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Passed: August 21, 2018  
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## ORDINANCE NO 2018 - 23

### AN ORDINANCE AMENDING ARTICLE IV. ZONING DISTRICTS, OF CHAPTER 27 OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON,  
KANSAS:

**Section 1.** That Article IV, Zoning Districts of Chapter 27 of the Code of the City of Hutchinson, Kansas, be amended to read as follows:

#### 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
R-6	Infill 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
PUD	Planned Unit Development District
A-I	Airport Industrial Mixed Use 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.
- E. Those uses that would otherwise be allowed in a zoning district in an existing building but which cannot meet one or more of the following development standards and conditions shall be permitted with an administrative exception. Exceptions shall be limited to the minimum amount needed to facilitate redevelopment:
  - 1. Landscaping – Existing, developed properties that have no room for placement of additional landscaping.
  - 2. Parking – Existing, developed properties where the newly proposed use has a lesser or the same parking standard as the former use of the property.
  - 3. Paving – Existing, developed properties where the existing parking lot is unpaved shall be allowed to be paved with asphalt millings with slurry seal rather than concrete or asphalt, which is the requirement for new construction.
  - 4. Screening of mechanical equipment – Existing, developed properties which have unscreened mechanical equipment shall not be required to screen mechanical equipment.
  - 5. Dumpster screening – Existing, developed properties with unscreened dumpsters shall not be required to screen dumpsters as long as the dumpster is not readily visible from the public right-of-way.

**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, some uses are permitted pursuant to meeting design standards, 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, permitted pursuant to meeting design standards, 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 pursuant to meeting established design standards (D); allowed upon approval of a conditional use permit (C); allowed upon approval of a special use permit (S); or not allowed (N).

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. Design standards and those uses listed permitted by right are reviewed administratively by City Staff.

The table in Sec. 27-406.D. 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.**

**A. Use Table - Residential**

USE CATEGORY Specific Use	RESIDENTIAL							COMMERCIAL			INDUSTRIAL / OTHER				Design Standards and Use Restrictions*
	TA R-1 R-2	R-3	R-4	R-5	R-6	MH	MP	C-1 C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-1	C-R E-N	P/I	
<b>RESIDENTIAL</b>															
<b>HOUSEHOLD LIVING, AS LISTED BELOW:</b>															
Accessory dwelling unit	N	D	D	N	D	N	N	N	N	N	N	N	D	N	See 27-406.A.1.
Compact development / economy home	N	N	N	N	D	D	D	N	N	N	N	N	N	N	See 27-406.A.2. & 27-406.A.3.
Cottage court	N	N	D	D	D	D	N	N	N	N	N	N	N	N	See 27-406.A.4.
Live/work unit	N	N	N	N	N	N	N	N	S	D	N	N	S	N	See 27-406.A.5.
Manufactured home (residential design)	D	D	D	D	D	D	N	D	S	N	N	N	S	N	See 27-406.A.6.
Manufactured home (certified)	N	N	N	N	N	N	D	N	N	N	N	N	N	N	See 27-406.A.7.
Multi-unit living	N	N	D	D	D	N	N	D	D	D	N	N	D	D	See 27-406.A.8.
Non-ground floor dwelling (loft)	N	N	N	N	N	N	N	N	S	D	N	N	N	N	See 27-406.A.9.
Single-unit living	D	D	D	D	D	D	N	D	S	D	N	N	S	D	See 27-406.A.10.
Two-unit living	S	S	D	D	D	D	N	D	S	D	N	N	S	N	See 27-406.A.11.
<b>CONGREGATE LIVING, EXCEPT AS LISTED BELOW OR AS PROTECTED BY FEDERAL LAW:</b>	S	S	S	D	D	S	N	D	D	S	N	N	S	N	See 27-406.A.12.
Assisted living	S	S	S	D	D	S	N	S	S	D	N	N	S	S	See 27-406.A.12.
Dormitory, fraternity, sorority	S	S	S	D	S	S	N	N	N	D	N	N	S	N	See 27-406.A.13.
Emergency Shelters	D	D	D	D	D	N	N	P	P	P	N	N	P	D C	See 27-406.A.14

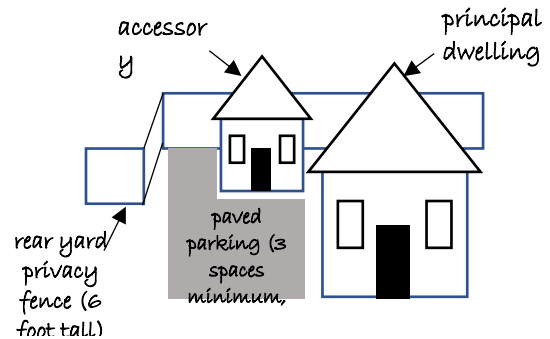
Key: P= Permitted Use S = Special Use C = Conditional Use N = Not Permitted D=Permitted with Design Requirements

\*Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27-406.A.1. through Sec. 27-406.A.13, the provisions of this Section shall prevail.

## 1. Accessory Dwelling Unit (ADU) Design Standards & Use Restrictions

One accessory dwelling unit per residential zoning lot is permitted where the following design standards and use restrictions are met. Accessory dwelling units shall:

- a. ADUs shall be a minimum of 400 square feet and a maximum of 960 square feet and shall not exceed 50% of the size of the principal structure. In the R-3 District, the maximum size may be increased to 1200 square feet, but not more than 50% of the size of the principal structure.
- b. be permitted only in the side or rear yards. An ADU shall not project into the front yard or into the required side street front yard.
- c. be separated from adjacent residential properties by a minimum 6-foot privacy fence that meets the requirements of this Article.
- d. have a minimum of one, paved off-street parking space dedicated for the use of residents of the ADU. This parking space shall be in addition to required parking for the principal dwelling. Those parking spaces with access only from an unpaved alley shall be allowed to be gravel, in accordance with the provisions of Sec. 27-701.C. In the R-6 Zoning District, the parking requirement may be reduced to one per dwelling unit.
- e. be permitted only on zoning lots where the property owner resides in either the principal dwelling or ADU.
- f. be constructed of materials typically found in residential construction and compatible with the principal structure.
- g. have separate kitchen, sleeping, restroom and bathing facilities located within the ADU and not shared with the primary dwelling.
- h. meet all other setback and coverage requirements of the zoning district.
- i. meet the requirements of the adopted Hutchinson Residential Building Code.



*Accessory Dwelling Unit. Diagram is for illustrative purposes only.*

## 2. Compact Development Design Standards & Use Restrictions

Compact development is permitted on residential zoning lots where the following design standards and use restrictions are met. Compact development shall:

- a. provide a minimum of 1 paved off-street parking space per dwelling unit.
- b. be permitted to have access from a private street, as long as adequate provisions are made for maintenance and access.
- c. be required to have a minimum of 3 dwelling units per lot.
- d. provide separate connections to City utilities from each house. Composting toilets are not permitted.

- e. be comprised of materials that are typically associated with residential construction and have an appearance that generally fits the character of the surrounding neighborhood.

**3. Economy Home Design Standards & Use Restrictions**

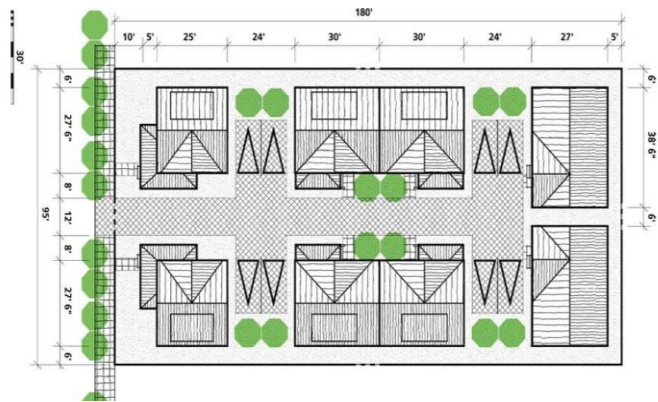
One economy home is permitted per residential zoning lot as the principal use where the following design standards and use restrictions are met. Economy homes shall:

- a. be setback from the front property no farther or closer than the average of the adjacent residential properties.
- b. be placed on a permanent foundation and be served by City water, sewer and other utilities. Composting toilets and gray water units are not permitted.
- c. be a minimum of 400 square feet in area and a maximum of 800 square feet in area. Homes larger than 800 square feet shall follow the requirements of Sec. 27-406.A.11., single-unit residential, unless an ADU.
- d. provide a minimum of 1 paved off-street parking space per unit.
- e. be composed of materials that are typically associated with residential construction and have an appearance that generally fits the character of the surrounding neighborhood.

**4. Cottage Court Design Standards & Use Restrictions**

Cottage court residential development is permitted on residential zoning lots where the following design standards and use restrictions are met. Cottage court development shall:

- a. provide a minimum of 1 paved off-street parking space per dwelling unit.
- b. be permitted to have access from a private street, so long as adequate provisions are made for maintenance and access.
- c. be required to have a minimum of 3 dwelling units per development.



