

Article IX. Supplemental Regulations

The regulations set forth in this article qualify or supplement the zoning district regulations appearing elsewhere in these regulations. It is the intent of the supplemental regulations to provide overview and guidance for a range of development considerations which will affect the health, safety, welfare and living environment within the City's zoning jurisdiction.

Sec. 27-901 Home Occupations.

A. Intent.

Home occupations are activities accessory to legal residential uses. Special regulations apply to such activities to ensure that the residential character of the property shall be maintained. These regulations are intended to assure that the home occupation remains subordinate to the residential use and that the residential visual quality and environment of the neighborhood is maintained.

The intent of the regulations of this section is to establish performance standards for all home occupations rather than to limit uses and activities to a specific list. Home occupations that comply with the performance standards of this section are allowed by right unless otherwise expressly stated.

B. Exemptions.

The following uses shall be exempt from the regulations of this section.

1. Home Product Demonstrations:
Occasional home product demonstrations for guests (no more than two per week).
2. Accessory Retail Sales:
Retail sales of goods that are clearly subordinate and subsidiary to a service provided on site (such as hair care products sold to hair cutting clients).

C. Site-Related Standards.

1. Signs:
One non-animated, non-illuminated, accessory identification sign of no more than six square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, or displayed in a window.
2. Alterations:
The home occupation shall be limited to the principal structure on the premises and shall not occupy more than 50 percent of the gross floor area of such structure.
3. Outdoor Activities:
There shall be no outdoor storage including but not limited to inventory, equipment and materials used in a home occupation.
4. Appearance:
The dwelling and site shall remain residential in appearance and characteristics. External changes that would make the dwelling appear less residential in character or function shall be prohibited. Examples of such

prohibited alterations include construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

D. Impact-Related Standards.

The following are additional regulations that shall apply to home occupations. Waivers or variances from the regulations in this section shall be prohibited.

1. Noise:
No equipment or process shall be in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of a person off the lot if the occupation is conducted in a single family detached dwelling, or outside the individual dwelling unit if conducted in a structure other than a single family detached dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
2. Traffic:
No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in a residential neighborhood.
3. Nonresident Employees:
No more than one person other than the persons occupying such dwelling unit as their residence shall work as an employee. For the purpose of this section, the term "employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation who does not live at the site but who regularly visits the site as part of the home occupation.
4. Other Regulations:
Home occupations must comply with all other city, county, state and federal regulations.

E. Prohibited Uses.

The following uses shall not in any event be considered home occupations within this definition:

1. Wholesale or retail sales (online and catalog sales are permitted);
2. Any type of business activity involving the repair or assembly of vehicles or equipment with internal combustion engines (such as motor vehicles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers and refrigerators) or any other work related to vehicles and their parts;
3. Tourist accommodations including bed and breakfast establishments;
4. Funeral and interment services;
5. Stables, veterinary services or animal hospitals;
6. Restaurants and other on-site commercial food service or sales are not allowed as home occupations; Catering for off-premises consumption is not

prohibited so long as all applicable city, county and state regulations are met.;

7. Construction contractor's shop including the storage of materials, goods, equipment, and trailers except when such materials, goods, equipment and trailers are stored inside a completely enclosed building;
8. Grocery stores;
9. Liquor stores, bars and taverns;
10. Tattooing and body piercing facility;
11. Sale, manufacture or storage of explosives, including ammunition;
12. Adult entertainment; and
13. Industrial uses.

F. Home Occupation Permit.

1. Purpose.

Permits for home occupations shall, prior to their establishment, be obtained from the zoning administrator. The permit requirements are intended to ensure:

- a. That the applicant is aware of the provisions of the zoning regulations governing home occupations;
- b. That the city has all information necessary to evaluate whether the proposal initially meets, and continues to meet these regulations; and
- c. That the permit protects the interests of the home occupation and provides the zoning administrator with documentation to respond to inquiries in an informative and timely manner.

2. Procedure and Renewal Process.

Home occupations shall be required to register with the zoning administrator prior to their establishment. At the time of registration, the applicant shall provide an affidavit pledging compliance with the standards, conditions and the documentation of the home occupation. The permit is tied to the land occupied by the home occupation and is not transferable to other sites or to other operators.

The applicant shall complete the home occupation permit that describes the standards set forth in this section, the type of business activities to take place at the site, the hours of operation, and either the existence of a nonresident employee or the expected number of customers/clients on a daily basis. The zoning administrator may impose such conditions on a home occupation permit as is necessary to meet the purposes of these regulations and protect the public health, safety and welfare of adjacent and nearby uses.

3. Revocation.

- a. If a complaint has been signed and filed with the zoning administrator by the owners of 30 percent or more of the total land area within 200 feet of the boundaries of the parcel of the home occupation, the zoning administrator shall reconsider the permit and upon showing

of a violation may terminate the authority to operate the home occupation.

- b. When a home occupation permit has been terminated due to non-compliance with conditions of the existing permit on file, a new home occupation permit will not be issued to the applicant or other persons residing with the application for two years.

Sec. 27-902 Residential-Design Manufactured Home Requirements.

Specific requirements for residential-design manufactured homes shall include all of the following:

- A. The minimum width of a residential-design manufactured home shall be 22 feet.
- B. The roof shall be double-pitched and shall have a minimum vertical rise of two inches for each 12 inches of horizontal run.
- C. Roof covering shall be residential in appearance, including but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or metal roofing materials not approved by the City.
- D. The siding shall be of materials that are customarily used on site-built homes, but excluding materials such as smooth, ribbed or corrugated metal or plastic panels. The exterior covering material must extend to the ground, except that, when a solid concrete or masonry foundation is used, the exterior covering material need not extend below the top of the foundation;
- E. The manufactured home shall be installed in accordance with the recommended installation procedures of the manufacturer and/or standards set by the International Code Council. Foundation and tie down construction shall be pre-engineered by a structural engineer licensed in the State of Kansas.
- F. At each exit door there shall be a landing which is constructed to meet the requirements of the City Building Code.
- G. All manufactured home running gear, tongues, axles and wheels must be removed from the site at the time of installation of the home on the lot as required by the City Building Code.
- H. The finished floor of the residential-design manufactured home shall be a maximum of 18 inches above the exterior finished grade of the lot on which it is located.
- I. Any addition to a residential-design manufactured home shall comply with all construction requirements of the Building Code and all applicable standards

specified in the Federal Manufactured Home Construction and Safety Standards, otherwise known as the HUD Code, or whichever code is most restrictive.

