of the landscaping.
- (v.) A certificate of occupancy, for any use, shall not be issued until the required landscaping has been installed in accordance with the approved landscape plan, and it shall be illegal for any person, firm or corporation to occupy or operate a business in any new structure or building addition for which landscaping, as shown by the plans, is not provided, except that if a structure and all site improvements are complete except for the required landscaping, and it is not the planting season, temporary occupancy may be permitted for a period of six months, or until the next planting season, whichever comes first. If the required landscaping has not been completed by the required time, the property owner shall be in violation of this chapter.

b. **Minimum Species Diversity.**

The following minimum requirements shall apply to all landscape plans. To prevent uniform insect or disease susceptibility, a mix of species shall be provided. The City Parks Department shall, upon request, provide a list of trees that are acceptable to satisfy the requirements for landscape plans. To promote diversity in the urban forest, the number of trees required to be planted shall be in accordance with the following requirements:

<b>Number of Trees per Site</b>	<b>Minimum Number of Species</b>
1-5	1
6-10	2
11-20	3
21-30	4
31+	6

- c. Planting Location and Clustering.
  - (i.) Consideration should be given to the location of trees, so that when they reach mature height they do not interfere with utility wires. Adequate space should be provided between trees to account for future growth of the trees. Street trees shall be located in the front yard adjacent to the right-of-way at a distance not greater than 10 feet from the property or right-of-way line. Street trees shall not be planted until after planned utilities have been installed. Trees shall be planted no closer than eight feet from existing underground utility lines. No tree shall be planted within a sight triangle. No tree shall be planted between the curb and the sidewalk if the available space is less than three feet in width.
  - (ii.) Clustering. Street trees may be evenly spaced along the street frontage unless one or more of the following conditions exist:
    - (a) The lot is on a corner;
    - (b) The presence of existing trees, which qualify for credit under Sec. 27-908.E.1.c, interrupt the even spacing of trees; or
    - (c) Topographic conditions (i.e. steep gradient, rock outcroppings), based on the zoning administrator's evaluation, dictate building location and driveway placement which interrupts the even spacing of street trees.
  - (iii.) Overhead Lines and Fixtures. If the planting site will prevent the growth of canopy shade trees due to overhead utility lines, ornamental trees shall be permitted as a substitution for the canopy shade trees in accordance with the location and clustering requirements of this section and shall be subject to the following requirements:
    - (a) The canopy of the ornamental tree(s) shall be no closer than 10 feet from the overhead lines, and its mature height shall not exceed 20 feet; and
    - (b) The ornamental tree(s) shall be planted at least 15 feet away from any street light.
  - (iv.) Cul-de-Sac Lots  
Lots on cul-de-sacs that have a street frontage of 45 feet or less for which a landscape plan is required shall be required to provide only one street tree per lot.
- d. Continuing Maintenance
  - (i.) Developer Shall Guarantee Trees. The developer shall guarantee each tree planted for at least one year (365 days) after planting the tree on the lot.

- (ii.) For street trees in developments requiring a landscape plan, the ongoing maintenance of street trees, once planted, shall be the responsibility of the property owner. If a street tree dies or fails to be planted within one calendar year of the issuance of a certificate of occupancy, the City shall notify the property owner of the need to plant or replace the tree(s) as applicable. Should the property owner fail to plant or replace the tree within 30 days of notification, the City shall reserve the right to cause the required trees to be installed and the cost of the tree(s), plus the cost of installation of the tree(s), shall be assessed to the property owner.

**G. Landscape Irrigation Requirements.**

1. The property owner shall be responsible for the irrigation of all required landscape areas and plant materials, with exception of natural areas and xeriscape plantings, utilizing one or a combination of the following methods:
  - a. An automatic or manual underground irrigation system (conventional spray, bubbler, etc.), equipped with a rain and freeze sensors;
  - b. An automatic water-saving irrigation system (drip, porous pipe, leaky pipes, etc.) equipped with a rain and freeze sensors; or
  - c. A hose attachment within 100 feet of all required landscape areas and plant materials.
2. The irrigation method used shall be in place and operational at the time of the landscape inspection for certificate of occupancy, and shall be maintained and kept operational at all times to provide for efficient water distribution.
3. Landscape areas utilizing xeriscape plants and installation techniques may use a temporary and aboveground system, and shall be required to provide irrigation for the first three years only.
4. Landscape plans shall indicate, by a detail, drawing or by specification in a note on the site plan, the type and location of irrigation that will be used. Plans should be specific enough to show that adequate irrigation would be provided to all required landscape areas and plant materials.
5. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
6. The City may allow alternate irrigation systems provided the property owner can show that compliance is not feasible. Alternate irrigation systems may include the use of "gator bags" or water trucks, provided maintenance agreements are in place to assure proper use of the proposed system(s).

**Sec. 27-909 Exterior Lighting.**

- A. Exterior lighting may create traffic hazards by glaring into the eyes of motorists. The glare of exterior lights may also prove a nuisance to neighboring parcels. The standards in this section do not apply to street lights, located in street rights-of-way.

- B. Exterior lighting from a commercial or industrial use shall be shaded so that no light in excess of 0.3 foot candles intrudes upon an adjacent residential use, measured at the property line of where the lighting is generated.
- C. The maximum permitted illumination shall be measured at the parcel boundary. The maximum permitted illumination standards shall apply independently and separately to each parcel boundary.
- D. Flickering or flashing lights, except those incorporated in a building sign, shall not be permitted.
- E. Maximum permitted illumination shall be measured in lumens per square meter or foot candles. Measurements shall be made with a portable light meter, tested and calibrated by a laboratory or manufacturer. The light meter shall be mounted at ground level in a horizontal position. Two measurements shall be taken during the night, one with the light source in question on and one with the light source off. The difference between the two readings shall not exceed the maximum permitted illumination. This procedure will eliminate the effects of moonlight and other existing sources of light.

**Sec. 27-910 Alley Access.**

Alleys shall not be used by a commercial, industrial or institutional business as their primary access. Primary access to the property must be provided from a dedicated City street. Any portion of an alley that will be used for access to a commercial, industrial or institutional business or access to the business's parking area must be paved to City standards at the owner's expense. If the dedicated City street connected to the alley is not paved with a hard surface, the City Engineer shall determine a suitable permanent, dust-free paving for the alley. This work may also be done at the owner's expense.

**Sec. 27-911 Design Standards for Large Retail Stores and Centers Greater than 18,000 Square Feet.**

- A. The criteria contained herein are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance of large retail stores and retail center development within the City's zoning jurisdiction and promote the public health, safety and welfare.
- B. Definitions.

**Anchor Store** shall mean a store containing not less than 25,000 square feet of gross leasable floor area that is part of, or attached to, the shopping center.

**Appearance** shall mean the outward aspect visible to the public.

**Appropriate** shall mean sympathetic, or fitting, to the context of the site and the whole community.

**Architectural Concept** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

**Architectural Feature** shall mean a prominent or significant part or element of a building, structure or site.

**Back to Back Structure** shall mean two structures with a common rear wall.

**Cohesiveness** shall mean the unity of composition between architectural elements of a building or a group of buildings and the site development.

**Compatibility** shall mean the harmony in the appearance of two or more external design features in the same vicinity.

**Conservation** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

**Cornice** shall mean a horizontal molded projection that crowns or completes a building or wall.

**Design Standards** shall mean the specific guidelines for creating cohesiveness and ensuring quality of materials, aesthetics and function upon which all tenants and owners can rely and to ensure visual continuity and creation of a sense of place through the use of common elements of site and architecture.

**Eclectic** shall mean choosing what appears to be the best from diverse sources, systems or styles.

**Enclosed Mall** shall mean the enclosed structure with multiple retail suites and a enclosed walking area to get from suite to suite, exclusive of anchor stores.

**External Design Feature** shall mean the general arrangement of any portion of a building, sign, landscaping or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place or way.

**Free Standing Building** shall refer to any building or similar structure other than the enclosed mall that houses a single tenant or owner, each of whom conducts a separate business within that building or similar structure.

**Graphic Element** shall mean a letter, illustration, symbol, figure, insignia or other device employed to express and illustrate a message or part thereof.

**Harmony** shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

**Landscape** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

**Landscaping Easement** shall mean that area adjacent to the street right-of-way providing for required street trees and landscape material.

**Large Retail Store** shall mean a store that is typically a one-story building rectangular in shape, greater than 18,000 square feet in gross floor area. It is generally a stand-alone building with a large parking lot or part of a larger shopping center.

**Miscellaneous Structures** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, staging, antennas, water tanks and towers, sheds, shelters, fences and walls, kennels, transformers and drive-up facilities.

**Multiple-attached Building** shall refer to any building or similar structure that houses more than a single tenant or owner, and in which numerous, discrete business activities are conducted.

**Open Space** shall mean anything on the site except buildings, parking lot and vehicular circulation, generally pervious, but may include well landscaped pedestrian places, pools, pool decks and roof gardens.

**Pad Site** shall mean a location, identified on a development plan, where structures will be constructed as secondary uses to an enclosed mall or large retail store, including drive-thru restaurants.

**Petroleum Products Retail Facility (Fueling Plaza)** shall mean a facility for outdoor sales of gasoline petroleum or liquefied gas.

**Primary Driveway** shall mean the principal vehicular entrance from a public right-of-way into or out of a premises.

**Proportion** shall mean balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

**Retail Suite** shall mean a subdivided compartment within a structure.

**Retail Suite Liner (Retail Sleeve)** shall mean a retail suite connected to and extending from a side of a major tenant structure.

**Scale** shall mean a proportional relationship of the size of parts to one another and to the human figure.

**Screening** shall mean a structure or planting that conceals from view from public ways the area behind such structure or planting.

**Secondary Driveway** shall mean a vehicular entrance used to supplement a primary driveway access from a public right-of-way into or out of a premises.

**Truck Bay** shall mean the freight receiving and discharging area for a retail facility; including raised loading docks, loading ramps and the parking space and/or parking wells for trucks when being unloaded or loaded.

**Utilitarian Structure** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

**Utility Hardware** shall mean devices such as poles, cross-arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and utility vaults that are used for water, gas, oil, sewer and electrical services to a building or a project.