*Cottage Court Design. Diagram is for illustrative purposes only.*

**5. Live/Work Unit Design Standards Use Restrictions**

Live/work unit residential development is permitted on commercial zoning lots where the following design standards and use restrictions are met. Live/work units shall:

- a. provide a minimum of 1 paved off-street parking space per dwelling unit in addition to the required parking spaces for the commercial use.
- b. contain no more than one residential unit per commercial unit.

- c. provide adequate separation between the residential and commercial use to meet the requirements of the City of Hutchinson's adopted building and fire codes.
- d. contain separate cooking, restroom, bathing and sleeping quarters from those provided as part of the commercial use.
- e. maintain the character of the surrounding neighborhood.

**6. Manufactured Home (Residential Design) Design Standards & Use Restrictions**

Manufactured home (residential design) units shall be permitted on residential zoning lots where the following design standards and use restrictions are met. Manufactured home, residential design units shall:

- a. be HUD certified with a date no older than June 15, 1976, pursuant to 42 USC 5403.
- b. contain no more than one residential unit per residential zoning lot.
- c. meet the requirements of Sec. 27-902.
- d. be placed on a permanent foundation.
- e. be permitted to have one, paved off-street parking space per unit, if located in the R-6 Infill Residential District.

**7. Manufactured Home (Certified) Design Standards & Use Restrictions**

Mobile homes units shall be permitted on properties where the following design standards and use restrictions are met. Mobile home units shall:

- a. be HUD certified with a date no older than June 15, 1976, pursuant to 42 USC 5403.
- b. be permitted only as part of an approved mobile home park in accordance with the provisions of §27-414 of this Article.
- c. Non-certified manufactured homes shall not be moved into the City's zoning jurisdiction nor from one manufactured home park or subdivision to another.

**8. Multi-unit Living Design Standards & Use Restrictions**

Multi-unit living is permitted on residential zoning lots where the following design standards and use restrictions are met. Multi-unit living shall:

- a. provide a minimum of 1 paved off-street parking space per dwelling unit. In the R-6 District, no more than 50% of the required parking spaces shall be permitted in the front yard.
- b. provide additional parking and open space, if the development exceeds 10 units, as follows:
  - 1) provide one additional, off-street parking space for each 30 units above 10 to accommodate employee parking.
  - 2) provide a minimum of 200 square feet of outdoor recreational area/open space per dwelling unit unless located within 1500 feet of a public park. The open space requirement may be reduced to 100 square feet per dwelling unit for those units that are equipped with a minimum 100 square foot balcony or patio.



- c. contain a minimum of 3 dwelling units per zoning lot.
- d. In the R-6 District, a special use permit is required if the number of units exceed 4.

**9. Non-ground Floor Dwelling (Loft) Design Standards & Use Restrictions**

Non-ground floor dwelling (loft) residential development is permitted on commercial zoning lots where the following design standards and use restrictions are met. Non-ground floor dwelling units shall:

- a. provide a minimum of 1 paved off-street parking space per dwelling unit in addition to the required parking spaces for the commercial use unless exempted under §27-701.L.
- b. provide adequate separation between the residential and commercial use to meet the requirements of the City of Hutchinson's adopted building and fire codes.
- c. contain separate cooking, restroom, bathing and sleeping quarters for each unit. These shall be in addition to any such facilities that are part of the commercial use.
- d. not detract from the commercial character of the structure nor promote conversion of the commercial structure to a primary residential unit.

**10. Single-unit Living Design Standards & Use Restrictions**

Single-unit living is permitted on residential zoning lots where the following design standards and use restrictions are met. Single-unit living shall:

- a. provide a minimum of 2 paved, off-street parking spaces per dwelling unit. Those units that are economy homes or are located in the R-6 Residential Infill District shall be permitted to have 1 paved off-street parking space per unit.
- b. have a maximum of one dwelling unit per residential zoning lot unless the property meets the zoning and other requirements for an accessory dwelling unit under Sec. 27-406.A.1.
- c. Zero lot line development shall comply with Sec. 27-311.
- d. Single-unit living shall be permitted in the P/I Zoning District as accessory to a primary use.

**11. Two-unit Living Design Standards & Use Restrictions**

Two-unit living is permitted on residential zoning lots where the following design standards and use restrictions are met. Two-unit living development shall:

- a. provide a minimum of 2 paved, off-street parking spaces per dwelling unit, unless located in the R-6 Residential Infill District.
- b. have separate water, sewer and other utility services for each unit, unless both units are attached to one another and located on the same zoning lot.
- c. have a maximum of 2 dwelling units per zoning lot.

**12. Congregate Living Design Standards & Use Restrictions**

Congregate living is permitted on residential zoning lots where the following design standards and use restrictions are met. Congregate living shall:

- a. provide a minimum of 0.5 paved, off-street parking spaces per resident. Those developments exceeding 10 residents shall provide one additional parking space for each 30 units above 10 to accommodate employee parking. No more than 50% of the required parking spaces shall be permitted in the front yard if located in a residential zoning district.
- b. provide outdoor open space/recreational area in accordance with Sec. 27-406.A.8.

**13. Dormitory, Fraternity and Sorority Design Standards & Use Restrictions**

Dormitory, fraternity and sorority developments are permitted on residential zoning lots where the following design standards and use restrictions are met. Dormitory, fraternity and sorority developments shall:

- a. provide a minimum of 1 paved, off-street parking space per resident. No more than 50% of the required parking spaces shall be permitted in the front yard in residential zoning districts
- b. not modify the residential character of a neighborhood in cases where an existing structure is renovated to accommodate this use.

**14. Emergency Shelter**

Emergency Shelters are permitted on residential zoning lots where the following design standards and use restrictions are met. Emergency shelter developments shall:

- a. be limited to 10 persons or fewer.
- b. provide a minimum of 1 paved, off-street parking space per resident. No more than 50% of the required parking spaces shall be permitted in the front yard in residential zoning districts.
- c. not modify the residential character of a neighborhood in cases where an existing structure is renovated to accommodate this use.
- d. be permitted with design requirements in the P/I Zoning District. If occupancy is greater than 10, a Conditional Use Permit is required.

## B. Use Table – Commercial

USE CATEGORY Specific Use	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions <sup>1</sup>
	TA R-1 R-2	R-3 R-4	R-5	R-6	MH MP	C-1	C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-1	C-R E-N	P/I	
<b>COMMERCIAL</b>														
<b>ADULT ENTERTAINMENT</b>	N	N	N	N	N	N	N	S	N	S	S	N	N	See 27-406.B.1.
<b>ANIMAL SERVICES, EXCEPT AS LISTED BELOW:</b>	H	H	N	H	N	P	P	P	P	N	N	P	N	See 27-901. & Ch 7 of this Code
Boarding / Shelter / Veterinary Services and Animal Hospitals	D	N	N	N	N	N	N	D	N	N	N	N	D	See 27-406.B.2.
Stables	D	N	N	N	N	N	N	N	N	N	N	N	N	See 27-406.B.3.
<b>EATING &amp; DRINKING ESTABLISHMENTS, EXCEPT AS BELOW:</b>	N	N	D	D	N	P	P	P	P	N	D	D	D	See 27-406.B.4.
Bar/Tavern	N	N	N	N	N	N	N	P	P	N	N	N	P	See Ch 18, Alcoholic Liquors & Beverages
Class A Club	N	S	S	S	N	P	P	P	P	P	P	D	P	See 27-406.B.5.
Drive-In/Thru restaurant	N	N	N	N	N	N	N	D	D	N	N	D	N	See 27-406.B.6.
Mobile vendor park	N	N	N	N	N	D	D	D	D	D	D	D	D	See 27-406.B.7.
<b>MEDICAL CARE, INCLUDING OFFICE, EXCEPT AS BELOW:</b>	N	N	N	N	N	P	P	P	P	N	N	P	P	
Extended care facility	N	N	D	N	N	P	P	P	D	N	N	P	P	See 27-406.B.8.
Hospital	N	N	N	N	N	N	N	P	D	N	N	P	P	
<b>OFFICE, GENERAL</b>	N	N	N	N	N	D	D	P	P	D	D	P	P	See 27-406.B.9.
<b>PARKING FACILITIES:</b>														
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	See 27-908.E. & See 27-702.
Principal use	N	N	N	N	N	P	P	P	P	P	P	P	P	

Key: P= Permitted Use S = Special Use C = Conditional Use N = Not Permitted D=Permitted with Design Requirements H=Home Occupation Only

<sup>1</sup>Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27-406.B.1. through Sec. 27-406.B.33. the provisions of this Section shall prevail.