- J. If 50 percent or more of the existing homes on the frontage of the block in which the residential-design manufactured home is to be installed have an attached garage, the residential-design manufactured home shall also have an attached garage.
- K. External roofing and siding of the garage shall be of the same materials as the roofing and siding materials of the residential-design manufactured home.
- L. If 50 percent or more of the existing homes on the frontage of the block in which the residential-design manufactured home is to be installed have a primary entrance facing the street, the primary entrance of the residential-design manufactured home shall also face the street.
- M. Required building permits shall be obtained by a registered contractor for all work related to placement of residential-design manufactured homes.
- N. Refer to Article II: *Definitions*, “*Manufactured Home, Residential-Design*” and Article IV: *Districts, Sec. 27-406 Table of Land Use Categories*, to determine where a residential-design manufactured home is permitted, not permitted or permitted by conditional or special use permit.

Sec. 27-903 Licensed Day Care Homes, Licensed Group Day Care Homes, Child Care Centers and Preschools.

- A. Day care homes and group day care homes shall be permitted subject to the approval of a residential day care permit by the City. The following standards shall apply:
 - 1. The day care provider shall be licensed by the State of Kansas and shall reside on the premises.
 - 2. Outside play areas shall be fenced.
 - 3. Only one employee, other than persons residing on the premises, shall be permitted.
 - 4. Prior to the approval of a residential day care permit or the renewal of a permit, the home shall be inspected for compliance with any applicable building or fire codes. If any deficiencies are found, they shall be corrected prior to approval of the permit by the City.
 - 5. The initial permit shall be valid for a maximum of one year from the date of the City’s approval. The first renewal of a permit may be approved for up to three years, and subsequent renewals may be for up to five years.
- B. Child care centers and preschools may be permitted based upon the following:
 - 1. As an accessory use permitted by right in conjunction with an approved educational or institutional use.

2. As an accessory use and in conjunction with an approved commercial or industrial use or governmental agency provided that a special use permit is approved by the Board of Zoning Appeals.
3. As a principal use that meets all state and local regulations. Refer to Sec. 27-406 Table of Land Use Categories, to determine the zoning districts in which a child care center or preschool is permitted.
4. Child care centers and preschools shall be subject to a general traffic plan being submitted to and approved by the City Engineer. Such plan shall not permit parking on any adjacent public street, and shall include a drop-off and pick-up site designated to prevent traffic congestion or vehicles stacking onto the public streets.

Sec. 27-904 Detailed Regulations for Treatment Homes Housing Sex Offender Populations.

A. Purpose.

The purpose of these regulations pertaining to treatment homes housing sex offender populations is to help ensure the proper placement of such a facility within the Hutchinson zoning jurisdiction. It is the intent of this section to help ensure that these types of facilities are compatible with the neighborhood in which they are proposed to be located.

B. General Requirements.

1. A sex offender, as that term is used herewith referring to the sex offender population, is defined as a sex offender who is required by K.S.A. 22-4901 et seq., as may be amended from time to time, to register with the sheriff within 10 days of moving into a community or county.
2. Any change in the types of services offered in a treatment home (regardless if the change is still within the same land use category) shall require an additional conditional use permit.
3. Conditional use permits shall not be issued to a treatment home with a sex offender population for any facility within 500 feet of a facility such as: day care centers or facilities; public parks or playgrounds; private businesses that primarily serve children and/or youth under the age of 18; public or private preschools, elementary, middle and high schools; and residences of agencies that provide on-site services to persons suffering from developmental, physical or mental disabilities.
4. The distances in this section shall be measured from the nearest portion of the exterior of the specific portion of the building subject to the application to the property line of the building already being used as any of the other uses set forth in subsection (3) above. 5. The Planning Commission and City Council must also consider the following criteria when considering a conditional use permit for a treatment home with a sex offender population:
 - a. Character of the neighborhood;

- b. Current zoning and uses of nearby property;
- c. Suitability of the parcel for its current zoning and use compared to the proposed use;
- d. Detrimental effects to nearby properties if the conditional use permit were approved;
- e. Length of time of vacancy;
- f. Consideration of public interest and landowner hardship;
- g. Conformance of the request with the Comprehensive Plan;
- h. Impact on public facilities and utilities; and
- i. Recommendations of City staff and their representatives.

Sec. 27-905 Parking of Recreational Vehicles.

- A. Unless otherwise provided, it shall be unlawful for any person to park or occupy a recreational vehicle (RV) in the City.
- B. RV's shall be included in calculations of maximum permitted percentage of lot coverage. (Refer to the Height and Lot Requirements tables listed for each district in Article IV.)
- C. Parking of an RV is not permitted in the front yard. On a corner lot, an RV may be parked in the side street front yard but shall be subject to the same required setbacks as an accessory structure.
- D. An RV shall be parked a minimum of five feet from any structure on the property and a minimum of 10 feet from all property lines or a distance equal to the height of the RV, whichever is greater.
- E. All RV's, boats and trailers must be parked in a building, under a carport or in a side yard or rear yard. RV's, boats and trailers shall not be parked in a front yard between the front of the principal structure and the front lot line or in a side yard or rear yard setback. Parking areas for RV's, boats and trailers are not required to have a hard surface; provided, however, that any RV, boat or trailer must be parked on a dust-free, rut-free surface including, without being limited to, any such areas covered with grass, ground cover, water-permeable grass pavers, concrete, asphalt or other similar ground cover. Parking, driving or storage of RV's, boats and trailers on exposed dirt shall be prohibited. Drive areas to and from the parking space for an RV, boat or trailer shall be rut-free.
- F. An RV shall not be utilized for residency or dwelling purposes in any district.
- G. An RV, used exclusively for the purpose of traveling and occupancy by the owner, members of his family and guests, while in attendance at events held at the Hutchinson Sports Arena may be parked in any portion of the Sports Arena parking lot designated for parking of RV's.
- H. Parking an RV in a front yard: When allowed.
 - 1. Parking of a single RV shall be allowed in the front yard of any residential property strictly for the purpose of loading or unloading, but parking for such purpose shall not exceed 48 hours.
 - 2. A single RV may be parked on the front driveway by the visiting guest of the occupant of the premises for up to five days in any calendar month, subject to the following criteria:
 - a. No cooking appliance of any kind shall be operated;

- b. No litter, sewage, effluent or other matter shall be discharged from an RV except into sanitary facilities designed for such use;
- c. No RV shall be connected to sewer lines, water lines, or electricity; provided, that an RV may be connected to electricity temporarily for charging batteries and other hook-up facilities, and all such connections shall comply with applicable state and local regulations; and
- d. No RV shall be used for storage of goods, materials or equipment other than those items considered to be a part of the RV or essential for its immediate use.