**Utility Service** shall mean any device, including wire, pipe and conduit, which carries gas, water, electricity, oil and communications into a building or development.

**View Corridor** shall mean the line of sight identified as to height, width and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.

C. **Building Design Guidelines and Criteria.**

The developer shall present to the Planning and Development Department for its review and approval or modification a set of drawings and information pertaining to the design standards for large retail stores and centers. All applications shall adhere to requirements of the approved PUD plan, if the property is part of a PUD, and design guidelines. Prior to issuance of a building permit, the City, the developer and the applicant shall have mutually agreed upon a specific design plan that complies with such criteria.

D. **Conditions.**

Sec. 27-427 (PUD Requirements) of these regulations establishes certain regulations and guidelines pertaining to accompanying information required on a plat and site plan.

All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the Hutchinson Subdivision Regulations.

E. Land Use Design Criteria.

Unless otherwise allowed, all district regulations, performance standards and provisions set forth in these regulations for the proposed large retail store or center shall apply. The negative elements of such uses as loading docks, heating, ventilation, or air conditioning (HVAC) units, or similar electrical or mechanical appurtenances shall be designed to be screened and buffered from view by the general public through the use of architectural features or earth berming and landscaping.

1. Building Height.
  - a. Within these lots, permitted building heights will be a maximum of 60 feet above the average finished grade of the ground at the perimeter of the building or as allowed by the FAA.
2. Building Setback.

No part of any free standing building shall be erected within 50 feet of the front property line.
3. Building Orientation.
  - a. Off-street parking should be behind or beside the building when possible.
  - b. Buildings shall be arranged to create view corridors between pedestrian destinations within and adjacent to the site including building entrances and open spaces.
  - c. The corners of street intersections, particularly site entries, shall be distinguished by special landscape or architectural treatments.
  - d. The use of alternative paving materials to designate pedestrian traffic areas from vehicular use areas and travel lanes is strongly encouraged.
  - e. The design of all streets and parking lots shall meet the Fire Department's vehicle access requirements.
  - f. Overhead doors and loading docks shall be screened from public streets.
  - g. The integration of storm drainage and detention features shall be designed to enhance the public space.
4. Access.
  - a. Driveways shall be located so that no undue interference with the free movement of street traffic will result, to provide the required sight distance, and to provide the most-favorable driveway grade.
  - b. Access points within the development shall be limited to what is shown on the final plan and development agreement.
  - c. Any deviation from this shall require the approval of the City.
5. Open Space/Buffer.
  - a. The minimum required open space for each lot shall be equal to at least 10 percent of the gross area of the lot.

- b. Parking areas, except for driveways shall be effectively screened from general public view by incorporating the natural landscape and topography with the introduction of permanent earth berming of no less than two and one half feet above the top of curb of the adjacent public street.
  - c. In any case, all parking areas shall include landscape areas, islands, screens, etc., equal to not less than six percent of the total paved area.
  - d. Such landscaped areas may be included as part of the 10 percent total open space.
  - e. Landscaped islands within the parking area shall have ground cover of sodded grass, shrubs or other acceptable living plant material, unless the City specifically approves an alternate ground cover as part of the site plan review.
6. Landscaping.  
See Sec. 27-908.
7. Green Space - street frontage/exterior lot line.
- a. All project sites that have public frontage shall have a 20-foot-wide bermed, landscaped, sodded (unless otherwise approved), and irrigated green space established and maintained continuously along the public frontage of the streets.
  - b. Minimum area of landscaping shall be 20 feet from property line.
8. Green Space - interior lot line.
- a. A 10-foot-wide landscaped area with turf and irrigated green space shall be established and maintained along all interior lot lines.
  - b. Minimum area of landscaping shall be 10 feet from property line.
  - c. Mulch shall be locally available hardwood (natural color only).
  - d. Ten-foot-wide landscaped islands may be utilized as green space when properties are connected by shared parking lots or private drives.
9. Public Spaces.
- a. Feature lakes, detention pond areas, easements for public amenities, sidewalks within open areas, pedestrian plazas and paved outdoor spaces (excluding parking lots) are required in order to link commercial areas with pedestrian plazas and to create interaction.
  - b. The building site shall include at least one public gathering space, such as a patio seating area, pedestrian plaza with benches, outdoor play area, and are required to provide two public space amenities, such as kiosks, a water feature, a clock tower, or a landscaped site for a sculpture or other form of public art. Pedestrian public space shall be shaded, landscaped, and screened.
10. Signage.  
All signs identifying the project may be permitted with approval of a sign permit based upon the adopted sign regulations.
11. Cart Corrals.  
Cart corrals shall be substantial fixtures and constructed with masonry, stone, block or metal.

12. Sidewalks, Bicycle paths and Transit Facilities.
  - a. All project sites that have street frontage shall provide and install a concrete sidewalk that shall run continuously along that frontage according to City specifications or appropriate development agreement.
  - b. Sidewalks, walkways, entrances and gathering areas. Sidewalks in front of and adjacent to the building shall be not less than ten feet in width and shall connect with sidewalks not less than five feet in width which connect to public sidewalks and adjoining retail buildings. Sidewalks shall be concrete with a broom finish. Walkways, entrances, and gathering areas shall have shade features such as trees or other landscaping, trellis structures, projecting canopies, covered arcades and porticos.
  - c. Transit facilities: The building site shall include a bus and para-transit stop/transfer point based on a determination of need by the Reno County Area Transit Authority's guidelines.
  - d. Bicycle paths and parking: The building site shall include bicycle paths connected to the City's planned and existing bike trail system. The developer is encouraged to include bicycle parking areas near the entrance to the building.
13. Site Lighting.
  - a. Parking area lighting shall be shielded so as to prevent illumination of adjacent properties.
  - b. A lighting plan shall be submitted for review in conjunction with any site plan.
  - c. When a developer wants to incorporate pole lights into a project to light parking lots, entry plazas, etc., those pole lights shall be the following:
    - (i.) Pedestrian Plaza and Feature Lights. These may be multiple headed light fixtures on a lower scaled pole approved by the City.
    - (ii.) Parking Lot Lights. These may be multiple headed light fixtures on a taller pole approved by the City.
14. Sales and Display Areas

No area outside of the building within a parking lot or rear loading area may be used for sales, display or storage of merchandise unless a temporary use permit has been obtained.

F. Building Design.

The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character and scale.

1. Facades and Exterior Walls.
  - a. Facades shall be articulated to reduce their massive scale.
  - b. Developments with facades over 100 feet in linear length are required to incorporate wall projections and recesses a minimum of three feet in depth and a minimum of 25 contiguous feet within each 100 feet of façade length.

- c. The projections and/or recesses are required to extend over a minimum of 25 percent of the façade.
  - d. Developments are required to use features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the façade.
2. Specific Style Requirements.  
All buildings shall have a recognizable base, mid-façade (or middle), and cornice. Proportionally the mid-façade shall comprise the largest percentage of the building, followed by the base, which, in turn, is followed by the cornice.
3. Diversity of Building Materials.  
Every building is encouraged to have a mixture of building materials as noted below.  
Building materials allowed for large retail buildings or centers include the following:
- a. Brick (clay) of the colors similar to those found in the natural environment of central Kansas;
  - b. *Quick* Brick - An integrally colored concrete block unit four inches high, 16 inches long of the colors similar to those found in the natural environment of central Kansas;
  - c. Natural or composite stone laid horizontally in the colors similar to those found in the natural environment of central Kansas;
  - d. Clear glass or tinted or reflective glass in a compatible color range;
  - e. Natural or composite stone laid horizontally;
  - f. Pre-cast concrete with sufficient detail, pattern or reveals to give scale. Color shall be in the same color range as natural and composite stone;
  - g. Cast-in-place concrete with sufficient detail, pattern, or reveals to give scale. Color shall be in the same color range as natural and composite stone;
  - h. Integrally colored split-faced concrete block. Color shall be in the same color range as brick or natural and composite stone;
  - i. Laminated metal panels (Alucobond or similar) of a compatible anodized aluminum color;
  - j. Natural or synthetic stucco (E.I.F.S.). Colors shall complement the other colors and materials used in the building design; and
  - k. Painted split-faced concrete block.
4. Colors.  
Building colors shall be as follows:
- a. No building shall have less than three colors. The following items shall not count as colors:
    - (i.) Glass (unless it is tinted or reflective and used in a curtain wall system);
    - (ii.) Window mullions;
    - (iii.) Mortar and caulk joints; and
    - (iv.) Signage.

- b. Major accent colors shall comprise no more than ten percent of each building façade. Minor accent colors shall comprise no more than five percent of each building façade.
- c. Colors shall be aesthetically pleasing and compatible with material colors that are used in adjoining neighborhoods.

G. Specific Building Element Requirements.

1. Roof Top Mechanical Screens.
  - a. All roof top mechanical units shall be screened from view from public rights-of-way through the use of permanent architectural screens that are integrated with the overall design of the building.
  - b. The screen shall be constructed from the following:
    - (i.) Any of the permitted building materials listed in this section;  
or
    - (ii.) Pitched roof or vertical wall elements comprised of standing seam metal roofing or perforated galvanized panel.
2. Ground Level Mechanical Screens.
  - a. All ground level mechanical units shall be screened from view from public rights-of-way through the use of architectural screens that are integrated with the overall design of the building.
  - b. The screen shall be constructed from any of the permitted building materials listed in this section.
3. Refuse Screening.
  - a. All trash or refuse receptacles shall be screened from view from public rights-of-way through the use of architectural screens that are integrated with the overall design of the building. The screen shall be constructed of stone, brick, masonry or vinyl materials.
  - b. If gates are utilized as part of the screen, they shall be constructed from materials that are consistent and similar in appearance and color to the screen and ultimately to the design of the principal building.
  - c. If the refuse container is integrated with the loading dock area then the dock screening shall be sufficient.
4. Dock Screening.
  - a. All loading docks shall be screened from view from public rights-of-way through the use of one of the following and such loading shall not interfere with or impede the circulation or flow of traffic:
    - (i.) Architectural screens that are integrated with the overall design of the building.
    - (ii.) The screen shall be constructed from any of the permitted building materials listed in this section.
    - (iii.) Landscape screen of a density to screen 80 percent of the dock area from view within three years of planting. View shall be 80 percent screened all 12 months of the year.