USE CATEGORY Specific Use	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions <sup>1</sup>
	TA R-1 R-2	R-3 R-4	R-5	R-6	MH MP	C-1	C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-I	C-R E-N	P/I	
<b>COMMERCIAL (CONT'D)</b>														
<b>PUBLIC, INSTITUTIONAL &amp; CIVIC FACILITIES, EXCEPT AS BELOW:</b>	D	D	D	D	D	P	P	P	P	P	P	P	P	See 27-406.B.10.
Cemetery	D	N	N	N	N	N	N	D	N	N	N	N	D	See 27-406.B.11.
Cremation	D	N	N	N	N	N	D	D	N	N	N	N	D	See 27-406.B.12.
Child or adult day care center / Day care home (not owner occupied only)	S	S	S	S	N	D	D	D	D	D	D	D	D	See 27-406.B.13. & 27-903
Day care home (owner occupied only)	H	H	H	H	H	H	H	H	H	N	N	H	N	See 27-903
Detention center	N	N	N	N	N	N	N	C	N	N	C	N	C	See 27-406.B.14.
Large-scale assembly (>20,000 SF)	S	S	S	S	N	D	D	D	D	N	N	S	D	See 27-406.B.15.
<b>RECREATIONAL &amp; ENTERTAINMENT FACILITIES, AS LISTED BELOW:</b>														
Passive recreation and small-scale active recreation (< 1 acre)	D	D	D	D	D	P	P	P	P	P	P	P	P	See 27-406.B.16.
Active recreation (1+ acres) and athletic fields	D	D	D	D	D	D	D	D	D	N	N	D	P	See 27-406.B.17.
Stadiums	N	N	N	N	N	N	D	D	D	N	N	D	D	See 27-406.B.18.
Commercial recreation and entertainment, including movie theatres, drive-in theatres and motorized recreation	N	N	N	N	N	N	D	D	D	D	D	D	D	See 27-406.B.19.

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<sup>1</sup>Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27-406.B.1. through Sec. 27-406.B.33. the provisions of this Section shall prevail.

USE CATEGORY Specific Use	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions <sup>1</sup>
	TA R-1 R-2	R-3 R-4	R-5	R-6	MH MP	C-1	C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-1	C-R E-N	P/I	
<b>COMMERCIAL (CONT'D)</b>														
<b>REPAIR, EXCEPT VEHICLE REPAIR:</b>	H	H	H	H	N	D	D	D	D	D	D	D	D	See 27-406.B.20. 27-901
<b>RETAIL RENTAL &amp; SALES:</b>														
Ammunition / Firearms / Gunsmiths	N	H	H	H	N	N	N	D	D	N	N	N	N	See 27-406.B.21.
Large (> 18,000 SF)	N	N	N	N	N	N	N	D	D	N	N	N	N	See 27-911
Medium (3001 – 18,000 SF)	N	N	N	N	N	N	N	P	P	N	N	P	N	
Outdoor retail sales	N	N	N	N	N	D	D	D	D	N	N	D	N	See 27-406.B.22.
Small (up to 3000 SF)	N	N	N	D	N	P	P	P	P	D	D	P	D	See 27-406.B.23.
<b>TRANSIENT ACCOMMODATIONS</b>														
Bed & breakfast	D	D	D	D	N	D	D	D	D	N	N	D	N	See 27-406.B.24.
Recreational Vehicle Park	N	N	N	N	N	N	N	C	N	C	N	N	N	See 27-906
Hotel, Motel, Extended Stay	N	N	D	N	N	D	D	P	P	N	N	D	N	See 27-406.B.25.
<b>SERVICES (PERSONAL), EXCEPT AS BELOW:</b>	H	H	H	H	H	P	P	P	P	D	D	P	D	See 27-406.B.26.
Dry cleaner	N	N	N	N	N	N	P	P	P	N	N	P	N	
<b>STORAGE, SELF-SERVICE</b>	N	N	N	N	N	N	D	D	N	D	D	D	N	See 27-406.B.27.
<b>UTILITIES, EXCEPT AS BELOW:</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind Energy Conversion Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*See 27-923
Wireless Communication Facilities (Public ROW)	D	D	D	D	D	D	D	D	D	D	D	D	D	See 27-406.B.28.
Wireless Communication Facilities (Private property)	**	**	**	**	**	**	**	**	**	**	**	**	**	**See 27-921

Key: P= Permitted Use S = Special Use C = Conditional Use N = Not Permitted D=Permitted with Design Requirements H=Home Occupation Only

<sup>1</sup>Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27-406.B.1. through Sec. 27-406.B.33. the provisions of this Section shall prevail.

USE CATEGORY Specific Use	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions
	TA R-1 R-2	R-3 R-4	R-5	R-6	MH MP	C-1	C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-1	C-R E-N	P/I	
<b>COMMERCIAL (CONT'D)</b>														
<b>VEHICLE SALES, SERVICE AND STORAGE, EXCEPT AS NOTED BELOW:</b>	N	N	N	N	N	P	P	P	P	N	N	P	N	
Boat / RV storage	N	N	N	N	N	N	N	D	N	D	D	N	N	See 27-406.B.29.
Car wash, light-medium duty vehicles	N	N	N	N	N	D	D	D	D	D	D	D	D	See 27-901.J.
Fueling station	N	N	N	N	N	N	D	D	D	D	D	D	D	See 27-901.30.
Inoperable vehicle storage, accessory use	N	N	N	N	N	N	N	D	D	D	D	D	D	See 27-406.B.31.
Motor vehicle repair (light- medium)	N	N	N	N	N	N	N	S	S	S	S	S	D	See 27-406.B.32.
Truck stop	N	N	N	N	N	N	N	D	N	D	D	N	N	See 27-406.B.33.

Key: P= Permitted Use S = Special Use C = Conditional Use N = Not Permitted D=Permitted with Design Requirements H=Home Occupation Only

<sup>1</sup>Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27-406.B.1. through Sec. 27-406.B.33. the provisions of this Section shall prevail.

**1. Adult Entertainment Design Standards & Use Restrictions**

Adult entertainment uses shall be permitted in the zoning districts noted in Table 27-407.B., pursuant to meeting the required design and use criteria below:

- a. No adult entertainment use may be located within 1000 feet of another adult entertainment use, regardless of whether such use is located in the same facility or separated facilities.
- b. No adult entertainment use shall be located within 1000 feet of any residential zoning district.
- c. No adult entertainment use shall be located within 1000 feet of any bar or tavern.
- d. No adult entertainment use shall be located within 1000 feet of an existing church, place of worship, child care center or educational institution.
- e. Measurements shall be made from the nearest point of the property line to the nearest point of property line along a straight line.
- f. No adult entertainment use shall have merchandise or activities visible from any point outside of the structure/building containing the use.
- g. No adult entertainment use shall have any material, including signage, that depicts, describes or relates to sexual activities visible from any point outside of the building/structure containing the adult entertainment use.

**2. Animal Services: Boarding, Shelter, Veterinary Services and Animal Hospitals Design Standards & Use Restrictions**

Animal boarding, shelter, veterinary services and hospitals shall be permitted as indicated in Table 27-406.B., pursuant to meeting the following requirements:

- a. All commercial or public animal boarding, sheltering, veterinary services and animal hospitals shall be conducted within a completely enclosed, soundproofed and air-conditioned building.
- b. Household pets, including cats and dogs, may be exercised in a designated and fenced area outside the building with an attendant present.
- c. All outdoor runs or exercises areas shall be hard surfaced or grass.
- d. In the TA District, facilities for boarding and sheltering shall be located not less than 100 feet from any property line and 150 feet from any residential (not TA) zoning District. The minimum property size shall be 5 acres. See Sec. 27-407.J.
- e. Animal boarding, sheltering, veterinary services and animal hospitals shall not be permitted in the R-1 and R-2 Zoning Districts.

**3. Animal Services: Stables, Design Standards & Use Restrictions**

Animal stables shall be permitted as indicated in Table §27-406.B., pursuant to meeting the following requirements:

- a. Stables shall be allowed in the TA District only and shall be located not less than 100 feet from any property line and 150 feet from a residential (not TA) district. The minimum property size shall be 5 acres. See Sec. 27-407-J.2-3.
- b. In the TA District, public and private riding academies shall be permitted, provided the property is a minimum of 10 acres in size.
- c. Stables shall not be allowed in the R-1 or R-2 Zoning Districts.

**4. Eating and Drinking Establishments (General) Design Standards & Use Restrictions**

Eating and drinking standards (general) shall be permitted as indicated in Table §27-406.B., pursuant to meeting the following requirements:

- a. Such establishments shall be permitted as accessory uses only in the R-5, A-I and P/I Zoning Districts.
- b. Eating and drinking establishments (general) located in the R-6 and EN District shall be permitted on corner lots where there is sufficient off-street parking located at the side or rear of the building to meet the requirements of Sec. 27-702 of this Chapter.
- c. Outdoor dining shall not be permitted in the R-6 or EN Zoning Districts.

**5. Class A Club Design Standards & Use Restrictions**

Class A Clubs shall be permitted as indicated in Table §27-406.B., pursuant to meeting the following requirements:

- a. Class A Clubs shall be permitted as indicated in Table §27-406.B., except that such establishments shall not be permitted in the R-3 Zoning District.
- b. Class A Clubs located in the R-6 and EN District shall be permitted on corner lots where there is sufficient off-street parking located at the side or rear of the building to meet the requirements of Sec. 27-702 of this Chapter.
- c. Outdoor dining shall not be permitted in the R-6 or EN Zoning Districts.