Sec. 27-906 Recreational Vehicle Parks.

A. Purpose.

These regulations are intended to provide standards for the development, operation and grounds maintenance of recreational vehicle parks in the city in order to provide a reasonable living environment for inhabitants, prevent nuisances, and protect residential neighborhoods in the vicinity of recreational vehicle parks.

B. Zoning District.

A recreational vehicle park (RV park) shall be allowed to locate only in the C-3 Outdoor Commercial District, I-1 Light Industrial District and I-2 Industrial District, and only upon issuance of a conditional use permit.

C. General Requirements.

- 1. The applicant shall prepare and submit a conditional use permit application, a development plan, a proposed method of solid waste collection/disposal, and associated elements including a schedule of construction for review by the Site Plan Review Committee.
- 2. The minimum lot area of an RV park shall be four acres. RV parks shall only be used for temporary, transient recreational lodging. RV Parks shall not be used for the establishment of permanent dwelling units other than for the park operator.
- 3. RV parks shall have a maximum density of 20 RV spaces per acre. A minimum of 1,250 square feet shall be provided for each RV space. Each RV space shall be marked with a sign with a specified number or code for differentiation from other spaces, which shall be shown on a map of the RV park. It shall be the responsibility of the owner or manager of the RV park to keep a current record of the names and addresses of the occupants of each RV space, and the arrival and departure dates of each occupant. This record shall be made available for inspection to the building official, inspections department and other authorized agencies.
- 4. RV Pad/Space Requirements:

RV Pad surface material	Concrete
Minimum RV Pad Size	10 feet by 40 feet
RV Pad minimum clearance	Between RV Pads: 20 feet From buildings and property lines: 25 feet
RV Space minimum frontage along an interior roadway	20 feet

5. Design of RV pads and spaces shall be reviewed and approved by the City Engineer. Each RV unit shall be parked entirely on the concrete pad.
6. Roadways, walkways, and exposed ground surfaces in all parts of the park shall be paved, covered with stone or other solid materials or protected with a vegetative growth capable of preventing erosion and eliminating dust.
7. All roadways and walkways within the RV park shall be designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times. The design of roadways and walkways, including surface paving, shall be approved by the City Engineer, to maintain proper drainage and minimize dust. All bridges and culverts within the development shall have a bearing capacity of at least 32 tons, to allow access by emergency vehicles. All roadways and walkways within the park shall be adequately lighted at night to provide safe access.
8. A drainage study meeting the requirements of the City Engineer shall be required for all RV parks.
9. Open space for common areas, playgrounds and other recreational uses shall be provided at the rate of at least 15 percent of the gross area of the RV park, and shall be of sufficient size and distribution as to be a functional part of the entire development.
10. A solid fence or wall at least six feet in height shall be provided between the RV park and any adjacent property which is located in the following zoning districts: R-1, R-2, R-3, R-4, R-5, MH, EN, CR, C-1, C-2 and AE.
11. An open or solid fence or wall at least four feet in height shall be provided between the RV park and any adjacent property which is located in any zoning district other than the zoning districts listed in No. 10 above.
12. If the park operator resides on site, one dwelling unit may be permitted, which includes a single- or double-wide manufactured home. The dwelling unit may only be used for the park operator. If the dwelling unit is a manufactured home, it must meet all City specifications. No RV spaces shall be permitted for the placement of permanent dwellings.
13. A properly ventilated and constructed storm shelter shall be provided in a central or other convenient location within the RV park. Storm shelter design and size shall be constructed in accordance with all City building codes.
14. Every RV park shall be provided with one or more service buildings equipped with flush toilets, lavatories and showers meeting all City building

codes. Such facilities shall be conveniently located at a distance of not more than 300 feet from any RV served. Such facilities shall be kept in a clean and sanitary condition, and plumbing fixtures shall be maintained in good working order. All such facilities shall be adequately lighted at all times of the day and night, shall be well ventilated, and shall meet all requirements of the City building codes.

15. Every RV park shall contain at least one sanitary disposal station for the sole purpose of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner.
 - a. Each sanitary station shall consist of a holding basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.
 - b. The disposal hatch of sanitary station units shall be connected to the sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the RV park water supply system.
 - c. Each sanitary station shall have a sign posted stating "Danger—Not to be used for drinking or domestic purposes."
 - d. Sanitary stations shall be approved by KDHE.
16. All utilities shall be placed underground and shall comply with the following requirements:
 - a. An accessible, adequate and safe supply of potable City water shall be provided in every RV park. The water supply system shall be designed, constructed and maintained in compliance with applicable city standards. All plans and specifications shall be submitted with the conditional use permit request. Each rental space equipped with sewer and electrical hookups shall also be equipped with two water outlets, to provide connection for the RV and a garden hose. All other rental spaces shall be equipped with one water outlet.
 - b. A minimum of 80 percent of all rental spaces shall be equipped with a hookup to a public sewage system by way of a branch line and riser pipe at least four inches inside diameter. The riser pipe shall be capped with a watertight cap or plug when not in use. Sanitary sewage systems and plumbing shall be installed in compliance with City Code standards.
 - c. A minimum of 80 percent of all RV spaces shall be equipped with an electrical outlet installed in accordance with applicable and current City electrical codes.
 - d. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. All refuse shall be stored in durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids. Such containers shall be provided at the rate of at least one 55-gallon container, secured in a rack or holder, for each rental space, or an equivalent storage capacity in centralized storage facilities as may be approved through the development plan review process. All refuse containers shall be adequately screened in

accordance with Sec. 27-908(E)(7) of these regulations. Adequate refuse collection and removal shall be the responsibility of the park owner.