5. Outdoor Storage.  
All outdoor storage, including storage trailers or shipping containers, shall be screened from view from the public rights-of-way by use of plant material, berms and/or solid fencing.
6. Building Lighting.  
All buildings shall be lighted at night with metal halide color lighting or similar lighting technology. The lighting shall be effectively done and shall highlight entrances, corners and other architectural features.

H. Maintenance of Design Requirements.  
The applicant shall maintain the design requirements for the life of the project. In the event of failure to do so, the City may revoke the certificate of occupancy.

I. Submittal Requirements.  
All exhibits required for the permanent file (noted in the following paragraphs) must be able to be reduced to "legal size" (8-1/2" x 14") by folding, photo reduction, etc. However, larger mounting boards, material samples, or other exhibits not meeting these criteria may be used for presentation purposes. An adequate number of color photographs are required to illustrate the existing nature of the proposed site, including any existing buildings and other existing features as well as the context of the proposed site. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.

Three black and white prints and one colored of the following required drawings shall be submitted to the City for review:

1. Site Plan and Landscape Plan.  
Plans/documents shall contain the following information:
  - a. Scale and north arrow;
  - b. Address of site;
  - c. All property and street pavement lines;
  - d. Existing and proposed contours;
  - e. Gross area of tract stated in square feet;
  - f. If parking is involved, show calculations for determining the required number of off-street parking spaces as required by these regulations. Give the number of spaces proposed. Give the maximum number of employees, customers and office vehicles that would be at the facility at any one time;
  - g. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of direction signs or other circulation aids (if any);
  - h. Calculations for determining the required number of trees to be placed within the proposed parking area must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property;

- i. Location of all isolated trees having a diameter of six inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included.)
  - j. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number and spacing of all plantings must be illustrated;
  - k. Location of all existing (to remain) and proposed buildings on the site and all buildings within 50 feet of the boundaries of the site;
  - l. Final grading, including proposed berms, detention ponds, etc.; and
  - m. Finished sidewalk locations in, around and outside of the site.
2. Elevations.  
Complete elevations of all proposed construction and related elevations of existing structures, if any, shall be required. Elevations shall contain the following information:
- a. Scale;
  - b. All signs to be mounted on the elevations; and
  - c. Designation of the kind, color, and texture of all building materials to be used.
3. Material Samples.  
Material samples shall be required for all major materials. Sample size shall not exceed 8-1/2" x 14". Two sets shall be required.
4. Lighting Submittal Requirements.
- a. Lighting Plan. A lighting plan is required containing the following information:
    - (i.) Scale and north arrow;
    - (ii.) Address of site;
    - (i.) All property and street pavement lines;
    - (ii.) Proposed ingress and egress to the site, including on-site parking area(s), parking stalls and adjacent streets;
    - (iii.) Existing landscaping that will be retained and proposed landscaping;
    - (iv.) Location and height of all existing (to remain) and proposed buildings on the site and all buildings within 50 feet of the boundaries of the site; and
    - (v.) Location of all existing (to remain) and proposed lighting standards, and circumference area that will be lighted by each standard.
5. Lighting Specifications.  
A scaled drawing of the proposed lighting standard(s) is required and shall contain the following information:
- a. All size specifications;
  - b. Information on lighting intensity (number of watts, photometric plan, etc.); and
  - c. Materials and colors.

## **Sec. 27-912 Performance Standards for Industrial Uses.**

### **A. Physical Appearance.**

All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, manufactured homes or similar equipment when in operable condition.

### **B. Fire hazard.**

No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels, process chemicals and welding gasses when handled in accordance with other regulations of the City of Hutchinson.

### **C. Noise.**

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

### **D. Sewage and Liquid Wastes.**

No operation shall be carried on which involves the discharge into a sewer, water course or the ground, liquid waste of any radioactive or poisonous nature or chemical wastes which are detrimental to the environment and normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

### **E. Air Contaminants.**

Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such and capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted

Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six

tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

**Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of these regulations.

**Gasses:** The gasses sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.

**Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in any zone.

**Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

### **Sec. 27-913 Self-Service Storage Facilities (Mini-Warehouses).**

- A. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- B. All storage must be within enclosed buildings and shall not include the storage of hazardous materials. Hazardous materials shall include but not be limited to: toxic and explosive substances, hazardous waste, industrial solid waste, medical waste, municipal solid waste, oil and similar substances.
- C. Facilities must maintain landscape buffer yards of 50 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all buffers shall be landscaped.

- D. Site development shall include provisions for stormwater management in accordance with the regulations of the City.
- E. Site development shall include fencing and landscaping according to these regulations

**Sec. 27-914 Material Storage Yards.**

Material storage yards may be utilized in connection with the retail sales of products sold on the premises and where storage is incidental to the primary business of the store, provided:

- A. All products and materials used or stored are in a completely enclosed building or enclosed by an approved solid wall or fence.
- B. Storage of all materials and equipment shall not exceed the height of the wall and not extend into the front yard beyond the front building line.
- C. Storage of motor vehicles used in connection with the permitted trade or business is permitted within the storage yard, but not including storage of heavy equipment such as road-building or excavating equipment. Such storage shall not include motor vehicle repair or salvage uses.

**Sec. 27-915 Portable Storage Units for Long-Term or Permanent Use.**

Portable storage units used on a long-term or permanent basis may be subject to site plan review and shall be permitted by right in the I-1, I-2 and I-3 Districts and by conditional use permit in the C-4, C-5 and EN Districts, as noted in Sec. 27-406. Such units shall comply with all yard and setback regulations and all other applicable regulations. Such units shall be permanently anchored to the ground.

**Sec. 27-916 Special Vehicle Standards.**

- A. Vehicle commercial businesses shall conduct all servicing, repairing, painting, body work, and similar activities within a structure. Any outdoor storage of vehicles not for sale, rent or lease for a period exceeding 24 hours, shall be at least 25 feet from a street right-of-way and screened with an approved fence.
- B. Parking of Large Trucks and Commercial Truck Trailers.  
Large trucks, large trailers and commercial truck trailers may be parked on parcels in the MH, MP, R-1, R-2, R-3, R-4, R-5, EN, CR, P/I, C-1, C-2, C-3, C-4, C-5 and AE districts for a period not to exceed 24 hours for the purposes of loading and unloading household goods, fuel, merchandise, fixtures, materials, and similar items. Large trucks, large trailers and commercial truck trailers may be parked on parcels in the I-1, I-2 and I-3 districts for indefinite periods of time. This regulation shall not apply to lawful businesses where the principal use is the selling, renting or leasing of large trucks or trailers.

## **Sec. 27-917 Salvage Yards and Motor Vehicle Graveyards.**

- A. Motor vehicle graveyards, salvage yards, scrap processing yards and junk yards shall be permitted as a conditional use in the I-2 and I-3 Districts. No such use shall be established or expanded without approval by conditional use permit.
  
- B. All motor vehicle graveyards, salvage yards, scrap processing yards and junk yards shall comply with the following regulations. The following regulations shall apply to any new use established after the adoption of these regulations. All such facilities in lawful existence on the date of adoption of these regulations shall conform to the screening requirements of this section within two years. An exception may be granted by the zoning administrator to allow a one-year extension for the screening requirements if the owner has more than one salvage yard or motor vehicle graveyard operation and continuous progress to install the screening is being made.
  - 1. The use shall be located on a tract of land a minimum of 300 hundred feet from any residential district.
  - 2. The use shall be conducted wholly within a noncombustible building or within an area surrounded by a solid fence or wall with a minimum height of six feet and a maximum height of 10 feet. Such fence or wall shall surround the exterior portions and screen the use on all sides. Said fence or wall shall consist of:
    - a. All approved solid fence materials in Sec. 27-907 of these regulations, and any accepted fencing materials commonly used in the fencing industry;
    - b. Said fence or wall shall not include chain link, chain link with slats, or other materials that do not meet the definition of a solid fence or are not specified as an approved material in Sec. 27-907 of these regulations;
    - c. Said fence or wall shall be uniform in height, material and painted or stained a uniform neutral color, and shall be so maintained by the owner as to ensure maximum safety to the public and obscure items being stored or salvaged from view of the neighborhood;
    - d. Such fence or wall shall be constructed in accordance with all other applicable provisions of these regulations, shall be erected in a safe manner and in accordance with the building codes, and shall be properly maintained;
    - e. Said fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No salvaged materials, junk, motor vehicles, appliances or scrap materials shall be piled or stacked so as to exceed the height of the enclosing fence or wall. Exterior storage of salvaged materials shall not extend or be visible above the height of the fence or wall; and
    - f. All fence entrance gates must be solid and meet the specifications of this section. Entrance gates must be kept closed when not being used to enter or exit the salvage storage yard area.

3. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, in the front yard or within the public right-of-way.
4. Burning of paper, trash, junk, scrap metal or other materials shall be prohibited.
5. All such operations shall be in compliance with all statutes and regulations of the State of Kansas and these regulations.

**Sec. 27-918 Keeping of Animals.**

- A. The keeping of animals within the zoning jurisdiction of the City must be in compliance with Chapter 7, Animal and Fowl Regulations, of the Hutchinson City Code and with any other applicable local, state or federal regulations.
- B. The keeping of domestic farm animals shall be permitted in the TA and R-1 Districts as an accessory use to any principal lawful use of a parcel provided that there is no more than one animal unit per acre of land.

**Animal Unit:** A unit of measurement of livestock and animals based on the type and size of animals as follows:

Type of Animal	Animal Units
<i>Cattle</i>	
Mature cow (1,000 lbs.)	1.00
Mature cow with unweaned calf	1.20
Bull	1.40
400 lb. stocker	0.50
500 lb. stocker	0.60
600 lb. stocker	0.70
600 lb. replacement heifer	0.70
700 lb. replacement heifer	0.80
800 lb. replacement heifer	0.90
<i>Horses</i>	
Yearling	0.75
Two year old	1.00
Three year old	1.25
<i>Sheep, deer and goats</i>	
Ewes with or without lambs	0.20
Does with or without fawns or kids	0.20
Weaned lambs, kids, fawns or yearlings	0.12
Rams or bucks	0.26
<i>Pigs and hogs</i>	
Sows with or without piglets	0.30
Piglets	0.10
Boars	0.40
<i>Chickens, turkeys, ducks, game birds, geese and other poultry</i>	0.05

- C. No domestic farm animals shall be permitted in the R-2, R-3, R-4, R-5, MH, MP, EN, CR, P/I, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3 or AE districts except as allowed by Sec. 27-919.
- D. Nothing in this section shall be construed to apply to zoos, animal exhibits, veterinarian services, pet stores or the State Fair grounds.