**6. Eating and Drinking Establishments (Drive-thru) Design Standards & Use Restrictions**

Eating and drinking establishments (drive-thru) shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Order boxes and stacking drives shall not be located in the front or side street front yard.
- b. The nearest point of the drive-thru operation, including the drive-thru lane, menu board and service windows, shall be at least 50 feet from the boundary of an adjacent residential zoning district unless separated by an alley or soundproofing wall.
- c. If located in the C-5, Downtown District, the maximum building setback shall be 10 feet.

**7. Mobile Vendor Parks Design Standards & Use Restrictions**

Mobile vendor parks shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Mobile vendor parks shall be permitted to operate on private property (with consent of the property owner) for a maximum period of 120 days on a given property.
- b. Each mobile vendor shall be separated from other mobile vendors by a minimum distance of 25 feet.



- c. Signs advertising individual mobile vendors shall be physically attached to the food truck from which they operate.
- d. All food and drinks shall be distributed from a mobile vendor truck and not from freestanding tents or tables.
- e. Mobile vendor parks shall be located a minimum of 150 feet from any residential zoning district.
- f. Mobile vendor parks shall be located a minimum of 150 feet from an existing restaurant, as measured from the property line.
- g. Mobile vendor parks shall not occupy required off-street parking areas nor obstruct required drive aisles or fire lanes.
- h. Mobile vendor parks shall be required to obtain a permit from the Zoning Administrator prior to the commencement of operations. Said permit application shall be accompanied by a site plan showing the layout of the park, serving areas, parking areas, pedestrian access areas, drive aisles and seating areas.
- i. All mobile vendors shall have utility hookups that are approved by the Chief Building Official.
- j. It shall be the responsibility of the mobile vendor park manager to ensure all mobile vendors possess:
  - k. Current driver's license and current motor vehicle registration;
  - l. Proof of liability insurance coverage;
  - m. Proof of current food establishment inspection from the Kansas Department of Agriculture;
  - n. Proof of valid sales use tax registration or tax exempt identification.
- o. Mobile vendor parks shall require site plan approval from the City of Hutchinson. Individual vendors shall not require a temporary use permit, provided the above provisions are met.
- p. No overnight parking of mobile vendor vehicles shall be allowed.
- q. The foregoing shall not apply to special events sponsored by the City of Hutchinson.

**8. Extended Care Facility and Hospital Design Standards & Use Restrictions**

Extended care facilities shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Visiting hours for extended care facilities located in the R-5 District shall be restricted to the hours from 6 AM to 9 PM.
- b. Extended care facilities shall be located no closer than 100 feet to schools, churches and parks.
- c. Ambulance entrances shall be located no closer than 300 feet to an adjacent residential use.
- d. Helipads shall be allowed for hospital uses only. Helipads shall be located a minimum of 300 feet from adjacent residential uses or zoning.

**9. Office Design Standards & Use Restrictions**

Offices shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. In the I-1, I-2, I-3 and A-I Districts, offices shall be permitted as accessory uses only.
- b. In the C-1 and C-2 zoning districts, office buildings shall not exceed 3000 square feet gross floor area.

**10. Public, Institutional & Civic Facilities (General) Design Standards & Use Restrictions**

Public, institutional and civic facilities shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Uses located in a residential zoning district shall have parking provided at the rear or sides of the primary structure in order to preserve the residential character of the neighborhood.
- b. Outdoor storage of materials and equipment shall be limited to those public, institutional and civic uses located in the industrial and airport zoning districts. Said storage areas shall be screened in accordance with Sec. 27-406.C.12.
- c. Those uses that involve heavy equipment and machinery shall comply with the provisions of Sec. 27-914.

**11. Cemetery Design Standards & Use Restrictions**

Cemeteries shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. The property shall consist of not less than 5 acres of land in a single tract or parcel not intersected or divided by any street, alley or property belonging to any other owners.
- b. The property shall have at least a 500-foot frontage on an arterial or collector roadway, unless the property contains only a columbarium or mausoleum and not in-ground interment.
- c. The entrance and exit shall be directly to and from an arterial or collector roadway.
- d. The property shall have a wall or fence at least 4 feet in height along the perimeter of the cemetery use.

**12. Cremation Design Standards & Use Restrictions**

Cremation shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Cremation shall be permitted only as an accessory use to a cemetery, columbarium, funeral home or mausoleum.

**13. Child or Adult Day Care Center / Day Care Home (Not Owner Occupied) Design Standards & Use Restrictions**

Child or Adult Day care centers and Day care homes (licensed group) shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Child day care center uses shall be screened from adjacent residential uses by a 6-foot privacy fence in locations where said fencing is allowed.
- b. Day care center uses located in a residential zoning district shall have parking provided at the rear or sides of the primary structure.
- c. Premises shall meet the requirements of Kansas Statute and the City of Hutchinson's adopted building and fire codes.
- d. Child day care center uses shall be permitted as an accessory use in all non-residential zones where child day care centers are allowed.

**14. Detention Center Design Standards & Use Restrictions**

Detention centers shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Detention centers shall be permitted as an accessory use to law enforcement centers only for those facilities located in the C-3 and C-4 Zoning Districts and shall not comprise more than 50 percent of the facility.
- b. Detention centers shall be permitted as a principal use in the P/I and I-3 districts only, pursuant to meeting the following criteria:
  - 1) Detention centers shall be located a minimum distance of 1,000 feet from a residential zoning district unless separated by said district by an arterial roadway or state highway.
  - 2) Minimum property size shall be 10 acres.
  - 3) Buildings and exercise yards shall be setback a minimum of 30 feet from property lines.

**15. Large Scale Assembly (>20,000 SF) Design Standards & Use Restrictions**

Large scale assembly uses shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Uses located in a residential zoning district shall have parking provided at the rear or sides of the primary structure in order to preserve the residential character of the neighborhood and shall be a minimum of 15 feet from property lines.
- b. Setbacks for structures shall be a minimum of 25 feet from the property line when located in residential zones.

**16. Passive Recreation and Small-scale Active Recreation (< 1 acre) Design Standards & Use Restrictions**

Passive recreation and small-scale active recreation (< 1 acre) shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. In residential zoning districts, uses shall be limited to parks, trails, picnic areas and playgrounds.
- b. Lighting shall be limited to low-level, path lighting in the residential zoning districts.
- c. Commercial facilities shall not be permitted in residential zoning districts.

**17. Active Recreation (1+ acres) and Athletic Fields Design Standards & Use Restrictions**

Active recreation (1+ acres) and athletic fields shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. In residential zoning districts, uses shall be separated from adjacent residential properties by a six-foot screening fence.
- b. Parking lots shall be located a minimum of 50 feet from any residential use or zoning district.
- c. Parking lot and facility lighting shall be permitted in all districts except residential districts, where low-level path lighting shall be allowed.
- d. Lighting shall not exceed the maximum lighting requirements allowed by Sec. 27-909 and shall be no taller than 75 feet. Lighting taller than 75 feet shall require special use permit approval by the Board of Zoning Appeals.
- e. Concession stands and permanent restroom facilities shall be permitted as accessory uses except in those areas located in residential zoning districts. Said facilities shall be setback a minimum of 10 feet from property lines.
- f. Portable restroom facilities shall be located a minimum of 50 feet from property lines.
- g. In residential zoning districts (other than TA), the maximum facility size shall be limited to three acres.
- h. Bleachers shall be permitted, provided that the maximum capacity shall be 100 per field in residential districts and 400 per field in other districts. Fields with capacities exceeding these amounts shall be classified as stadiums.

**18. Stadiums Design Standards & Use Restrictions**

Stadiums are permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Lighting shall meet the illumination requirements of Sec. 27-909.
- b. Light standards shall have a maximum light standard height of 75 feet, unless Special Use Permit approval is obtained
- c. Parking lots shall be located a minimum of 50 feet from any residential use or zoning district.
- d. Concession stands and permanent restroom facilities shall be setback a minimum of 10 feet from property lines.
- e. A six-foot screening fence shall be required to separate the use from adjacent residential uses or zoning districts. This requirement can be waived in cases where a public street separates the uses/districts.

**19. Commercial Entertainment, including Movie Theatres and Drive-In Theatres and Motorized Recreation Standards & Use Restrictions**

Commercial recreation and entertainment, including movie theatres, drive-in theatres and motorized recreation are permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Facilities in the C-2 District shall be limited to no more than 5000 square feet.
- b. Drive-in theatres shall:
  - 1) be permitted only in the C-4, I-1, I-2 and I-3 Zoning Districts.
  - 2) have screens no taller than 40 feet and shall be located a minimum of 1,000 feet from any residential use or zoning district. Screens shall be oriented away from adjacent roadways to the greatest extent possible.
  - 3) have paved (concrete, asphalt) driveways and drive aisles. Parking pads shall be permitted to be gravel.
  - 4) have in-vehicle sound systems only. Exterior speakers shall not be permitted.
- c. Motorized recreation, including radio-controlled devices, shall be setback a minimum of 300 feet from adjacent residential zones or uses.
- d. Drone parks shall be permitted only in industrial zoning districts (I-1, I-2 and I-3) and the P/I zoning district outside of the City's restricted airspace area.