17. A landscaping plan shall be submitted with the development plan and conditional use permit application. The landscaping plan shall be designed in accordance with the landscaping requirements of these regulations.
18. Fires shall be made only in stoves and other equipment intended for such purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires shall be permitted.
19. Tents shall not be permitted in any RV park.

D. Development Plan.

1. The applicant shall prepare or cause to be prepared a development plan with the conditional use permit application and shall present 18 copies of said plan for review by the Site Plan Review Committee, Planning Commission and City Council. The development plan shall show the proposed development and shall conform with the following requirements:
 - a. Proposed RV spaces, consecutively numbered, with their approximate dimensions;
 - b. Service buildings;
 - c. Site topography;
 - d. A drainage study meeting the requirements of the Engineering Department;
 - e. Location of storm shelters;
 - f. Location and dimensions of parking spaces;
 - g. Electrical outlets;
 - h. Sewer outlets and lines;
 - i. Water outlets and lines;
 - j. Proposed method of solid waste collection and disposal;
 - k. Location and size of recreation facilities and open space;
 - l. Location of light poles and areas of illumination;
 - m. Landscaped areas and walls or fences;
 - n. Proposed streets and driveways with dimensions and traffic circulation plan;
 - o. Proposed signage, including entryway project signage;
 - p. Any existing streets in or abutting the property;
 - q. Sidewalks/walkways;
 - r. Legal description of the property;
 - s. Names of the landowner, the developer and the person or firm preparing the plan;
 - t. North arrow, scale and date; and
 - u. Any other information required by the City.

2. When the conditional use permit and required development plan have been approved by the Planning Commission and City Council, the building official shall issue applicable building permits to proceed with the RV park. If it shall be found that the holder of said permit has violated or caused to be violated any provision of this article, concerning either construction or operation, the City shall have the power to revoke the authority for operation of the RV park.

E. Effective Date.

After the effective date of these regulations, no new RV park shall be established or operated and no existing RV park shall be expanded or altered, except in accordance with these regulations and under permit from the zoning administrator.

Sec. 27-907 Fences.

No fence shall be constructed within the zoning jurisdiction of the City unless it is constructed in conformance with the following requirements:

- A. A fence or wall may project into or enclose any required front, side or rear yard subject to access requirements of any established easement and in accordance with the following:
 1. The maximum height of fences or walls that project into any front yard shall be no more than three feet high at the grade from the right-of-way edge. Except that fences such as chain link, split rail and others that allow visibility through at least 50 percent of their area may be four feet high.
 2. The maximum height of fences or walls that project into side yards shall not exceed six feet in height at the grade of the nearest wall of the principal structure.
 3. A fence in excess of three feet in height shall not extend beyond the front of any principal structure located on adjacent parcels except as set out above and the required front yard setback must be maintained.
 4. The maximum height of fences or walls that project into rear yards shall not exceed six feet in height at the grade of the nearest wall of the principal structure unless otherwise required.
 5. In an industrial district, fences or walls needed for security and safety shall not exceed eight feet in height in any yard, except as may be otherwise permitted.
 6. Where a residential structure is on a corner lot, a solid fence six feet in height may be constructed in the side street front yard subject to the following:
 - a. If the side street front yard is adjacent to the front yard of an adjacent lot, then the fence must not project nearer to the side street than the front exterior wall of the adjacent building.
 - b. The fence shall not project beyond the property line nor into a city right-of-way.

- c. The fence shall not extend nearer to the front street lot line than the front wall of the principal building.
 - d. The fence shall not extend into any sight triangle as defined in these regulations.
 - e. The fence shall not exceed a height of six feet as measured at the average highest adjacent grade.
 - f. The zoning administrator shall establish which yard is the side street front yard.
7. Except as otherwise set forth in this code, permitted materials for fences on all properties shall include:
- a. new lumber and new wood boards;
 - b. rustic wood;
 - c. chain link;
 - d. wrought iron and decorative aluminum;
 - e. vinyl;
 - f. brick and masonry;
 - g. stone, rock and concrete block;
 - h. stucco;
 - i. welded wire; and
 - j. any generally accepted fencing materials commonly used in the fencing industry.
8. Prohibited materials shall include but not be limited to:
- a. sheet metal;
 - b. metal building siding and roofing materials;
 - c. corrugated metal or fiberglass;
 - d. barbed wire except as may be permitted for security requirements;
 - e. chicken wire;
 - f. plywood;
 - g. scrap wood;
 - h. scrap metal;
 - i. canvas, nylon or other non-rigid material or fabric;
 - j. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence; and
 - k. stock fences.
9. The zoning administrator may require a photograph or sketch of the proposed fence.
10. All new fence construction must provide the approved fencing materials. An application for the construction of a fence shall be made on forms supplied by the Planning and Development Department. Upon approval of the application and payment of the required fee for a building permit, the Building Official and zoning administrator shall issue a permit.

B. Electric Fences.

No electric fence shall be constructed or maintained within the City of Hutchinson zoning jurisdiction except in the TA District, subject to review and approval by the zoning administrator.

C. Facing.

The finished surface of all fences shall face outward from the property. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

D. Effective Date.

Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of these regulations may remain without change, notwithstanding same may be in conflict with one or more provisions of these regulations. However, any replacement or change consisting of more than 50 percent of said existing fence or addition of a new fence shall meet the requirements of these regulations.

Sec. 27-908 Landscaping Requirements.

A. Intent.

The purpose of these regulations is to foster an attractive community through the installation of economically responsible and climatically appropriate landscaping. The City recognizes the value of landscaping in achieving the following goals:

1. Promote the enhancement of Hutchinson's urban forest;
2. Promote the reestablishment of vegetation in urban areas for health, ecological, and aesthetic benefits;
3. Provide new planting in harmony with natural vegetation and careful grading;
4. Provide greenery to visually soften paved areas and buildings, while being sensitive to safety concerns;
5. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and surrounding properties;
6. Screen certain unsightly equipment or materials from the view of persons on public streets or surrounding properties;
7. Unify development and enhance and define public and private places;
8. Encourage xeriscape principles in the preparation of landscape plans;
9. Provide an overall planting scheme that will:
 - a. Reduce soil erosion and the volume and rate of discharge of stormwater runoff;
 - b. Promote ground water recharge;
 - c. Aid in energy conservation by shading and sheltering structures from energy losses caused by weather and wind;
 - d. Mitigate the loss of natural resources;
 - e. Provide visual screens and buffers that mitigate the impact of a land use on a neighborhood to preserve the appearance, character and value of existing neighborhoods;
 - f. Reduce glare, noise and heat; and

- g. Provide greater perceptual clarity along streets by more consistent planting of properly sized street trees; and
- 10. Attract potential residents and businesses to Hutchinson, and create a safer, more attractive and more pleasant living and working environment for residents and visitors.