### **Sec. 27-919 Keeping of Chickens.**

The keeping of chickens shall be permitted as an accessory use to any principal lawful use in the R-2, R-3, R-4, R-5 and MH districts provided that:

- A. A maximum of three chickens shall be allowed on any zoning lot. For each 2,000 square feet of lot area over 7,000 square feet, one additional chicken may be kept provided that no more than 10 chickens shall be kept on any zoning lot.
- B. All chickens must be kept within a fenced part of a yard and provided with appropriate shelter. No chickens shall be kept in any required front yard and they may not be kept any closer to the street than the principal structure.
- C. All chicken coops, hen houses and other structures used to house chickens must be kept neat in appearance and in sanitary condition.
- D. All chicken coops, hen houses and other structures used to house chickens must be set back a minimum of 10 feet from side lot lines, five feet from the rear lot line, and shall not project closer to the front or side street than the principal structure.
- E. No roosters shall be kept.
- F. No slaughtering or processing of chickens shall be allowed.
- G. Nothing in this section shall be construed to apply to zoos, animal exhibits, veterinarian services, pet stores or the State Fair grounds.

### **Sec. 27-920 Keeping of Bees.**

#### A. Purpose and Application.

It is the intent of these regulations to maintain minimum standards for the keeping of bees within the corporate limits of the City and promote the social benefits of beekeeping and as a local food supply. These regulations shall apply to those persons or entities who presently possess beehives or who intend to possess beehives in the future.

#### B. Definitions.

**Apiary** shall mean a place where bee colonies are kept.

**Bee** shall mean any stage of the common domestic honey bee, *apis mellifera* species.

**Beekeeping** shall mean a person who owns or has charge of one or more colonies of bees.

**Colony** shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

**Hive** shall mean a structure intended for the housing of a bee colony.

**Tract** shall mean a contiguous parcel of land under common ownership.

C. **Compliance with Provisions.**

It shall be unlawful for any person to place, establish or maintain any hive, stand, box or apiary or keep any bees in or upon any premises within the corporate limits of the City, unless the bees are kept in accordance with these regulations.

D. **Permit Required.**

Any person keeping hives, stands, boxes or apiaries shall be required to obtain a permit from the City. The permit shall be valid from January 1 through December 31 of each year. The permit will be due upon initial application and each subsequent year of renewal.

E. **Housing Requirements and Location: Number Restricted.**

1. **Type of Houses:** All bee colonies shall be kept in Langstroth-type hive with removable frames which are kept in sound and usable condition.
2. **Height:** The height of any one hive shall not exceed five feet.
3. **Location:** No hive, stand or apiary shall be placed or kept:
  - a. Closer than 30 feet to the property line of any adjoining developed property; or
  - b. Closer than 50 feet to any house or other building located on developed property other than the residence of the keeper of such bees; or
  - c. Closer than 100 feet to the nearest edge of the traveled portion of a public street or the trail system, or
  - d. Within a front yard.
  - e. Upon land not owned or possessed by the keeper of such bees without first obtaining written permission to do so from the owner or person lawfully in possession of such land. Such permission may be revoked at any time.
4. **Number of Beehives:** It shall be unlawful to keep more than two colonies per each 12,000 square feet tract of land.
5. **Future Development of Adjacent Property:** In the event that any adjacent undeveloped property is developed, or residential structures are constructed closer than the distance herein prescribed, the keeper shall move or, if necessary, remove the hives, stand, boxes or apiaries to comply with these regulations.
6. **Sign Requirements on Property Other than Owner's.**

Every person owning a hive, stand, box or apiary located on premises other than where the owner resides shall identify such hive, stand, box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name, address and phone number of the owner of such equipment.
7. **Screening of Flyways.**

Any owner of a beehive maintained in accordance with these regulations shall establish and maintain a flyway six feet in height consisting of a solid

wall, fence or dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

8. Required Watering Facility.

Fresh, clean watering facilities for the bees shall be provided within 20 feet of each hive, stand, box or apiary.

9. Maintenance.

Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed. Notwithstanding compliance with the requirements of this section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

In any instance in which a colony exhibits unusually aggressive characteristics, or when the colony consists of Africanized bees (*Apis mellifera scutellata*), it shall be the duty of the beekeeper to destroy or re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarmer characteristics.

10. 10. Violation and Penalty.

The keeping of bees in violation of this section is prohibited and subject to Section 27-1210 Violation and Penalty of these regulations.

- F. F. Nothing in this section shall be construed to apply to zoos, animal exhibits, veterinarian services, pet stores or the State Fair grounds.

**Sec. 27-921 Wireless Communication Facilities.**

A. Definitions.

The following definitions shall apply to this section of these regulations:

**Wireless Communication Facility** shall mean all parts of a the facility including antennae, antenna array, equipment shelters, guyed towers, lattice towers, location, monopole, support structure and towers.

**Wireless Communication** shall mean broadcast systems, cellular, commercial mobile radio services, common carrier wireless access exchange services, enhanced specialized mobile radio, functionally equivalent services, personal communication services, paging, personal wireless services, public service and emergency systems, specialized mobile radio, tower builder, unlicensed wireless

services and wireless cable system. Wireless communication does not include amateur radio, private dispatch systems or City emergency warning sirens.

B. Wireless communication facilities shall be exempt from the maximum height restrictions of the zoning districts in which they are located. All wireless communication facilities shall be subject to an administrative approval or a conditional use permit.

C. Development Plan.

1. At the time of application for administrative approval or conditional use permit, the applicant shall submit a development plan in sufficient detail, as determined by the zoning administrator, to evaluate its conformance with applicable standards and guidelines. The following criteria shall be utilized to determine whether a proposed wireless communication facility shall be reviewed administratively or if a conditional use permit is required.
  - a. Wireless communication facilities less than 100 feet in height from the ground, or less than 40 feet in height as measured from the top of the building or structure if so mounted, and located in a non-residential zoning district, shall be reviewed administratively; and
  - b. All wireless communication facilities proposed to be located in residential zoning districts and all towers 100 feet or more in height from the ground in a non-residential zoning district, or 40 feet or more in height as measured from the top of a building or structure if so mounted, shall be reviewed as a conditional use permit. If the applicant is requesting a tower taller than 200 feet, then notification shall be sent to all property owners within a radius equal to the proposed height of the tower.
  - c. All towers proposed to be located in a residential zoning district shall be no taller than 50 feet in height, measured from the ground and shall be reviewed as a conditional use permit.
2. The development plan shall include:
  - a. A written authorization from the property owner of the proposed wireless communication facility site;
  - b. A site plan drawn to scale showing the property boundaries, wireless communication facility, guy wire anchors and other apparatus, existing and proposed structures, proposed transmission buildings and/or other accessory uses, access road(s) location, access road surface material, parking area, fences, location and content of warning signs, exterior lighting specifications, a landscaping plan, land elevation contours, drainage plan, and existing land uses surrounding the site. If any accessory building is proposed, details of the building, including elevations and proposed use of the building, shall be submitted with the application; and
  - c. A report or written information prepared and signed by an engineer licensed to practice in the State of Kansas which describes the

wireless communication facility height and design, including a cross-section of the structure, if applicable; engineering specifications detailing construction of the wireless communication facility, base and guy wire anchorage; the proposed painting and lighting schemes; and description of the wireless communication facility's capacity, including the number and type of antennas that the wireless communication facility can accommodate.

- d. Documentation that the proposed location has been approved by the FCC and FAA or if such approval is not necessary then a copy of the regulations that exempt the proposed wireless communication facility must be submitted.
3. Before a permit is issued, the wireless communication facility owner shall provide the City with proof in writing of the existence of at least \$500,000 in general liability insurance, naming the City as an additional insured, as is required by state law or at the discretion of the City.

#### D. General Provisions.

1. A proposal for a new wireless communication facility shall not be approved unless the applicant can document that the telecommunications equipment planned for the proposed facility cannot be accommodated on an existing or proposed wireless communication facility or approved structure due to one or more of the following reasons:
  - a. The planned equipment would exceed the structural capacity of existing and approved wireless communication facilities, considering existing and planned use of those facilities, and existing and approved facilities cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost.
  - b. The planned equipment would cause frequency interference with other existing or planned equipment for these facilities, and the interference cannot be prevented at a reasonable cost;
  - c. Existing or approved wireless communication facilities do not have space on which planned equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved; and
  - d. The proposed wireless communication facility will be used privately and not be sold to the general public. This provision does not prevent a wireless communication company from selling its wireless communication facility to another company.
2. All wireless communication facilities shall be designed to accommodate at least three two-way antennas for every 150 feet of height, or at least one two-way antenna and one microwave facility for every 150 feet of height. The above requirements may be modified to provide the maximum number of compatible users within the radio frequency emission levels.
3. Any wireless communication facility owner granted a conditional use permit or zoning certificate under these regulations shall provide the City with a

copy of the notice to the FCC of intent to cease operations and shall have 180 days from the date of cessation of operations to remove the wireless communication facility and accessory structure(s). If the owner fails to remove the facility and accessory structure(s) within the allotted time, the City may remove them and collect the cost thereof pursuant to K.S.A. 12-6a(17).

4. Any wireless communication facility owner granted a conditional use permit or zoning certificate shall submit a letter to the zoning administrator by July 1 of each year listing the current users and types of antennae located on the approved wireless communication facility. A sign shall be posted on the facility of the exterior fence around the base of the facility noting the name and telephone number of the facility owner and operator. No other signs shall be placed on the facility or site.
5. If the applicant or other existing wireless communication facility in the area disagree on the provisions of this section then the City may select a third party to review the application to determine if the proposed communications equipment can or cannot be accommodated on an existing approved wireless communication facility or other approved structure. The report from the third party shall be presented to the City Council and the services of the third party shall be paid for by the applicant.