**20. Repair, Except Vehicle Repair Standards & Use Restrictions**

Repair, except vehicle repair, is permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Outdoor storage of repaired items or items to be repaired shall be prohibited.
- b. In the industrial and airport zoning districts, sales shall be an accessory and incidental use and shall consist primarily of repaired items.
- c. In the C-1 and C-2 zoning districts, repair services shall be limited to buildings containing 3000 square feet gross floor area or less.

**21. Ammunition and Firearms Sales Design Standards & Use Restrictions**

Ammunition and firearms sales shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. All state and federal permits shall be obtained.
- b. In the residential zoning districts, gunsmithing shall be permitted as a Home Occupation. Sales of ammunition shall be prohibited. Internet sales of firearms shall be permitted.

**22. Outdoor Retail Sales Design Standards & Use Restrictions**

Outdoor retail sales shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Outdoor retail sales display areas shall be located outside of required drive aisles, fire lanes and required parking spaces.
- b. Outdoor retail sales shall be located outside of the required setback area, and shall be located not closer than 20 feet to any property or right-of-way line, whichever is greater, unless located in the C-5 Zoning District.

- c. Outdoor retail sales shall not obstruct any means of ingress or egress to the building.

**23. Small (<3000 SF) Retail Sales Design Standards & Use Restrictions**

Small (<3000 SF) retail sales shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. In the R-6 Zoning District:
  - 1) small retail sales shall be permitted in only in an existing building on a corner lot that has sufficient off-street parking to meet the standards of Sec. 27-702. Parking shall be located to the rear or side of the building to minimally impact the existing residential character of the neighborhood unless parking is already located in the front.
  - 2) Exterior illuminated signage and exterior lighting shall be prohibited.
  - 3) Only wall or projecting signage shall be permitted. The maximum size for wall signage shall be 20% of the building face. The maximum size for projecting signage shall be 20 square feet.
- b. Small retail sales shall be permitted as an accessory use only in the industrial and airport zoning districts.

**24. Bed & Breakfast Design Standards & Use Restrictions**

Bed & breakfasts shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. The establishment shall be operated by the owner of the dwelling unit, who shall live on the property.
- b. The minimum floor area shall be 2500 square feet.
- c. The maximum number of guest rooms shall be 3. Bed and breakfasts with more than 3 units are considered bed and breakfast inns and shall comply with the requirements in Sec. 27-406.B.24.h.
- d. Food service shall be provided for resident guests only, unless located in a commercial zoning district.
- e. Bed & breakfast facilities located in residential zoning districts shall not offer rooms or space for receptions, parties, meetings or other similar events, which are open to non-resident guests.
- f. Signage shall meet the requirements for Home Occupations.
- g. Parking in residential zoning districts shall be located to the rear or side of the building to minimally impact the existing residential character of the neighborhood.
- h. Bed and breakfast inns. Bed and breakfast establishments with 4 or more guest rooms are considered bed and breakfast inns. The following standards shall apply:
  - 1) A bed and breakfast inn shall have a full-time resident manager or owner on the site and shall be licensed by the State of Kansas to do business.
  - 2) A bed and breakfast inn shall only be permitted on properties located adjacent to arterial or collector roadways.

**25. Hotel, Motel and Extended Stay Design Standards & Use Restrictions**

Hotel, motel and extended stay facilities shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Hotel, motel and extended stay facilities located in the R-5, C-1, C-2, C-R and EN Districts shall be limited to two stories and 20 rooms.
- b. In the R-5, C-1, C-2, C-R and EN Districts, parking shall be located in the rear or side yard only. Parking in front of the primary structure shall not be permitted.

**26. Personal Services Design Standards & Use Restrictions**

Personal services shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Personal services shall be permitted pursuant to obtaining a Home Occupation Permit in the Residential Zoning Districts. See Sec. 27-901 for prohibitions.
- b. In the R-5, C-1, C-2, C-R and EN Districts, parking shall be located in the rear or side yard only. Parking in front of the primary structure shall not be permitted.
- c. Personal services shall be permitted as an accessory use only in the industrial and airport zoning districts.
- d. In the R-5, C-1 and C-2 zones, personal convenience services shall be limited to 3000 square feet gross floor area and no external automated teller machines or drive-through windows shall be allowed.

**27. Storage, Self-Service Design Standards & Use Restrictions**

Storage, self-service shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Unit doors shall not face the street or be visible from the public right-of-way unless separated from the right-of-way by a landscaped berm or screening fence.
- b. Storage unit doors shall be setback from adjacent residential districts by a minimum distance of 50 feet unless screened with berms, landscaping or fencing.
- c. Storage unit spaces shall not be used for retail, wholesale, office or service uses. Nor shall they be used for workshops, hobby shops, manufacturing, car repair or similar uses. Human occupancy shall not be permitted.
- d. Fencing shall not include barbed wire or razor wire, except in industrial zoning districts, including A-I. Said fencing shall be permitted in areas not adjacent to the public right-of-way or a residential zoning district.
- e. In commercial zoning districts, including C-R and EN, up to 25 percent of the site may be used for outdoor storage of operational recreational vehicles and watercraft. Such storage areas shall not be located directly adjacent to any public right-of-way or residential zoning district and shall be screened in accordance with Sec. 27-908.E.
- f. In industrial zoning districts, including A-I, up to 50 percent of the site may be used for the storage of operational vehicles, commercial vehicles and watercraft. Such storage areas shall not be located directly adjacent to any

public right-of-way or residential zoning district and shall be screened in accordance with Sec. 27-908.E.

**28. Wireless Communication Facilities (Public Right-of-Way) Design Standards & Use Restrictions**

Wireless communication facilities (public right-of-way) shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Wireless communications facilities located in the public right-of-way shall be exempt from zoning and shall be no taller than 40 feet in height.
- b. Wireless communications facilities located in the public right-of-way shall submit an application to the City of Hutchinson Planning & Development Department for review and comment by the City Engineer, Director of Public Works, Assistant City Manager and Chief Building.
- c. Those wireless communications facilities located in the public right-of-way that are in or adjacent to a property listed on the local, state or national register shall be reviewed for compliance with the *Secretary of the Interior's Standards for Rehabilitation* and the City of Hutchinson's Preservation Ordinance.

**29. Boat/RV Storage Design Standards & Use Restrictions**

Boat/RV Storage shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Storage areas shall be located a minimum of 25 feet from the front property line, unless within an enclosed building.
- b. Storage areas shall be screened from the public right-of-way and from adjacent residential zoning districts by a solid, 6-foot tall fence.
- c. See Section 27-406.B.27. for Boat/RV Storage as an accessory use to self-service storage.
- d. Storage shall be on asphalt or concrete in commercial zones. Industrial zones shall be permitted to have storage on a graveled, dust-free surface.

**30. Fueling Station Standards & Use Restrictions**

Fueling stations shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Pumps shall be setback a minimum of 35 feet from the front property line.
- b. Fuel canopies shall meet the minimum setbacks of the zoning district.
- c. Service islands shall meet the requirements of 27.901.J.

**31. Inoperable Vehicle Storage (Accessory Use) Design Standards & Use Restrictions**

Inoperable vehicle storage (accessory use) shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Inoperable vehicle storage areas (accessory use) shall be permitted as an accessory use to legally permitted auto repair uses.



- b. All inoperable vehicle storage areas (accessory use) shall be located a minimum of 25 feet from any residential zoning district.
- c. No more than six inoperable vehicles or 10% of the lot coverage, whichever is less, shall be stored on the premises at any given time.
- d. All stored inoperable vehicles shall be screened from view of the public with a minimum 6-foot fence, as provided for in 27-916.A.
- e. Accessory inoperable vehicle storage areas legally established prior to adoption of this article, shall have one year from the date of adoption to comply with the setback, number and screening requirements of b-d above. Any inoperable vehicle (accessory) storage areas not in compliance with this article within the one-year timeframe shall have their legal nonconforming status, if any, revoked. The following regulations shall apply:
  - 1) The Director of Planning and Development or designee shall notify the property owner in writing of any deficiencies that exist. Said notice shall include a photo of the property, determination of needed corrections and a deadline for repair.
  - 2) Those properties not corrected within 365 days of adoption of these regulations shall be deemed in violation and appropriate enforcement measures will commence.

**32. Motor Vehicle Repair (Light-Medium) Design Standards & Use Restrictions**

Motor vehicle repair (light-medium) shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the following requirements:

- a. Motor vehicle repair (light-medium) shall include repair of all vehicles not classified as commercial vehicles, buses or large trucks by 27-916.B, as well as repair of outboard boat motors, riding lawn mowers and other engine repair.
- b. All vehicle repair shall be conducted entirely within an enclosed building.
- c. Outdoor storage of parts and tires shall be prohibited.
- d. Outdoor storage of inoperable vehicles shall comply with 27-406.B.31.