B. Definitions.

Developed Area shall mean the area of a lot disturbed for the purpose of developing structures, parking facilities, loading or storage areas, paved access to off-street parking or loading areas, or other areas paved with an all-weather material.

Landscape Buffer shall mean a combination of living vegetation, such as trees, shrubs, grasses, perennials or ground cover material.

Landscape Material, Living shall mean climatically compatible living plants to include trees, shrubs, ground cover, vines, turf and grasses.

Landscape Material, Non-Living shall mean decorative rock, bark, mulch, brick pavers and decorative embellishments (fountains, pools, walls, fencing, sculptures and other materials commonly used in landscaped areas). Salvage materials and similar items shall not be considered landscape material.

Landscape Mixture shall mean the mix of living and non-living landscape material required on a lot or property. This is typically expressed as a percentage.

Landscape Plan shall mean a drawing depicting the site, the layout of buildings and other hardscape, and the annotation of areas to be landscaped. Landscape plans shall include the proposed method for irrigation; the percent mix of living and non-living landscape materials; a list of all living species (including denotation of where said species will be planted), and a list of all non-living landscaping materials.

Landscaped Area shall mean any area that contains living or non-living landscape materials that are intended to meet the requirements of this section.

Mulch shall mean material, such as seed hulls, pine needles or tree bark used to control weed growth and to reduce soil erosion and water loss.

Natural Area/Undisturbed Natural Area shall mean land and water that has substantially retained its natural character or land and water that, although altered in character, is important as habitats for plant, animal or marine life, for the study of its natural, historical, scientific or paleontological features, or for the enjoyment of its natural features.

Parking Lot Island shall mean a landscape area a minimum of 200 square foot in size that contains a minimum of one tree and which is contained completely within the confines of a parking lot.

Parking Peninsula shall mean a planting area used to fulfill parking lot landscaping requirements, which extends out into the parking area and is abutted on at least one side by the outer edge of the paving or a building and which contains at least one tree.

Shrub shall mean a woody plant other than a tree.

Significant Tree shall mean any existing tree with a caliper of six inches or greater, determined to be in good health by a qualified professional (i.e. urban forester, certified arborist) following guidelines established by the International Society of Arboriculture.

Street Tree shall mean a tree planted within the planter strip between the sidewalk and the curb or, if no planter strip exists, a tree planted within 10 feet of the public right-of-way.

Tree shall mean any self-supporting woody plant, usually having one or more woody trunks, and a potential diameter at breast height (DBH) of four inches or more.

Turf Grass shall mean existing or installed grass that has been sodded, sprigged, seeded or hydro mulched. All turf shall completely cover exposed areas of soil after one full growing season.

Xeriscape shall mean a method of landscaping that emphasizes water conservation and which is accomplished through sound horticultural and landscaping practices, such as planning and design, soil improvement, limited turf areas, use of mulches and decorative rock, use of low-water-demand plants, efficient irrigation practices and appropriate maintenance.

C. **Applicability, Exemptions and General Regulations**

These regulations shall be minimum standards for landscaping and screening. Property owners and developers are encouraged to exceed the standards set forth in these regulations in order to enhance the value of their properties and to benefit the collective health and enjoyment of all residents within the City of Hutchinson planning jurisdiction.

1. Applicability. Unless otherwise expressly stated in these regulations, all rules, regulations, conditions and requirements set forth in this section shall apply to the following:
 - a. The construction of any principal building or structure;
 - b. The addition to or enlargement of any principal building, except as exempted below, by more than 30 percent of its existing gross floor area (or smaller additions if the aggregate area of such additions

- over a period of 18 months exceeds the 30 percent threshold) except that additions smaller than 500 square feet shall be exempt;
- c. The construction or installation of any surface parking area containing five or more off-street parking spaces (or smaller additions if five or more parking spaces are installed over a period of 18 months), if said parking lot abuts the public street or sidewalk; and
 - d. All areas of a site or development, except single family detached dwelling and residential duplex lots, that are not covered by buildings or impervious surfaces, except that phasing may be permitted for projects located on large lots.
2. Exemptions. The following shall be expressly exempt from the landscaping and screening standards of this article:
 - a. The construction or expansion of a single family detached dwelling, including a residential-design manufactured home, or a residential duplex; provided, however, that all required front, side and rear yards shall be landscaped, except walkways, parking surfaces, drainage utilities and accessory uses. Said uses shall have a combination of living and non-living landscape material, with no bare ground exposed at the time of occupancy.
 - b. Agricultural uses;
 - c. Changes of use/occupancy for existing buildings, where no expansion is requested or where the expansion does not meet the minimum threshold as established under Sec. 27-908.C.1.b; and
 - d. Changes of use/occupancy for existing buildings even if the new use requires special use permit approval or conditional use permit approval.
 3. Additional Landscaping Not Required. If the site, including proposed buildings and parking areas, meets or exceeds current landscape requirements, additional landscaping shall not be required.
 4. Line of Sight Protected. Nothing herein shall reduce the lines of sight and traffic visibility standards adopted in these regulations. Plantings within the sight triangle shall not exceed a height of 30 inches.
 5. Landscaping in the Street Right-of-Way. Property owners in all zoning districts shall be responsible for landscaping the area within the street right-of-way between the edge of the roadway and the property line.
 - a. The type and location of vegetation shall not interfere with utilities and the safe and efficient flow of vehicular and pedestrian traffic. Approval by the appropriate City Departments responsible for streets and utilities shall be required; and
 - b. The area within the street right-of-way between the curb line and the property line shall not be hard-surfaced, other than a permitted driveway or sidewalk, and it shall not be used for parking, display or storage, unless otherwise permitted.
 7. Fire Hydrants and Fire Hose Connections. No landscaping or screening shall be installed in a manner that might impede access by the Fire Department to fire hose connections on buildings and fire hydrants.

Consideration should be given to plant species that, upon reaching mature height, may block connections.