E. Development Standards.

1. The location of a ground mounted wireless communication facility must be such that it is set back at least equal to the height of the facility to the nearest property line or building as measured from the center of the facility. A ground mounted wireless communication facility may be set back less than the facility height to the nearest property line or building if documentation from a Kansas licensed engineer is submitted certifying that in the event of a wireless communication facility failure or collapse, the facility is designed to fall within the proposed setback area. All guy wires, similar support devices and other apparatus shall project no closer than 20 feet to any property line.
2. Wireless communication facilities may be placed on the roof of a building or on top of other structures using either of the following to determine wireless communication facility height and setback:
  - a. Wireless communication facility height above the roof/structure may be as high as the setback distance to the nearest roof/structure edge.
  - b. The height of a ground-mounted wireless communication facility may be used for a roof/structure mounted facility if the required setbacks for a ground facility are satisfied.
3. Additional setbacks may be required to contain on-site all ice-fall or debris from facility failures and/or to preserve the privacy of adjoining residential and public property. Setbacks shall apply to all facility parts including guy wire anchors and any accessory facilities.

4. All wireless communication facilities and accessory facilities shall be sited to have the least adverse visual affect as is practical on the environment. Facilities shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Facilities shall be a galvanized finish or painted gray or light blue unless other standards are required by the FAA. In all cases, monopole wireless communication facilities shall be preferable to guyed wireless communication facilities or free standing structures. Wireless communication facilities shall be designed and sited to avoid, whenever possible, application of FAA lighting and painting requirements.

**Sec. 27-922 Amateur Radio Towers, Antennae and Facilities.**

- A. Antenna installations 50 feet in height and under shall obtain a zoning certificate and a building permit prior to construction.
- B. Amateur radio antenna installations exceeding 50 feet in height may be allowed by special use permit. Such installation shall be in conformance with the following conditions:
  1. The amateur radio antenna installation shall comply with all applicable state and federal regulations and standards;
  2. The site for the amateur radio antenna installation shall be on the same premises as the main residence of the amateur radio operator;
  3. The site for the amateur radio antenna installation shall be licensed by the Federal Communications Commission as an amateur radio station for amateur radio communications;
  4. The amateur radio antenna installation may exceed the maximum height for the zoning district in which they are located;
  5. Only equipment and facilities necessary to the operation of the amateur radio antenna installation shall be permitted and only if such facilities are expressly permitted by the terms of the special use permit;
  6. The application shall be accompanied by a site plan showing site boundary, locations of the proposed antenna installation, guy wire anchors, and nearby structures, tower design and building materials, equipment to be attached to the tower (e.g., antennas, mast and rotor, etc.), and setbacks from the site boundary. It shall also be accompanied by the following:
    - a. A site plan in accordance with the city's design standards; and
    - b. A statement accompanying the site plan indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to its design, unobtrusiveness, minimum height necessary to accommodate the radio service communications, avoidance of artificial light and coloring provisions;
  7. With the exception of those antenna installations to be mounted on existing structures, the following requirements shall be met:

- a. In the residential districts, the antenna installation shall be set back from public streets abutting the antenna installation site by a distance equal to or greater than the antenna installation height. The distance between the antenna installation and site boundary shall be equal to or greater than 50 percent of the antenna installation height. The distance between the anchors of the antenna installation and site boundaries shall be equal to or greater than the setback requirements established in the underlying zoning district;
  - b. The tower shall have a galvanized finish or other rust inhibiting finish but can be painted green below treetop level. It shall not be painted in alternate bands of distinctive orange and white colors or equipped with lights unless specifically required for safety reasons by a governmental agency having jurisdiction thereof. If so required, such lights shall not exceed the minimum standards thereof; and
  - c. To prevent vandalism or injuries, adequate security measures shall be provided around the antenna installation base (such as security fence with a locking portal) or other device designed to prevent unauthorized access to the antenna.
8. In consideration of applications for such special use permits, the following criteria shall be given specific consideration:
- a. Adverse effects on adjacent property including, but not limited to:
    - (i.) Whether the proposed antenna installation will visually and aesthetically degrade the neighborhood; and
    - (ii.) Whether the proposed antenna installation has the potential to reduce property values;
  - b. The Federal Communications Commission declaratory ruling entitled "PRB-1" recognizing the federal objectives in amateur radio operations and requiring that any zoning regulations which involve placement, screening or height of antennas based upon legitimate health, safety or aesthetic considerations must be crafted to reasonably accommodate amateur communications and to represent the minimum practical regulation necessary to accomplish those purposes; and
  - c. Whether there are potential alternatives to a blanket denial of the proposed antenna installation which could be approved.

**Sec. 27-923 Small Wind Energy Conversion Systems.**

- A. The purpose of these regulations is to promote the safe, effective and efficient use of small wind energy conversion systems installed to reduce the on-site consumption of utility supplied electricity.
- B. Definitions.

The following definitions shall apply to this section of these regulations:

**Small Wind Energy Conversion System** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of under 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

- C. Small wind energy conversion systems shall be allowed by conditional use permit within any district where the use is listed in the Table of Land Use Categories, Sec. 27-406. Certain requirements as set forth below shall be met:
1. **Tower Height.**
    - a. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
    - b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
  2. **Noise.**
    - a. Small wind energy conversion systems shall not exceed 50 dBA, as measured at the nearest neighboring dwelling unit.
    - b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
  3. **Approved Wind Turbines.**

Small wind turbines must have been approved by a small wind certification program recognized by the American Wind Energy Association.
  4. **Compliance with Building and Zoning Codes.**
    - a. Applications for small wind energy conversion systems shall be accompanied by drawings of the wind turbine structure, including the tower base and footings.
    - b. An engineering analysis of the tower showing compliance with official building code of City of Hutchinson and certified by a professional engineer licensed in the State of Kansas shall also be submitted.
  5. **Compliance with FAA Regulations.**

Small wind energy conversion systems shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
  6. **Compliance with National Electrical Code.**

Permit applications for small wind energy conversion systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the International Electrical Code.
  7. **Utility Notification.**
    - a. No small wind energy conversion system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
    - b. Off-grid systems shall be exempt from this requirement.

8. Setbacks.

No part of the wind energy conversion system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site or encroach into any easement. All towers shall adhere to the setbacks established in the following table:

<b>Setback from:</b>	<b>Wind Turbine – Non-Commercial WECS</b>
Property Lines	One times the total height.
Neighboring Dwelling Units	One times the total height.
Road Rights-of-Way*	One times the tower height.
Other Rights-of-Way	One times the tower height.

\* The setback shall be measured from any future rights-of-way if a planned change or expanded right-of-way is known. Setbacks are not applicable from Wildlife Management Areas and State Recreational Areas, wetlands, USFW Types III, IV and V, other structures and cemeteries adjacent to the applicant's sites, other existing WECS not owned by the applicant.

**Sec. 27-924 Commercial/Utility Grade Wind Energy Conversion Systems (WECS).**

A. The purpose of this regulation is to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within the City of Hutchinson and its zoning jurisdiction.

B. Definitions.

The following are defined for the specific use of this section:

**Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual wind energy conversion system within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregate project.

**Commercial Wind Energy Conversion System** shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

**Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.

**Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system. In the case of interconnection with the high voltage transmission systems

the point of interconnection shall be the substation serving the wind energy conversion system.

**Hub Height** shall mean the distance from ground level as measured to the centerline of the rotor.

**Meteorological Tower** shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to the placement of a wind energy conversion system. Meteorological towers do not include towers and equipment used by airports, the Kansas Department of Transportation, or other applications to monitor weather conditions.

**Property Line** shall mean the boundary line of the area over which the entity applying for a wind energy conversion system permit has legal control for the purpose of installing, maintaining and operating a wind energy conversion system.

**Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.

**Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

**Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the wind energy conversion system.

**Tower** shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades or meteorological equipment.

**Tower Height** shall mean the total height of the wind energy conversion system exclusive of the wind turbine itself.

**Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**Wind Energy Conversion System** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

**Wind Turbine** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

C. Requirements.

Commercial/Utility Grade Wind Energy Conversion Systems (WECS) shall be allowed by conditional use permit in non-residential zoning districts, as listed in the Table of Land Use Categories, Sec. 27-406. Prior to approval of a WECS, the following requirements and information shall be met and supplied with the conditional use permit application:

1. The name(s) of project applicant;
2. The name of the project owner;
3. The legal description and address of the project;
4. A description of the project of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid;
5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures:
  - a. This site layout shall include distances and be drawn to scale;
  - b. The location of the wind turbines may be approximate until specific geological conditions are determined in the field;
  - c. Once the specific geological conditions and specific locations are determined the contractor shall contact the Building Official in order to complete a final approval of the location; and
  - d. The location of the feeder lines may be approximate until the location of the wind turbine is finalized and approved and then a final location shall be submitted to the Building Official for final approval;
6. Certification by an Engineer competent in disciplines of wind energy conversion systems regarding the required specifications regarding noise as well as the foundation requirements;
7. Documentation of land ownership or legal control of the property;
8. The latitude and longitude of individual wind turbines and a site plan showing compliance with all required setbacks. This information shall be provided to the City upon finalized approved locations of the wind turbines;
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other wind energy conversion system, within 10 rotor distances of the proposed wind energy conversion system not owned by the applicant;
10. Location of wetlands, scenic, and natural areas within 1,320 feet of the proposed wind energy conversion system;
11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met;
12. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan;
13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency;
14. Evidence that there will be no interference with any commercial and/or public safety communication towers; and

15. Decommissioning Plan as required by these regulations.

**D. Aggregated Projects.**

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and any appropriate approvals.
2. Permits shall be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

**E. Setbacks.**

All towers shall adhere to the setbacks established in the following table:

<b>Setback from:</b>	<b>Wind Turbine – Commercial/Utility WECS</b>	<b>Meteorological Towers</b>
Property Lines.	One times the tower height.	One times the tower height.
Neighboring Dwelling Units.	One times the tower height.	One times the tower height.
Road Rights-of-Way.*	One times the tower height.	One times the tower height.
Other Rights-of-Way.	NA	NA
Wildlife Management Areas and State Recreational Areas.	600 feet	600 feet
Wetlands, USFW Types III, IV, and V.	600 feet	600 feet
Other structures and cemeteries adjacent to the applicant’s sites.	One times the tower height.	One times the tower height.
Other existing WECS not owned by the applicant.	NA	NA

\* The setback shall be measured from any future rights-of-way if a planned change or expanded right-of-way is known.