**33. Truck Stop Design Standards & Use Restrictions**

Truck stops shall be permitted in the zoning districts noted in Table 27-406.B., pursuant to meeting the required design and use criteria below:

- a. In commercial zoning districts, the following shall be prohibited:
  - 1) Vehicle repair of commercial trucks.
- b. Fuel pumps shall be located a minimum of 40 feet from the public ROW, as well as from adjacent property lines.
- c. Fuel pumps shall be located a minimum of 50 feet from adjacent residential property lines or uses.
- d. Overnight parking shall be setback a minimum of 300 feet from adjacent residential property lines or uses.

### C. Use Table – Industrial & Other

USE CATEGORY Specific Use	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions <sup>1</sup>
	TA R-1 R-2	R-3 R-4	R-5	R-6	MH MP	C-1	C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-1	C- R E- N	P/I	
<b>INDUSTRIAL AND OTHER USES</b>														
<b>AGRICULTURAL USES, EXCEPT AS BELOW:</b>	D	D	D	D	D	D	D	D	D	D	D	D	D	See 27-406.C.1.
Agricultural chemical manufacture or storage / Agricultural product processing or storage	N	N	N	N	N	N	N	N	N	D	D	N	N	See 27-406.C.2.
Community gardens	D	D	D	D	D	D	D	D	D	D	D	D	D	See 27-406.C.3.
Agricultural equipment sales and service	N	N	N	N	N	N	N	D	N	D	D	N	N	See 27-406.C.4.
Agricultural sales, including onsite product sales	D	D	D	D	D	N	N	N	N	N	N	N D	N	See 27-406.C.5.
Feedlots	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>RESEARCH AND DEVELOPMENT</b>	N	N	N	N	N	N	N	N	N	D	P	N	C	See 27-406.C.6. See 27-912
<b>CONTRACTORS, AS DENOTED BELOW:</b>														
Offices	H	H	H	H	H	D	D	D	D	P	P	D	D	See 27-406.C.7. See 27-912
Storage yards	N	N	N	N	N	N	N	D	N	D	D	D	D	
Wholesale sales	N	N	N	N	N	N	N	N	N	D	D	N	N	
<b>HAZARDOUS MATERIALS MANUFACTURING / STORAGE</b>	N	N	N	N	N	N	N	N	N	N	C	N	N	See 27-406.C.8. See 27-912
<b>LANDFILL</b>	N	N	N	N	N	N	N	N	N	N	C	N	N	See 27-406.C.10.
<b>MANUFACTURING:</b>														
Artisanal	N	N	N	N	N	N	N	D	D	D	D	D	N	See 27-406.C.9.a.

Key: P= Permitted Use S = Special Use C = Conditional Use N = Not Permitted D=Permitted with Design Requirements H=Home Occupation Only

<sup>1</sup>Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27.406.C.1. through Sec. 27.406.C.12., the provisions of this Section shall prevail.

USE CATEGORY Specific Use	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions <sup>1</sup>
	TA R-1 R-2	R-3 R-4	R-5	R-6	MH MP	C-1	C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-I	C-R E-N	P/I	
<b>INDUSTRIAL AND OTHER USES</b>														
Light	N	N	N	N	N	N	N	N	N	D	D	N	N	See 27-406.C.9.b. See 27-912
Heavy	N	N	N	N	N	N	N	N	N	N	D	N	N	See 27-406.C.9.c. See 27-912
<b>MINING / EXTRACTION</b>	C	C	C	C	C	C	C	C	C	C	C	C	C	See 27-406.C.10.
Oil/Natural Gas	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>REPAIR (AIRCRAFT, RAILCAR &amp; HEAVY VEHICLE)</b>	N	N	N	N	N	N	N	N	N	N	S	N	N	See 27-406.C.11.
<b>SALVAGE YARDS, INCLUDING AUTO SALVAGE</b>	N	N	N	N	N	N	N	N	N	N	C	N	N	See 27-917
<b>STORAGE AND WAREHOUSES, EXCEPT SELF-SERVICE, AND AS LISTED BELOW:</b>	N	N	N	N	N	N	N	D	N	D	D	N	N	See 27-406.C.12.
Outdoor storage (accessory)	N	N	N	N	N	N	N	N	N	D	D	N	N	See 27-406.C.13.
<b>TRANSPORTATION*</b>														
Multi-modal transfer station	N	N	N	N	N	N	N	N	N	N	S	N	N	
Railyard	N	N	N	N	N	N	N	N	N	N	S	N	N	
Motor Freight Terminal	N	N	N	N	N	N	N	N	N	S	P	N	N	

\*Refer to the A/I Airport Industrial Zoning District for specific regulations pertaining to the airport and related uses.

Key: P= Permitted Use S = Special Use C = Conditional Use N = Not Permitted D=Permitted with Design Requirements H=Home Occupation Only

<sup>1</sup>Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27.406.C.1. through Sec. 27.406.C.12., the provisions of this Section shall prevail.

- 1. Agricultural Uses (General) Design Standards & Use Restrictions**

Agricultural uses (general) shall be permitted as indicated in Table §27-406.C., pursuant to meeting the following requirements:

  - a. Farming and keeping of farm animals, as an established, legal nonconforming use, shall be permitted in all zoning districts.
  - b. Keeping of domestic farm animals, where permitted, shall be limited to those quantities as specified in 27-918 and 27-919 of these regulations.
  - c. See 27-303 of these regulations for agricultural exemptions.
  
- 2. Agricultural Chemical Manufacture or Storage / Agricultural Product Processing or Storage Design Standards & Use Restrictions**

Agricultural chemical manufacture or storage / Agricultural product processing shall be permitted as indicated in Table §27-406.C., pursuant to meeting the following requirements:

  - a. Agricultural chemical manufacture or storage.
    - 1) Chemical manufacture and storage shall be conducted entirely within an enclosed building.
    - 2) Buildings used for chemical manufacture or storage shall be setback a minimum of 30 feet from property lines.
  - b. Agricultural product processing or storage.
    - 1) Animal slaughtering, processing and packaging shall be restricted to the I-3 Zoning District only and shall comply with the following:
      - a) Storage of animals, animal products or byproducts, including hides, bones, tallow, etc., shall be conducted entirely within a fully enclosed building.
      - b) All slaughtering and processing of animals shall occur within an enclosed building.
    - 2) Outdoor storage of grain and other vegetable products shall comply with the requirements of the State of Kansas.
  
- 3. Community Gardens Design Standards & Use Restrictions**

Community gardens shall be permitted as indicated in Table §27-406.C., pursuant to meeting the following requirements:

  - a. Signage shall comply with the regulations for the underlying zoning district.
  - b. Following discontinuance of a community garden use, the property shall be seeded with native grasses or turf and shall be maintained. All sheds, bed fencing, posts and other accessory materials and signs shall be removed within 180 days of discontinuance.
  - c. Sheds for storage of implements and equipment shall be permitted.
  - d. Onsite sales of produce shall comply with the provisions of 27-601.F.3.

**4. Agricultural Equipment Sales and Service Design Standards & Use Restrictions**

Agricultural equipment sales and service uses shall be permitted in the zoning districts noted in Table 27-406.C., pursuant to meeting the required design and use criteria below:

- a. Equipment on display for sale shall not overhang the public right-of-way.
- b. All equipment offered for sale shall be in working condition. Sale or outdoor storage of inoperable equipment is prohibited.

**5. Agricultural Sales, including Onsite Product Sales, Design Standards & Use Restrictions**

Agricultural sales, including onsite product sales, shall be permitted in the zoning districts noted in Table 27-406.C., pursuant to meeting the required design and use criteria below:

- a. Temporary sales facilities shall be permitted in accordance with the requirements of 27-601.F.3.
- b. Permanent sales facilities shall meet the off-street parking and paving requirements for retail sales except that, in the TA Zoning District, surfacing materials shall be approved by the Director of Engineering.
- c. Permanent agricultural sales shall not be permitted in the R-1 or R-2 Zoning Districts.

**6. Research and Development Design Standards & Use Restrictions**

Research and development shall be permitted in the zoning districts noted in Table 27-406.C., pursuant to meeting the required design and use criteria below:

- a. Outdoor storage of materials, supplies or goods shall not be permitted in I-1 and I-2 districts.
- b. Research and development using hazardous or explosive materials, or products derived from hazardous or explosive materials, shall not be permitted in the I-1 and I-2 districts.
- c. Outdoor equipment storage shall be permitted pursuant to the provisions of 27-406.C.12.

**7. Contractors Offices, Contractors Storage Yards & Contractors Wholesale Sales Standards & Use Restrictions**

Contractors offices, contractors storage yards and contractors wholesale sales shall be permitted in the zoning districts noted in Table 27.406.C., pursuant to meeting the required design and use criteria below:

- a. Contractors offices only shall be permitted in the residential zoning districts noted pursuant to obtaining a Home Occupation Permit. No outdoor storage of materials, goods or equipment. Trailers may be parked in the rear yard, provided a 6-foot screening fence is installed. See 27-901 for additional requirements.