8. Quality and Coverage Requirements.
 - a. All plant material planted to meet the requirements of these regulations shall be in a healthy condition at the time of planting and shall meet quality standards set forth by the American Standard for Nursery Stock;
 - b. Turf grass shall be planted, seeded or re-seeded as necessary, watered and maintained in such a manner as to completely cover all exposed areas of soil after one full growing season; and
 - c. No disturbed ground shall be left exposed. Grass and other approved landscape material shall cover all non-paved and non-built developed areas.
9. Inspection Required. An inspection of all plantings to confirm compliance with the approved landscape plan shall be required prior to the issuance of a certificate of occupancy.
10. Maintenance. It shall be the responsibility of the property owner(s), or his/her assigned agent(s) to:
 - a. Maintain and keep all screening and fencing in good repair at all times;
 - b. Maintain landscaping by keeping lawns mowed, all plants properly groomed and maintained as disease-free, and planting beds groomed, except in naturally occurring dense growths of shrubs or undergrowth;
 - c. Replace any required planting(s), which have been removed, are diseased or no longer living, within one year or within the first planting season, whichever occurs first, except those in naturally occurring dense growths of shrubs or undergrowth; and
 - d. Maintain all landscaping included as part of an approved landscape plan.
11. Violations. Failure to provide the improvements required by these regulations or failure to maintain improvements in the manner prescribed by these regulations shall constitute an offense and violation of this chapter. Also see Sec. 27-1210.
12. Right of the City to Clear Trees. Nothing herein shall affect in any way the rights of, or exercise by, any public utility or City Department of its present and future acquired rights to clear trees and other vegetation from lands used by a public utility or City Department. The public utility or City Department shall cooperate and coordinate with the City Forester when clearing or pruning in the rights-of-way.
13. Easements and Rights-of-Way. Plantings and other landscaping established within official easements of record and public rights-of-way may be subject to alteration and/or removal by the easement or right-of-way holder for purposes of access and/or maintenance without liability.

D. Steps Required for Approval of the Landscape Plan.

1. Determine Landscape Material Requirements. Determine the percentages and location of plantings, quantity, type and size of living and non-living landscape materials and add those features to the Landscape Plan. (Refer to Sec. 27-908.E.)
2. Determine Additional Requirements. Determine whether screening or buffer requirements apply to the development and add those features to the Landscape Plan. (Refer to Sec. 27-908.E.)
3. Submit Landscape Plan to City. Submit the Landscape Plan to the Planning and Development Department for review. (Refer to Sec. 27-908.F.)

E. Landscape Requirements.

1. Unless exempted above, all developments shall contain landscaping in accordance with the following table:

Zoning District	Minimum Landscaped Area*
R-4, R-5, C-1, C-2	30%
C-3, C-4, CR	20%
I-1, EN	15%
I-2, I-3, A-I, P/I	10%
C-5	0%

*Percent of developed portion of site

- a. No more than 50 percent of a required landscape area shall be non-living. These regulations are intended to encourage creativity and diversity in landscaping.
 - b. Existing Trees. Preservation of existing significant trees is encouraged. Significant trees that must be removed as part of construction shall be replaced with new trees of at least 2-inch caliper on a one-to-one basis.
2. Street Trees.
Installation of street trees shall be required for all new multi-family residential, commercial, public/civic/institutional and industrial development which property abuts arterial roadways, expressways and Gateway Corridors. Said trees shall be planted at 40 feet intervals and shall be located within the planter strip or within 25 feet of the curb, if no planter strip is present. Street trees shall be permitted in the parking lot buffer area. Species shall be approved by the Director of Parks, Recreation and Facilities.
 3. Parking Lot Landscaping.
The purpose of parking lot islands and/or parking lot peninsulas is to help reduce glare and heat buildup, promote interior islands for pedestrian safety and traffic separation, visually break up large expanses of pavement, and reduce surface runoff. Parking lot landscaping is not required, but is encouraged, as follows:

- a. Each parking lot island and/or peninsula that is a minimum of 200 square feet in area with a minimum average width of eight feet shall be credited toward minimum parking requirements, as follows:

Required number of spaces	Landscaping credit per island / peninsula	Maximum credit for landscaping
<10	No credit	None
10-20	4 spaces	4 spaces
21-50	4 spaces	8 spaces
51-75	4 spaces	12 spaces
76-100	4 spaces	16 spaces
>100	4 spaces	20% of total required spaces

- b. Each parking lot island and/or peninsula shall contain a minimum of one medium tree.
- c. Landscaped areas shall be reasonably dispersed throughout the parking lot.
- d. Parking lot plantings shall be in-ground and not placed upon a paved or gravel surface.
- e. All parking lot planting areas shall be protected with concrete curbs, or equivalent barriers.
- f. Each tree shall be planted a minimum of two feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area. Trees shall be adequately protected from car doors and bumpers.
- g. Parking lots abutting a public or private street or sidewalk shall have a landscape buffer that covers a minimum of 75 percent of the length of the parking area and which is at least three feet in width comprised of the following:
- (i). Decorative fencing (2 feet in height minimum / 3 feet in height maximum) and turf or ornamental grasses.
 - (ii). Landscaped berm a maximum of 3 feet in height.
 - (iii). Decorative boulders, with turf, ornamental grasses and decorative rocks a maximum of 3 feet in height.
 - (iv). Ornamental plants and grasses a maximum of 3 feet in height.
 - (v). Hedges, a maximum of 3 feet in height.
 - (vi). Bioswales.
 - (vii). Any combination of the above that will provide a visual break between the parking lot and the street/sidewalk.
- h. Stand-alone parking lots not associated with a specific development shall meet the requirements of this section and have a minimum of 5 percent of the total developed area in landscaping.

4. Screening of Trash and Recycling Containers.

Where trash or recycling containers (any container larger than a typical single family residential trash container) are provided in locations other than alleys, they shall be effectively screened from public view on all four sides

with a solid fence, preferably of masonry or vinyl, and a gate constructed of compatible, durable, low-maintenance materials. Chain link with slats may be used for the gate only. Such containers and enclosures shall not be located in the front yard setback area. Enclosures shall be located and designed to allow accessibility by refuse trucks as needed. Plans for such enclosures shall be included on the Site Plan and approved by the Zoning Administrator.