**F. Special Safety and Design Standards.**

All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility wind energy conversion system, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. All wind turbines and towers that are part of a commercial/utility wind energy conversion system shall be white, gray or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
6. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
7. All other signage shall comply with the sign regulations found in these regulations.

8. All communications and feeder lines associated with the project distribution system installed as part of a wind energy conversion system shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
9. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. Discontinuation and Decommissioning.
  - a. A wind energy conversion system shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Hutchinson Planning Department outlining the steps and schedule for returning the wind energy conversion system to service. All wind energy conversion systems and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.
  - b. Each commercial/utility wind energy conversion system shall have a decommissioning plan outlining the anticipated means and cost of removing the wind energy conversion system at the end of their serviceable life or upon being a discontinued use. The cost estimates shall be made by a competent party; such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the wind energy conversion system and accessory facilities.
11. Noise.

No commercial/utility wind energy conversion system shall exceed 50 dBA at the nearest structure or use occupied by humans.
12. Interference.

The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any wind energy conversion system. The applicant shall notify all communication tower operators within five miles of the proposed wind energy conversion system location upon application to the City for permits.
13. Streets and Roads.

Applicants shall:

  - a. Identify all county, municipal or township roads to be used for the purpose of transporting wind energy conversion systems, substation parts, concrete, and/or equipment for construction, operation or maintenance of the wind energy conversion system and obtain

applicable weight and size permits from the impacted jurisdictions prior to construction;

- b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road;
- c. Be responsible for restoring the road(s) and bridges to preconstruction conditions;and
- d. The applicant shall be responsible for immediate repair of damage to public streets and roads and bridges stemming from construction, operation or maintenance of the wind energy conversion system.

14. Drainage System.

The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the wind energy conversion system.

**Sec. 27-925 Solar Panels.**

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Hutchinson unless a zoning certificate therefore is approved and issued by the zoning administrator and is constructed in conformance with the building permit and the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

A. Lot and Height Requirements.

Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard; and
2. A solar panel which is freestanding may be located only in the rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage, nor shall the solar panel be located in the side yard or front yard setback.

B. Structural Requirements.

The physical structure and connections to existing structures shall conform to the applicable Hutchinson building codes.

- C. Site Plan.  
The application for a permit shall be accompanied by a site plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- D. Permit Fees.  
Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning or building permit.
- E. Preexisting Solar Panels.  
Notwithstanding nonconformance with the requirements of this section, a solar panel erected prior to the adoption of these regulations pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

### **Sec. 27-926 Biofuels and Distillation Facilities.**

The following conditions shall be met when locating a biofuels or distillation facility within the City's zoning jurisdiction. These standards are intended to protect the health, safety and general welfare of the residents of Hutchinson and the surrounding region.

1. Access to the facility shall be paved and connect to a hard surfaced street/road classified as an arterial.
2. If access is onto a county highway, road, or city street, the applicant must provide evidence that the paving of such highway, road or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.
3. If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the paving in order for the pavement to handle the size and weight of the loads.
4. The applicant shall be required to construct and acquire right-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.
5. The facility shall provide access to a railroad line and shall have sufficient area to provide for sidings for loading and unloading raw or finished product. The sidings shall be constructed at the applicant's expense.
6. The facility shall not be located in an area where winds and other climatic events disperse odor, steam, smoke and other discharges into the corporate limits of the City of Hutchinson.
7. The facility shall not be located in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.
8. Water supply wells for the facility shall not be located within the 20-year time of travel of any municipal well.

9. The facility shall be designed to recycle, in a manner compliant with all city and state rules and regulations, a minimum of 75 percent of the water used by the facility including water used for distillation.
10. All fuel storage tanks shall be located in a manner that will not allow for contamination of any ground water or surface water.
11. Total equipment height shall comply with the height limitations of the zoning district in which it is located.
12. All above ground fuel storage tanks shall be within an impermeable containment levee system.
13. Site plan review shall be required.
14. Lighting must be compliant with all applicable regulations.
15. Noise produced by the facility must comply with noise ordinance regulations.

## **Article X. Site Plan Review**

### **Sec. 27-1001 Site Plan Review.**

A. Intent.

The intent of requiring a site plan review is to consider the impact that a particular use may have on adjacent or surrounding property. Such impact may be caused by type of operations, noise factors, traffic flow, off-street parking or other impacting features of operation. It is further intended that such site plan review will encourage compatible arrangement of structures, off-street parking, storage areas, traffic patterns, trash facilities, landscaping, buffering, drainage and other outdoor facilities to promote the preservation of property values.

B. Site Plan Review Committee.

A Site Plan Review Committee is hereby created for the purpose of reviewing and recommending approval of site plan applications to the Planning Commission and City Council or the Board of Zoning Appeals, which are required by this section to obtain site plan approval prior to issuance of a zoning certificate and/or a building permit.

The Site Plan Review Committee shall consist of the Director of Planning & Development, City Engineer, Director of Public Works, Fire Chief, Building Official, Director of Parks & Facilities, City Planner and other city departments and outside agencies as deemed necessary.

C. Site Plan Review, When Required.

Site plan review procedures will be required for all major development projects in the following instances:

1. All new commercial and industrial construction and multiple family residential developments of four or more units;
2. All commercial and industrial uses when such use is within 100 feet of a residential zoning district;

3. All uses which have a drive-in, drive-through or exterior vehicular service or waiting area;
4. All uses which employ the outdoor use of the lot for storage of materials, goods or vehicles;
5. All Planned Unit Developments;
6. Any modification to a site that alters or intensifies parking areas or drive aisles or impacts on-site pedestrian and vehicular circulation, traffic patterns and drainageways;
7. Any development in the Gateway Corridor Overlay District;
8. Manufactured home subdivisions and manufactured home park developments; and
9. Recreational vehicle parks.

A major development project is defined as any one of the following:

1. The construction of one or more new buildings with a gross floor area of 1,000 square feet or more;
2. The construction of additions with a gross floor area of 1,000 square feet or more, and additions that increase the gross floor area by 20 percent or more; or
3. Separate incremental addition below 1,000 square feet or 20 percent if the aggregate effect of such development activity over a period of 18 consecutive months would trigger the 1,000 square feet or 20 percent threshold.

Exemptions. The following are expressly exempt from the site plan review procedures of this section:

1. Changes that are considered to be ordinary maintenance, which do not change the exterior style, design or material type;
2. Changes expressly exempted from the site plan review process by the underlying zoning district regulations;
3. Changes to a detached dwelling or duplex, as well as site improvements on lots containing a detached dwelling or duplex. However, if such types of dwellings are designed to form a complex having an area of common usage, such as a parking area or private recreational area, and such complex contains a combined total of four dwelling units or more, site plan review is required; and
4. Changes that are interior remodels and do not increase the number of parking spaces required.

D. Initiation and Application Filing.

A site plan review application shall be filed with the zoning administrator. At the time of submittal and payment of fees, the applicant shall submit the required number of legible and complete site plans requested.

E. Site Plan Content.

The application for a site plan review shall include the following:

1. Name and mailing address of the applicant and owner of record if not the applicant;
2. Legal description of the property;
3. Site plan (14 copies) showing:
  - a. Date, scale, north arrow, title, owner(s) name and name of individual preparing such;
  - b. Submitted on paper not less than 18 x 24 inches and drawn at a scale not less than one inch = 50 feet. The zoning administrator may require a different scale if necessary;
  - c. Location, dimensions of property lines, easements, structures, parking areas, drives, loading areas, trash receptacles, height of structures, fences, screening, signs, lighting existing or proposed;
  - d. Use of each proposed structure;
  - e. Approximate location of structures on adjoining property;
  - f. Landscaping plan;
  - g. Such other information as requested by the zoning administrator to clearly show compliance with all requirements of the City; and
  - h. All appropriate studies and plans as required by the City Engineer.

F. Action by Site Plan Review Committee.

The Site Plan Review Committee shall review the plan according to all city codes and standards and using criteria established by this section. The applicant shall be notified in writing of any action taken within three business days by the Committee, unless the application is forwarded to the Planning Commission and City Council or the Board of Zoning Appeals for further action.

G. Lapse of Approval.

Unless a longer time was specifically granted when a site plan was given final approval, a site plan approval shall become null and void one year from the date of final approval unless a building permit has been issued and construction has commenced and is being diligently pursued toward completion. Any site plan which has been voided may only be reinstated by a re-submission of a new site plan application with the required payment of fees.

H. Occupancy and Use.

No occupancy of new construction will be permitted until all conditions of the site plan approval have been complied with, and businesses doing exterior remodeling must comply with all provisions at the time of completion of remodeling; provided, that consideration will be given to seasons of the year and adverse weather conditions in requiring completion of landscaping plans, but further provided that such required landscaping must be completed within six months following the issuance of the certificate of occupancy under such consideration.

I. Approval.

A site plan approved pursuant to the provisions of this article shall run with the land and apply to the type of business or activity for which was originally applied. A

subsequent change of use to another type of use requiring site plan review shall require approval of a new site plan.

## **Article XI. Board of Zoning Appeals**

### **Sec. 27-1101 Board of Zoning Appeals Established.**

The Board of Zoning Appeals is hereby established. In accordance with the provisions of K.S.A. 12-759, the Hutchinson City Planning Commission has been designated to serve as the Board of Zoning Appeals.

### **Sec. 27-1102 Rules of Procedure.**

The Board shall adopt bylaws and rules of procedure for the conduct of business.

### **Sec. 27-1103 Meetings.**

Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine.

### **Sec. 27-1104 Records.**

The Board shall keep minutes of its proceedings showing evidence presented, findings of fact by the Board, decisions of the Board, and voting upon each question. Records of all official actions of the Board shall be filed in its office and shall be a public record.

### **Sec. 27-1105 Filing Fee.**

For the purpose of wholly or partially defraying the cost of the proceedings prescribed herein, including publication costs, the applicant, upon filing an appeal, shall pay to the Planning and Development Department a fee in an amount as determined by a Master Fee Schedule. Promptly upon filing the appeal and required filing fee, the zoning administrator shall refer said appeal to the secretary of the Board of Zoning Appeals.