- b. Contractors offices shall be permitted in Commercial, CR and EN zoning districts noted pursuant to meeting the following design standards:
  - 1) Outdoor storage of materials, goods, equipment or trailers shall be limited to those districts allowed by Table 27-406.C.
  - 2) Outdoor storage areas shall meet the requirements of 27-406.C.12
- c. Contractors offices shall be permitted in Industrial, P/I and EN zoning districts, as noted, pursuant to meeting the standards below:
  - 1) Outdoor storage shall comply with 27-406.C.12.
- d. Contractors wholesale sales shall comply with requirements of 27-406.C.12.

**8. Hazardous or Explosive Materials Manufacturing / Storage Design Standards & Use Restrictions**

Hazardous or explosive materials manufacturing / storage shall be permitted in the zoning districts noted in Table 27-406.C., pursuant to meeting the required design and use criteria below:

- a. All facilities, whether for storage or manufacturing, shall be located a minimum of **50 feet** from property lines and 300 feet from any residential use or zoning district, any school, hospital, church or other place of public assembly.
- b. Outdoor storage of hazardous or explosive materials shall be prohibited.
- c. Outdoor equipment storage shall comply with the provisions of 27-406.C.12.

**9.a. Artisanal manufacturing Design Standards & Use Restrictions**

Artisanal manufacturing shall be permitted in the zoning districts noted in Table 27-406.C., pursuant to meeting the required design and use criteria below:

- a. Outdoor storage of materials, supplies or goods shall not be permitted.
- b. Manufacturing of hazardous or explosive items, or products derived from hazardous or explosive items, shall not be permitted.
- c. The gross floor area for an artisanal use shall not exceed 5000 square feet.

**9.b. Light Manufacturing Design Standards & Use Restrictions**

Light manufacturing shall be permitted in the zoning districts noted in Table 27-406.C., pursuant to meeting the required design and use criteria below:

- a. Outdoor storage of materials, supplies or goods shall not be permitted.
- b. Manufacturing of hazardous or explosive items, or products derived from hazardous or explosive items, shall not be permitted.
- c. Outdoor equipment storage shall be permitted pursuant to the provisions of 27-406.C.12.

**9.c. Heavy Manufacturing Design Standards & Use Restrictions**

Heavy manufacturing shall be permitted in the zoning districts noted in Table 27-406.C., pursuant to meeting the required design and use criteria below:

- a. Outdoor materials, supplies, goods and equipment storage yards shall be meet the requirements of 27-406.C.12.

**10. Mining / Extraction Standards & Use Restrictions**

Mining and extraction shall be permitted in the zoning districts noted in Table 27-406.C., pursuant to meeting the required design and use criteria below:

- a. No new surface extraction shall be permitted.
- b. Subsurface extraction (mining) shall comply with the requirements of the Kansas Department of Health and Environment.
- c. High pressure liquid injection (fracking) shall not be permitted.

**11. Repair (Aircraft, Railcar & Heavy Vehicle) Standards & Use Restrictions**

Repair (aircraft, railcar and heavy vehicle) shall be permitted in the zoning districts noted in Table 27.406.C., pursuant to meeting the required design and use criteria below:

- a. Repair activities shall be conducted entirely within an enclosed building.
- b. Vehicles, aircraft and railcars awaiting repair shall be permitted to be stored outside on a paved or graveled surface (or on rails), provided said area meets the requirements of 27-406.C.12.d.-f.
- c. Salvage operations shall not be permitted unless the appropriate State and City approvals are obtained.

**12. Storage and Warehouses, Except Self-Service Design Standards & Use Restrictions**

Storage and warehouses, except self-service, shall be permitted in the zoning districts noted in Table 27.406.C., pursuant to meeting the required design and use criteria below:

- a. Storage buildings and warehouses shall be located a minimum of **10** feet from property lines.
- b. Storage and warehouses, as a primary use, shall be conducted entirely indoors.

**13. Outdoor Storage (Accessory) Standards & Use Restrictions**

Outdoor storage shall be permitted in the zoning districts noted in Table 27.406.C., pursuant to meeting the required design and use criteria below:

- a. Outdoor storage of goods, materials, equipment and supplies shall be permitted as an accessory use only.
- b. Outdoor storage yards shall not exceed 75% of the total property area associated with the use.
- c. Outdoor storage yards shall be screened from the public right-of-way and adjacent residential uses/districts by a six-foot screening fence.
- d. Outdoor storage of equipment, materials and supplies shall be on a dust free surface, to include gravel, asphalt millings with slurry seal or other, similar surface.
- e. Outdoor storage areas shall be located in the rear or side yards only and storage shall meet the setback requirements for buildings in the underlying zoning district.

### D. Use Table – Accessory Uses

USE CATEGORY	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions <sup>1</sup>
	TA	R-3 R-4	R-5	R-6	MH MP	C-1	C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-I	C- R E- N	P/I	
	R-1													
<b>ACCESSORY USES</b>														
Accessory Structures (Decks, patios, pergolas, gazebos, non-commercial greenhouses, detached garages, sheds, carports and similar structures)	D	D	D	D	D	D	D	D	D	D	D	D	D	See Sec 27-314
Collection bins, free-standing	N	N	N	N	N	D	D	D	D	D	D	D	D	See 27-406.D.1.
Fuel storage tanks; fuel storage and dispensing (non-commercial)	D	N	N	N	N	N	N	N	N	D	D	N	D	See 27-406.D.2.
	N													
	N													
Grain storage bins and grain silos	D	N	N	N	N	N	N	N	N	D	D	N	N	See 27-406.D.3.
	N													
	N													
Home occupation	D	D	D	D	D	D	D	D	D	D	D	D	D	See 27-901.
Multi-modal shipping containers / portable storage containers	N	N	N	N	N	N	N	D	N	P	P	D	P	See 27-915
Offices	P	H	H	H	H	P	P	P	P	P	P	P	P	
	H													
	H													
Propane tanks for household utility fuel	P	P	P	P	P	P	P	P	P	P	P	P	P	

<sup>1</sup>Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27.406.D.1. through Sec. 27.406.D.3, the provisions of this Section shall prevail.



USE CATEGORY	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions <sup>1</sup>	
	TA	R-3	R-5	R-6	MH	C-1	C-2	C-3	C-5	I-1	I-3	C-R	P/I		
	R-1	R-4			MP			C-4		I-2	A-I	E-N			
	R-2														
<b>ACCESSORY USES</b>															
Storage of farm materials, products and equipment	P										P	P	N	N	Except R-2.
	N	N	N	N	N	N	N	N	N	P	P	N	N		
	N														
Swimming Pool, Private	P	P	P	P	P	P	P	P	N	N	N	P	P		
Large Truck or Trailer Parking	N	N	N	N	N	N	N	D	N	D	D	N	N	See 27-916	

Key: P= Permitted Use S = Special Use C = Conditional Use N = Not Permitted D=Permitted with Design Requirements H=Home Occupation Only

<sup>1</sup>Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27.406.D.1. through Sec. 27.406.D.3, the provisions of this Section shall prevail.

**D. Use Table – Accessory Uses**

**1. Collection bins, freestanding Design Standards & Use Restrictions**

Collection bins, freestanding shall be permitted as indicated in Table §27-406.D., pursuant to meeting the following requirements:

- a. Bins larger than 64 cubic foot shall not be located in the front yard setback area.
- b. Bins that are intended to be accessible by a vehicle shall be placed on a paved surface.
- c. Bins shall not block required driveways, drive aisles or parking spaces.

**2. Fuel storage tanks; fuel storage and dispensing (non-commercial) Design Standards & Use Restrictions**

Fuel storage tanks; fuel storage and dispensing (non-commercial) shall be permitted as indicated in Table §27-406.D., pursuant to meeting the following requirements:

- a. Fuel storage tanks shall be located in the rear or side yards only and shall be setback a minimum of 20 feet from all property lines.
- b. Vehicular access to fuel storage and dispensing tanks shall be via a dust-free, all-weather surface approved by the City Engineer.
- c. Fuel storage tanks as a primary use shall not be permitted in the TA, R-1 or R-2 zoning districts.

**3. Grain storage bins and grain silos Design Standards & Use Restrictions**

Grain storage bins and grain silos shall be permitted as indicated in Table §27-406.D., pursuant to meeting the following requirements:

- a. Grain storage bins and grain silos not be located in the front yard setback area.
- b. Facilities shall meet the requirements of the Kansas Department of Health and Environment.

**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, pursuant to meeting established design standards, 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. 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>	5	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 Street (feet)	Rural Street (feet)	State Highway (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

**C. 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, permitted pursuant to meeting design standards, permitted 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. 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 Street (feet)	Rural Street (feet)	State Highway (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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

**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, permitted pursuant to meeting design standards, permitted 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. 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 Street Street (feet)	Rural Street (feet)	State Highway Highway (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

**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, permitted pursuant to meeting design standards, permitted 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. 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)		
<b>Single family detached dwelling</b>	9,000	60	100	(1)	15	5	35	45
<b>Single family attached dwelling, per DU</b>	5,000	30	100	(1)	15	5(3)	35	45
<b>Two family dwelling/duplex</b>	10,000	80	100	(1)	15	5(3)	35	45
<b>Other principal uses</b>	10,000	100	100	(1)	15	10(3)	35	40
<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.
- (3) No side yard setback shall be required along the common party wall.