5. Screening of Mechanical Equipment.

- a. Exterior ground-mounted or building-mounted equipment, including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture. For purposes of this paragraph, the phrase, "screened from public view," shall mean not visible from any public street right-of-way. The phrase, "architectural treatment compatible with the building architecture," shall not include painted mechanical units or prefinished mechanical units. For mechanical units not adequately screened by the parapet, supplementary screening shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls or other similar building materials. The height of the screen shall be no lower than the height of the unit as measured from the roof surface.
- b. Exceptions to the screening requirements of this section may be granted by the Board of Zoning Appeals where the following findings can be made:
 - (i.) There is a physical or topographical constraint or circumstance which makes screening of mechanical equipment technically infeasible or impractical; and
 - (ii.) The request is the minimum needed to meet the spirit and intent of these regulations.
- c. Existing buildings with mechanical equipment that does not meet these requirements shall be exempt from the screening requirement.
- d. Development in industrial zoning districts shall be exempt from this requirement.

6. Industrial Screening and Security Fences.

- a. All industrial uses separated by a local residential street from any residential district or residential use shall erect a solid fence with a minimum height of six feet on or behind the required setback line parallel to the street frontage, provided that all outdoor work, sales, display and/or storage in the yard shall be located behind the fence.
- b. Where permitted, a solid fence or screening may be erected, provided that required sight triangles are maintained at driveway and pedestrian access points and street intersections.

7. Buffering and Screening of Residential Property.

The purpose of residential buffers and screening is to create a smooth transition between land uses of varying use intensity by providing an attractive physical buffer along the more intensive use to provide separation. Such buffers and screening minimize the potential for disruptive light, noise, odor, dust and unsightly appearances, and intrusive activity relative to the residential environment. Landscaped buffers and screening shall be designed to create compatible relationships of scale and appearance with surrounding properties.

Buffers and screening shall be required in instances where:

- a. A non-residential use is adjacent to a residential use;
- b. A multiple family dwelling is adjacent to a single-family dwelling or residential duplex; or
- c. An industrial use is separated by a local residential street from any residential district or residential use.

In the above instances, buffers and screening shall be provided on the site of the more intensive use in accordance with the following:

- a. A landscaped buffer between the proposed developed area and the property line(s) of the adjacent property is required.
- b. The landscaped buffer shall run the entire length of the developed portion of the abutting property line(s). The type of landscaped buffer may consist of any or all of the following:
 - (i.) A solid fence a minimum of 6 feet in height.
 - (ii.) A landscaped buffer no less than six feet in width, planted with a series of evergreen plantings at least six feet in height and spaced in a manner to provide a continuous visual barrier; or
 - (iii.) A natural, undisturbed wooded area at least 20 feet in width.

8. Exemptions from Screening Requirements.

- a. In those instances where a development site abuts a public park or other permanent public open space and where at least 100 feet of undisturbed natural foliage exists along the common property line, a landscaped buffer along the common property line is not required; provided, however, that loading docks, trash receptacles, and storage areas on the development site along the common lot line shall be screened as provided within these regulations.
- b. In those instances where a residential development site abuts a railroad right-of-way, there shall be no landscape buffer required along the common property line.

F. Landscape Plans.

At the time of submission for Planning Department approval, the required landscape plan, separate and apart from other required plans, shall be submitted and made a part of the file. No landscape plan shall be required for a single family detached dwelling or residential duplex.

1. Landscape Plan Content.

Landscape plans shall be submitted to the City and shall include the following information:

- a. North arrow and scale;
- b. The location of existing property lines and dimensions of the tract, accurately drawn to scale;
- c. Exact locations and outline of all rights-of-way, both existing and proposed by the Street Classification Plan of the City of Hutchinson;
- d. The location of all existing and proposed buildings, and parking areas, including the exact number of parking spaces provided;
- e. The location and size of any permanent fixture or structure including, but not limited to, sidewalks, walls, fences, trash enclosures, project storage, lighting fixtures, signs and benches, which are relevant to the landscape plan;
- f. The location, size and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be provided;
- g. The location, size, type, spacing (on center), and quantity of all proposed living and non-living landscape materials and existing landscape materials to be counted toward meeting the landscape area requirements;
- h. The provisions to be taken during construction for the protection of existing trees to be saved (if any);
- i. Provisions for maintenance of trees and living landscaping;
- j. The method of irrigation;
- k. Screening required by these regulations; and
- l. A table listing the square footage of the developed area and the landscaped area, the number of proposed parking spaces and any credits requested based upon landscape islands/peninsulas, and all proposed living and non-living plant materials.

3. Planting Installation and Approval.

a. Timing of Landscape Placement.

For developments requiring a landscape plan:

- (i.) Trees shall be installed, after other public improvements, and water must be available for their care and maintenance.
- (ii.) Prior to the issuance of a certificate of occupancy for any structure where landscaping is required, all work as indicated on a landscaping plan shall be inspected for approval by the Zoning Administrator.

- (iii.) A landowner may obtain a temporary certificate of occupancy for a structure prior to the completion of required landscaping work if the completion is not possible, due to seasonal or weather conditions. The property owner shall have a maximum of 365 days from the date of temporary occupancy to install the required landscaping.
- (v.) A final certificate of occupancy, for any use, shall not be issued until the required landscaping has been installed in accordance with the approved landscape plan, and it shall be illegal for any person, firm or corporation to occupy or operate a business in any new structure or building addition for which landscaping, as shown by the plans, is not provided.

Sec. 27-909 Exterior Lighting.

- A. Exterior lighting may create traffic hazards by glaring into the eyes of motorists. The glare of exterior lights may also prove a nuisance to neighboring parcels. The standards in this section do not apply to street lights, located in street rights-of-way.
- B. Exterior lighting from a commercial or industrial use shall be shaded so that no light in excess of 0.3 foot candles intrudes upon an adjacent residential use, measured at the property line of where the lighting is generated.
- C. The maximum permitted illumination shall be measured at the parcel boundary. The maximum permitted illumination standards shall apply independently and separately to each parcel boundary.
- D. Flickering or flashing lights, except those incorporated in a building sign, shall not be permitted.
- E. Maximum permitted illumination shall be measured in lumens per square meter or foot candles. Measurements shall be made with a portable light meter, tested and calibrated by a laboratory or manufacturer. The light meter shall be mounted at ground level in a horizontal position. Two measurements shall be taken during the night, one with the light source in question on and one with the light source off. The difference between the two readings shall not exceed the maximum permitted illumination. This procedure will eliminate the effects of moonlight and other existing sources of light.
- F. Exceptions. Beacons, runway and control tower lighting required for airport operations, shall be exempt from the requirements of this section.

