

Article I. Title, Application, Purpose, Interpretation

Sec. 27-101 Title.

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

Sec. 27-102 Purpose and Intent.

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

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

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

Sec. 27-103 Authority and Jurisdiction.

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

Sec. 27-104 Rules of Construction.

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

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

Sec. 27-105 Zoning Procedure.

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

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