(4)

Front Yard Setback Table						
Rural Street (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

## 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, permitted pursuant to meeting design standards, permitted 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. 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 Street (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

**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, permitted pursuant to meeting design standards, permitted 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. 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 Street (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

**Sec. 27-413 R-6 Infill Residential District.**

**A. Intent.**

The intent of the R-6 Infill Residential District is to provide for a mixture of medium to high density single family and multiple family dwellings in neighborhoods identified as part of the Neighborhood Revitalization Plan area or those areas that were developed with smaller, denser lots. This district responds to the needs of older neighborhoods which pre-date modern suburban residential zoning regulations.

In the R-6 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-6 District by right, permitted pursuant to meeting design standards, permitted 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. Height and Lot Requirements.**

The height and lot requirements shall be as follows:

Use/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Single family detached dwelling	3,500	30	(1)	10	3	35	60
Single family attached dwelling, per development	2,500	25	(1)	10	3(3)	35	60
Two family dwelling/duplex	4,000	40	(1)	10	3(3)	35	60
Multiple family dwellings	8,000	60	(1)	10	3	35	60
Other principal uses	8,000	60	(1)	10	3	35	40
Accessory uses	-	-	(2)	3	3	-	-

- (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 Street (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
30 <sup>1</sup>	30	25	15	15	15	25

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

**C. Miscellaneous Provisions**

1. Access and Utilities. Adequate space for access and utilities must be provided on lots with more than one unit by creating easements when pertinent.
2. Paving Requirements. No more than 60 percent of the front yard on any residential lot shall be paved in the R-6 Infill District.
3. Alleyway Driveway Access. Driveways accessing alleyways in the R-6 Infill District must maintain a minimum of 10 feet unobstructed clearance within the residential lot.
4. Neighborhood Design Requirement.
  - a. Accessory garages, carports and storage buildings shall be constructed of materials customarily used in residential construction, including new metal.
  - b. New residential infill construction in the R-6 Infill District shall replace or install sidewalks when existing sidewalks abut the new development on at least one side.
  - c. New residential infill construction in the R-6 Infill District shall replace or install one street tree per lot on blocks where more than 50% of the lots have existing street trees.



## **Sec. 27-414 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, permitted pursuant to meeting design standards, permitted 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. 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.

### **C. Lot Coverage.**

The principal building and accessory buildings shall not cover more than 30 percent of the lot area.

### **D. Height Regulations.**

No building shall exceed 35 feet in height.

### **E. 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.

**Sec. 27-415 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, permitted pursuant to meeting design standards, permitted 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. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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. 27-416 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, permitted pursuant to meeting design standards, permitted 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. 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	35	100	(1)	15	5 (3)	35	50
<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.
- (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 Street (feet)	Rural Street (feet)	State Highway (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.



C. Miscellaneous Provisions.

1. 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. 27-417 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, permitted pursuant to meeting design standards, permitted 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. 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)		
<b>Other principal uses</b>	10,000	50	100	(1)	15	5	35	25
<b>Accessory uses</b>	-	-	-	(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 Street (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

**Sec. 27-418 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, permitted pursuant to meeting design standards, permitted 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. 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 Street (feet)	Rural Street (feet)	State Highway (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

**Sec. 27-419 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, permitted pursuant to meeting design standards, permitted 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. 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 Street (feet)	Rural Street (feet)	State Highway (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

**Sec. 27-420 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, permitted pursuant to meeting design standards, permitted 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. 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 Street Rural Street (feet)	State Highway State Highway (feet)	Arterial Street (feet)	Collector Street		Residential 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.

**Sec. 27-421 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, permitted pursuant to meeting design standards, permitted 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. 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 Street Rural Street (feet)	State Highway State Highway (feet)	Arterial Street (feet)	Collector Street		Residential 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.

**Sec. 27-422 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, permitted pursuant to meeting design standards, permitted 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. 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.

**C. 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.

**D. 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 the Zoning Administrator 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 Chairperson of Downtown Hutchinson Revitalization Partnership, Inc., of the date, time and location of the public hearing.

**Sec. 27-423 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, permitted pursuant to meeting design standards, permitted 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. 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.

**Sec. 27-424 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, permitted pursuant to meeting design standards, permitted 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. 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 Street	Rural Street	State Highway	State Highway	Arterial Street	Collector Street		Residential Street	30 <sup>th</sup> Avenue Corridor
(feet)	(feet)	(feet)	(feet)	(feet)	Non-Residential (feet)	Residential (feet)	(feet)	(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.

**Sec. 27-425 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, permitted pursuant to meeting design standards, permitted 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. 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)	5	5 (3)	-	60
<b>Accessory uses</b>	-	-	-	(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 Street (feet)	Rural Street (feet)	State Highway (feet)	State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (feet)
30 <sup>1</sup>	-	-	-	-	25	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.

**Sec. 27-426 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, permitted pursuant to meeting design standards, permitted 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. 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 Street Street (feet)	Rural State Highway Highway (feet)	State Arterial Street (feet)	Collector Street Non-Residential (feet)	Residential Residential (feet)	Residential Street (feet)	30 <sup>th</sup> Avenue Corridor (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.

**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.

**Sec 27-432 A-I Airport Industrial Mixed Use District.**

- A. Intent.  
The intent of the A-I Airport Industrial Mixed Use District is to provide for airport and airport-related uses in a manner that protects airport operations from encroachments and land use conflicts. This district accommodates the ongoing operational and expansion needs of the airport, including office, retail, dining, lodging (temporary-only), hangars, airplane storage, runways and other, similar uses.  
In the A-I District, no building, structure, land or premises shall be used or hereafter erected, constructed, reconstructed, moved or altered except for one or more of the use types authorized by this section. All uses shall be subject to the development and performance standards set forth in these regulations.
- B. Permitted Uses.  
In addition to those uses listed in 27-406, the following uses are permitted by right, provided they meet the height, lot, design and other criteria of this district and these regulations:
1. Runways & taxiways
  2. Navigational aids

3. Federal Aviation Administration (FAA) approved operational aids
4. General agriculture, excluding feedlots and keeping of farm animals
5. Terminal operations, to include related ticketing and office uses, baggage handling and restaurants
6. Fixed base operations, including charter, agricultural spraying and flight school operations
7. Hangars, maintenance and storage
8. Retail businesses and offices where all activity is inside a building and which emit no electrical or radio interference
9. Light to medium manufacturing operations where the entire operation is conducted within a building and providing no raw materials or manufactured products are stored outside
10. Vehicle rentals and associated vehicle storage
11. Aircraft and vehicle fueling station for support of airport operations

C. Conditional Uses.

The following uses are permitted in the A-I District pursuant to obtaining conditional use permit approval by the City of Hutchinson Governing Body, and upon recommendation of the Hutchinson Planning Commission.

1. Temporary living quarters, including short-term stay housing for pilots and passengers, provided said stays shall not exceed 14 days duration.

Conditional Use Permits shall be approved in accordance with the provisions of §27-501 of these regulations.

E. Temporary Uses.

The following temporary uses may be permitted provided a temporary use permit is obtained and said use is eliminated on or before the expiration date of the permit.

1. Fly-ins
2. Festivals
3. Farmer's markets
4. Retail sales
5. Air shows
6. Aircraft demonstrations

Temporary use permits shall require approval by the Airport Manager, or designee.

F. Accessory Uses.

Buildings and uses customarily incidental to the permitted or conditional uses specified in this section shall be permitted, including public works facilities, maintenance garages and storage facilities.

**G. Height and Lot Requirements.**

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)		
<b>Other principal uses</b>	5,000	50	50	(1)	10	5	35	60
<b>Accessory uses</b>	-	-	-	(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 Street Rural Street (feet)	State Highway State Highway (feet)	Arterial Street (feet)	Collector Street Non-Residential (feet)	Collector Street Residential (feet)	Residential Street (Public or Private) (feet)	30 <sup>th</sup> Avenue Corridor (feet)
N/A	N/A	25	N/A	N/A	10	N/A

**H. Miscellaneous Provisions.**

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

1. Parking. Parking requirements shall be determined based upon the use type. For use types not listed in §27-702, the following standards shall apply:
  - a. Commercial Hangars. One per employee on maximum shift, plus two.
  - b. Private Hangars. Two parking spaces.
2. Landscaping. Landscaping shall conform with the requirements of the industrial development standards.
3. Fencing. Maximum fence height shall be eight feet, plus the required height for barbed wire, as needed for security purposes.

**Section 2.** That the existing Article IV. Site Plan Review, of Chapter 27 of the Hutchinson City Code is hereby repealed.

**Section 3.** This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

**PASSED BY THE GOVERNING BODY**, this 21<sup>st</sup> day of August, 2018, for the City of Hutchinson, Kansas.

Steven A. Dechant, Mayor

ATTEST:

Karen Weltmer, City Clerk