### **Sec. 27-1106 Public Hearing and Notice.**

The Board of Zoning Appeals shall fix a reasonable time for hearing of an appeal or other matters referred to it. Notice of the time, place, date, and subject of such hearing shall be published once in the official newspaper at least 20 calendar days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the Board of Zoning Appeals, and to all property owners within 200 feet of the subject property and 1,000 feet if the subject property is adjacent to or outside the corporate boundary of the City. Any party in interest may appear and be heard at the hearing in person or by agent or attorney.

### **Sec. 27-1107 Powers and Jurisdiction.**

The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the zoning regulations. The Board shall have the following specific powers:

- A. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of the zoning regulations;
- B. To interpret the provisions of the zoning regulations in such a way as to carry out the intent and purposes of the adopted comprehensive plan;
- C. To authorize, in specific cases, a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. The Board must find the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty; and
- D. To grant exceptions by special use permit to the provisions of the zoning regulations in those instances where the Board is specifically authorized to grant such exceptions by special use permit and only under the terms of the zoning regulations. In no event shall exceptions to the provisions of the zoning regulations be granted where the use or exception contemplated is not specifically listed as an exception, as established in the zoning regulations by the Governing Body, is not found to be present.

### **Sec. 27-1108 Authority.**

The Planning Commission has been authorized to act as the Board of Zoning Appeals pursuant to K.S.A. 12-759.

### **Sec. 27-1109 Appeals.**

- A. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the City or County, or any governmental agency or body affected by any decision of the official administering the provisions of the zoning regulations.
- B. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.
- C. Appeals and requests to the Board for variances and exceptions to the zoning regulations shall be prepared and submitted on forms approved by the Board.
- D. After filing the required appeal or request and payment of the required fee, the Board of Zoning Appeals shall advertise and hold a public hearing as provided in Sec. 27-1106 above.
- E. Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to the appellant. The Board of Zoning Appeals shall render a written

decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within 14 calendar days after the close of the hearing. A copy of such decision shall also be transmitted to the City Building Official for filing of a building permit, if action is required.

- F. Any person, official or governing agency dissatisfied with any order or determination of said Board may bring an action in the District Court of the County, to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 calendar days of the final decision of the Board.
- G. The application cannot be re-filed during a period less than 365 days following a decision by the Board of Zoning Appeals.

**Sec. 27-1110 Variances.**

- A. The Board may authorize, in specific cases, a variance from the specific terms of the zoning regulations which will not be contrary to the public interest and where, because of special conditions, a literal enforcement of the provisions of the zoning regulations will, in an individual case, result in an unnecessary hardship, providing that the spirit of the zoning regulations is observed, public safety and welfare are secured, and substantial justice is done. Such variance shall not permit any use not permitted by the zoning regulations.  
All of the following requirements must be met before the Board may grant a variance:
  - 1. The request for a variance must arise from a condition which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant;
  - 2. The granting of a variance shall not adversely affect the rights of adjacent property owners or residents;
  - 3. The strict application of these regulations will cause unnecessary hardship upon the property owner represented in the application;
  - 4. The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
  - 5. The granting of a variance will be opposed to the spirit and intent of the zoning regulations.
- B. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision, or determination appealed from the zoning administrator. The Board may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the same powers as the zoning administrator from whom the appeal is taken. If the Board approves the variance, they shall notify the zoning administrator of their decision and shall instruct him to issue a permit. A time limit may be specified as a condition for granting the appeal.
- C. Every variance granted or denied by the Board shall be accompanied by the written finding of fact, based on testimony and evidence, and specifying the reason for granting or denying the variance, a copy of which shall be filed in the Planning and Development Department to be available for public inspection.
- D. No variance granted by the Board of Zoning Appeals shall be valid for a period longer than 180 days from the date on which the Board of Zoning Appeals grants

the variance, unless within such 180 day period: (1) a building permit is obtained and the construction, moving or remodeling of a structure is started, or (2) a use is commenced or conducted pursuant to the variance. The Board of Zoning Appeals may grant additional extensions not exceeding 180 days each, upon written application, without notice or hearing.

**Sec. 27-1111 Exceptions.**

- A. Exceptions to the zoning regulations, as authorized by the district regulations, shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law. All special use permits shall be subject to the following requirements.
- B. Prior to review of the request of an exception by the Board of Zoning Appeals, the applicant shall:
  - 1. File an application on forms provided;
  - 2. File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted; and
  - 3. File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.
- C. A site plan shall be filed with the application showing:
  - 1. Legal dimension of the tract to be used;
  - 2. Location of all proposed improvements including curb cut access, off-street parking, and other such facilities as the applicant proposes to install;
  - 3. Grade elevations;
  - 4. Building setback from all property lines;
  - 5. Front, side, and rear elevations of all improvements to be erected;
  - 6. Perspective drawings of the proposed improvements, in such detail as will clearly show the finished appearance of the improvements proposed;
  - 7. Location and type of planting, screening, or walls; and
  - 8. Such other items as the Board or zoning administrator shall deem necessary to process the application properly.
- D. In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the Comprehensive Plan and the health, safety, morals, comfort and general welfare of the public, including but not limited to the following factors:
  - 1. The stability and integrity of the various zoning districts;
  - 2. Conservation of property values;
  - 3. Protection against fire and casualties;
  - 4. Observation of general police regulations;

5. Prevention of traffic congestion;
6. Promotion of traffic safety and the orderly parking of motor vehicles;
7. Promotion of the safety of individuals and property;
8. Provision for adequate light and air;
9. Prevention of overcrowding and excessive intensity of land uses;
10. Provision for public utilities and schools;
11. Compatibility with surrounding uses;
12. Value, type and character of existing or authorized improvements and land uses;
13. Encouragement of improvements and land uses in keeping with overall planning; and
14. Provision for orderly and proper urban renewal, development and growth.

**Sec. 27-1112 Performance.**

- A. In making any decision varying or modifying any provisions of the zoning regulations or in granting an exception to the district regulations, the Board of Zoning Appeals shall impose such restrictions, terms, time limitations, and other requirements regarding landscaping, screening, improvement of off-street parking areas, drainage and/or traffic studies, and other appropriate safeguards as required to protect adjoining property.
- B. In lieu of actual construction of an approved off-street parking lot, the Board of Zoning Appeals may accept, in the name of the City, a corporate surety bond, or other like security in an amount to be fixed by the City and conditioned upon actual completion of such improvement within a specified time, and the City may enforce such bond by all equitable means. Bonds or other security shall be filed with the City Clerk.

**Article XII. Amendments and Administration**

**Sec. 27-1201 Application for Zoning Amendment.**

- A. In order to obtain a zoning amendment, as provided for in these regulations, the applicant shall file an application with the zoning administrator. The application shall contain the following:
  1. The legal description of the pertinent parcel or parcels and names and addresses of all owners of property;
  2. The legal description of all parcels or portions of parcels and names and addresses of all owners of property within 200 feet for an area within the corporate limits of Hutchinson;
  3. The legal description of all parcels or portions of parcels and names and addresses of all owners of property within 1,000 feet for locations which are adjacent to or outside the corporate boundary of the City;
  4. A statement listing property taxes and special assessments and a declaration that all of same have been paid; and
  5. Any other requested information necessary to determine compliance of the development with the ordinance.

- B. The applicant may submit a zoning statement. Zoning statements submitted shall become part of and be attached to the pertinent application. Zoning statements shall be completed in writing and submitted to the zoning administrator when the pertinent application is submitted. Zoning statements should address:
1. How the proposed use is in keeping with the character of the neighborhood;
  2. Whether the proposed use is consistent with the zoning and uses made of nearby parcels;
  3. The suitability of the parcel for its current zoning and use compared to the proposed use;
  4. The extent of detrimental effects of the proposed use to nearby properties;
  5. Whether and the length of time the property has been vacant prior to submittal of the application;
  6. The hardship imposed upon the property owner if the application were denied;
  7. How the proposed use helps to implement the Comprehensive Plan;
  8. Whether public facilities and utilities are adequate to serve the proposed use;
  9. Aspects of the proposed use which minimize impacts on the neighborhood, nearby properties, the public health, safety and welfare, and public facilities and utilities; and
  10. Any other information that the property owner or authorized agent desires to submit including photographs, drawings, maps, statistics, legal documents, letters of support and other pertinent materials.

**Sec. 27-1202          Zoning District Amendments.**

Upon receipt of an application for a zoning district amendment, the following procedures shall apply:

- A. The zoning administrator shall set the date of a Planning Commission public hearing concerning the application. The public hearing shall be held within 60 days after the submittal date. The application shall be submitted at least 30 days prior to a scheduled Planning Commission meeting in order to schedule a public hearing at that meeting.
- B. The zoning administrator shall publish a notice of the public hearing concerning the proposed zoning district amendment in the official newspaper at least 20 days before the public hearing. The notice shall describe the proposal in general terms and list the time and place of the public hearing.
- C. The zoning administrator may post on the site a sign announcing the time and date of the public hearing. This sign will be posted at least seven days prior to the public hearing.
- D. The zoning administrator shall prepare a staff report which may summarize the applicable sections of these regulations; describe the character of the neighborhood; list existing land uses on neighboring parcels; describe current zoning district boundaries; examine the suitability of the property for its current

- zoning; list detrimental effects on neighboring property if the amendment were approved; examine the length of time the property has remained vacant as presently zoned; compare the public health, safety and welfare gains to the hardship imposed on the landowner if the amendment were denied; examine whether the proposed amendment conforms to the Comprehensive Plan; evaluate the impact of the proposed amendment on public facilities and utilities; and contain other pertinent information and evaluations.
- E. Copies of the public hearing notice shall be distributed by mail at least 20 days prior to the public hearing to all owners of land located within 200 feet of the area designated in the proposed zoning district amendment and land within 1,000 feet in unincorporated areas if the subject property is adjacent to the city limits. The notice shall indicate the time and place of the public hearing and invite interested individuals to appear and be heard. Failure to receive the notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail. Comments may be solicited from the Reno County, the City of South Hutchinson, the County Health Officer, and other affected agencies. Copies of the application, staff report and other relevant information shall be made available.
  - F. Copies of the application, public hearing notice, and staff report shall be distributed prior to the public hearing by the zoning administrator to the City of South Hutchinson, Reno County and other appropriate entities.
  - G. Prior to the public hearing, the zoning administrator shall notify the Planning Commission of the case, transmit copies of the application and staff report, forward copies of any associated correspondence and provide other pertinent reports and materials.
  - H. The Planning Commission shall conduct the public hearing according to any adopted procedures and consistent with Kansas law. During the public hearing, the zoning administrator shall make what recommendations he/she deems appropriate. The public hearing may be adjourned from time to time.
  - I. In most cases immediately following the public hearing, the Planning Commission shall make a recommendation to the City Council. A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the City Council. The Planning Commission may recommend approval of the zoning district amendment or denial of the application. If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval.
  - J. The City Council shall consider the application at a regularly scheduled meeting not less than 14 days after the public hearing. The City Council may approve an ordinance adopting the recommendation by simple majority, override the Planning Commission's recommendation by a two-thirds vote, or return the recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.
  - K. Should the City Council return an application to the Planning Commission for reconsideration, the Planning Commission, after considering the application at its next regularly scheduled meeting, may resubmit its original recommendation

giving the reasons therefor or submit a new and amended recommendation. If the Planning Commission fails to act, the original recommendation shall be resubmitted to the City Council. Upon receipt of the recommendation, the City Council, by a simple majority, may adopt or may revise or amend and adopt the recommendation by ordinance, or it need take no further action thereon.

- L. The rezoning shall become effective upon publication of the adopting ordinance.
- M. The Planning Commission may recommend and the City Council may approve an ordinance adopting a zoning district amendment which only affects a portion of the parcel or parcels described in the notice.

**Sec. 27-1203          Zoning Classifications of Lesser Change.**

In accordance with the provisions of K.S.A. 12-757, the Planning Commission and the City Council may recommend and approve a lesser change in zoning districts without republication of a notice or redistribution of notices to property owners when such change is more restrictive than the district which is applied for as shown on the table below; **provided, however, that such recommendation and approval shall not be for a less restrictive classification than that set forth in the notice.** If the applicant, at the City Council Meeting at which a zoning amendment is being considered, desires to amend the application and/or the City Council desires to consider a “lesser” zoning change, then such a proposed change shall be returned to the Planning Commission for reconsideration and further recommendation to the City Council without further publication or notice. For the purposes of this section, zoning classifications of lesser change shall be listed below, based on descending order of use restrictions:

A. Most Restrictive to Least Restrictive:

- TA      Transitional Agricultural Rural District
- R-1     Single Household Suburban Residential District
- R-2     Single Household Residential District
- R-3     Moderate Density Residential District
- R-4     Residential Neighborhood Conservation District
- R-5     High Density Residential District
- P/I     Public/Institutional District
- C-1     Office Commercial District
- C-2     Neighborhood Commercial District
- C-3     Outdoor Commercial District
- C-4     Special Commercial District
- I-1     Light Industrial District
- I-2     Industrial District
- I-3     Heavy Industrial District

B. Zones not included:

Because of the highly specialized purposes of the “EN” Established Neighborhood District; “MH” Manufactured Home Subdivision District; “MP” Manufactured Home Park District; “C-5” Downtown District; “CR” Commercial/Residential District; “AE” Adult Entertainment District; “PUD” Planned Unit Development District; and all

Overlay Districts, they are not included in the above list of zoning classifications of lesser change and are excluded from designation through the lesser change provisions. The overlay districts are “GATE” Gateway Corridor Overlay District; “AH” Airport Hazard Overlay District; “HP” Historic Preservation Overlay District and “FP” Floodplain Overlay District.

**Sec. 27-1204 Protest Petitions.**

Protest petitions may be filed regarding any proposed zoning district amendment. Protest petitions shall be received by the City Clerk within 14 days after conclusion of the public hearing. Protest petitions may be filed regardless of any action taken by the Planning Commission.

- A. Protest petitions shall be deemed valid if signed and acknowledged by:
  - 1. The owners or record of 20 percent or more of the total area, except public right-of-way, located within 200 feet of the boundaries of the pertinent parcels within the City limits or within 1,000 feet of the boundaries of the pertinent parcels outside the City limits; or
  - 2. The owners of record of 20 percent or more of the total area to be rezoned, except public rights-of-way, whether located within or outside a city.
- B. The zoning amendment is not subject to the above protest petition requirements whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification.
- C. Whenever the City initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, only owners of record of 20 percent or more of the total area to be rezoned (excluding public rights-of-way) shall be eligible to initiate a protest petition.
- D. If the protest petition is deemed valid, the corresponding zoning amendment shall not be adopted except by a three-fourths (4 of 5) vote of all members of the City Council.

**Sec. 27-1205 Matters To Be Considered When Approving Or Disapproving A Zoning Amendment Request.**

The Planning Commission and City Council shall consider the following factors when approving or disapproving a rezoning or conditional use permit request:

- A. The character of the neighborhood;
- B. The zoning and uses made of nearby property;
- C. The suitability of the property for its current zoning and use compared to proposed zoning and use;
- D. The extent of detrimental effects to nearby properties if the application were approved;
- E. The length of time the property has remained vacant;

- F. The relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied;
- G. The conformance of the application to the Comprehensive Plan for the City;
- H. The impact of the proposed use on public facilities and utilities; and
- I. The recommendations of the professional staff.

**Sec. 27-1206 Zoning Administration.**

Zoning Administrator

The zoning administrator shall administer these regulations. The zoning administrator is authorized to enforce and carry out all provisions of these regulations. The zoning administrator is authorized to develop application forms and establish procedures consistent with these regulations. The zoning administrator has the following additional powers and responsibilities:

- A. Issue or deny zoning certificates required by these regulations.
- B. Receive, review, process, prepare staff reports and recommendations, and refer to the Planning Commission or Board of Zoning Appeals as appropriate all applications for conditional use permits, special use permits, zoning amendments and preliminary and final PUD plans as provided for in these regulations.
- C. Receive, review, process, prepare staff reports and recommendations, and refer to the Board of Zoning Appeals all requests for interpretations, appeals and applications for variances, exceptions and special use permits as provided for in these regulations.
- D. Record and file approved zoning certificates, conditional and special use permits, zoning amendments, PUD's, interpretations, appeals, and variances. All applications, plans and documents shall be a public record.
- E. Revoke any zoning certificate mistakenly issued due to factual errors or contrary to provisions of these regulations.
- F. If the boundary of any zoning district is changed by an amendment to these regulations, the change shall be promptly indicated on the zoning map, together with an ordinance number and date of passage.
- G. Maintain an up-to-date copy of the zoning map, as amended from time to time, which shall be available for public inspection in the Hutchinson Planning and Development Department during regular business hours.

**Sec. 27-1207 Zoning Certificates.**

- A. Before a building permit for any development may be issued, the zoning administrator must certify zoning compliance. No parcel or structure shall be used or occupied in a different manner unless the zoning administrator has certified zoning compliance through a zoning certificate.
- B. Zoning certificates shall be made in writing by the zoning administrator. The zoning certificate shall be issued or denied within five working days after a building permit application or development plans have been received by the zoning administrator.

- C. Zoning certificates for wireless communication facilities installation shall be issued or denied within 20 days provided a complete application has been submitted.
- D. A zoning certificate shall not constitute a defense in any action to abate an unlawful structure or use.

**Sec. 27-1208 Issuance of Building Permit.**

Applications for building permits shall be reviewed in a timely manner for compliance with these regulations. No building permit shall be issued by the Building Official for a building and/or zoning lot that is not in compliance with these regulations. Any building permit issued in conflict with the provisions of these regulations shall be deemed null and void.

**Sec. 27-1209 Occupancy Certificates.**

If any other code adopted by the City requires that an occupancy certificate be issued, the occupancy certificate shall not be issued until a zoning certificate has been issued by the zoning administrator. Any occupancy certificate issued in conflict with these regulations shall be deemed null and void.

**Sec. 27-1210 Violation and Penalty.**

- A. The owner or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor, or any other person who commits, takes part or assists in any violation, or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed 500 dollars, or by imprisonment for not more than six months for each offense, or by both such fine and imprisonment. Each and every day that such violation continues shall constitute a separate offense.
- B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of the zoning regulations, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

## **Article XIII. Comprehensive Plan Relationship**

### **Sec. 27-1301 Comprehensive Plan Relationship.**

- A. Implementation of Comprehensive Plan.  
These zoning regulations are designed as a tool to implement the City of Hutchinson Comprehensive Plan.
  
- B. Substantial Conformance to Comprehensive Plan.  
Any amendment to the text of the zoning regulations or to the zoning map shall bear substantial conformance to the Comprehensive Plan approved and adopted by the City Council.

## **Article XIV. Legal Status Provisions and Certificate of Approval**

### **Sec. 27-1401 Legal Status Provisions**

- A. Validity.  
If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of these regulations.
  
- B. Conflicting Ordinances.  
Where statutes, ordinances, codes, or parts thereof are in conflict with these regulations, these regulations shall govern; provided, however, that in any event, the more restrictive statute, ordinance or code shall govern.

### **Sec. 27-1402 Certificate of Approval.**

- A. All previous zoning regulations are hereby repealed.
  
- B. It is hereby certified that these zoning regulations and the zoning district map referred to in these zoning regulations were duly approved by the Planning Commission on the 6th day of March, 2012.  
  
/s/ Nancy Scott, Secretary                      /s/ Rod Weinmeister, Chairperson
  
- C. This ordinance shall become effective upon its publication by reference once in the official area newspaper.

PASSED by the City Council of Hutchinson, Kansas, this 3rd day of April, 2012.

ATTEST:

/s/ Ron Sellers, Mayor

/s/ Karen Weltmer, City Clerk

(Seal of the City of Hutchinson)  
(Ord. 2016-14, Adopted 7/05/2016; Ord. 2015-49; Adopted 12/01/2015; Ord. 2015-37,  
Adopted 8/04/2015; Ord. 2012-8, Adopted 4/3/2012; Ord. 2011-3, Adopted 2/15/11)