Sec. 27-910 Alley Access.

Alleys shall not be used by a commercial, industrial or institutional business as their primary access. Primary access to the property must be provided from a dedicated City street. Any portion of an alley that will be used for access to a commercial, industrial or institutional business or access to the business's parking area must be paved to City standards at the owner's expense. If the dedicated City street connected to the alley is not paved with a hard surface, the City Engineer shall determine a suitable permanent, dust-free paving for the alley. This work may also be done at the owner's expense.

Sec. 27-911 Design Standards for Large Retail Stores and Centers Greater than 18,000 Square Feet.

- A. The criteria contained herein are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance of large retail stores and retail center development within the City's zoning jurisdiction and promote the public health, safety and welfare.
- B. Definitions.

Anchor Store shall mean a store containing not less than 25,000 square feet of gross leasable floor area that is part of, or attached to, the shopping center.

Appearance shall mean the outward aspect visible to the public.

Appropriate shall mean sympathetic, or fitting, to the context of the site and the whole community.

Architectural Concept shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

Architectural Feature shall mean a prominent or significant part or element of a building, structure or site.

Back to Back Structure shall mean two structures with a common rear wall.

Cohesiveness shall mean the unity of composition between architectural elements of a building or a group of buildings and the site development.

Compatibility shall mean the harmony in the appearance of two or more external design features in the same vicinity.

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

Cornice shall mean a horizontal molded projection that crowns or completes a building or wall.

Design Standards shall mean the specific guidelines for creating cohesiveness and ensuring quality of materials, aesthetics and function upon which all tenants and owners can rely and to ensure visual continuity and creation of a sense of place through the use of common elements of site and architecture.

Eclectic shall mean choosing what appears to be the best from diverse sources, systems or styles.

Enclosed Mall shall mean the enclosed structure with multiple retail suites and an enclosed walking area to get from suite to suite, exclusive of anchor stores.

External Design Feature shall mean the general arrangement of any portion of a building, sign, landscaping or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place or way.

Free Standing Building shall refer to any building or similar structure other than the enclosed mall that houses a single tenant or owner, each of whom conducts a separate business within that building or similar structure.

Graphic Element shall mean a letter, illustration, symbol, figure, insignia or other device employed to express and illustrate a message or part thereof.

Harmony shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

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

Landscaping Easement shall mean that area adjacent to the street right-of-way providing for required street trees and landscape material.

Large Retail Store shall mean a store that is typically a one-story building rectangular in shape, greater than 18,000 square feet in gross floor area. It is generally a stand-alone building with a large parking lot or part of a larger shopping center.

Miscellaneous Structures shall mean structures, other than buildings, visible from public ways. Examples are: memorials, staging, antennas, water tanks and towers, sheds, shelters, fences and walls, kennels, transformers and drive-up facilities.

Multiple-attached Building shall refer to any building or similar structure that houses more than a single tenant or owner, and in which numerous, discrete business activities are conducted.

Open Space shall mean anything on the site except buildings, parking lot and vehicular circulation, generally pervious, but may include well landscaped pedestrian places, pools, pool decks and roof gardens.

Pad Site shall mean a location, identified on a development plan, where structures will be constructed as secondary uses to an enclosed mall or large retail store, including drive-thru restaurants.

Petroleum Products Retail Facility (Fueling Plaza) shall mean a facility for outdoor sales of gasoline petroleum or liquefied gas.

Primary Driveway shall mean the principal vehicular entrance from a public right-of-way into or out of a premises.

Proportion shall mean balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

Retail Suite shall mean a subdivided compartment within a structure.

Retail Suite Liner (Retail Sleeve) shall mean a retail suite connected to and extending from a side of a major tenant structure.

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

Screening shall mean a structure or planting that conceals from view from public ways the area behind such structure or planting.

Secondary Driveway shall mean a vehicular entrance used to supplement a primary driveway access from a public right-of-way into or out of a premises.

Truck Bay shall mean the freight receiving and discharging area for a retail facility; including raised loading docks, loading ramps and the parking space and/or parking wells for trucks when being unloaded or loaded.

Utilitarian Structure shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

Utility Hardware shall mean devices such as poles, cross-arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and utility vaults that are used for water, gas, oil, sewer and electrical services to a building or a project.

Utility Service shall mean any device, including wire, pipe and conduit, which carries gas, water, electricity, oil and communications into a building or development.

View Corridor shall mean the line of sight identified as to height, width and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.

C. **Building Design Guidelines and Criteria.**

The developer shall present to the Planning and Development Department for its review and approval or modification a set of drawings and information pertaining to the design standards for large retail stores and centers. All applications shall adhere to requirements of the approved PUD plan, if the property is part of a PUD,

and design guidelines. Prior to issuance of a building permit, the City, the developer and the applicant shall have mutually agreed upon a specific design plan that complies with such criteria.

D. Conditions.

Sec. 27-427 (PUD Requirements) of these regulations establishes certain regulations and guidelines pertaining to accompanying information required on a plat and site plan.

All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the Hutchinson Subdivision Regulations.

E. Land Use Design Criteria.

Unless otherwise allowed, all district regulations, performance standards and provisions set forth in these regulations for the proposed large retail store or center shall apply. The negative elements of such uses as loading docks, heating, ventilation, or air conditioning (HVAC) units, or similar electrical or mechanical appurtenances shall be designed to be screened and buffered from view by the general public through the use of architectural features or earth berming and landscaping.

1. Building Height.

- a. Within these lots, permitted building heights will be a maximum of 60 feet above the average finished grade of the ground at the perimeter of the building or as allowed by the FAA.

2. Building Setback.

No part of any free standing building shall be erected within 50 feet of the front property line.

3. Building Orientation.

- a. Off-street parking should be behind or beside the building when possible.
- b. Buildings shall be arranged to create view corridors between pedestrian destinations within and adjacent to the site including building entrances and open spaces.
- c. The corners of street intersections, particularly site entries, shall be distinguished by special landscape or architectural treatments.
- d. The use of alternative paving materials to designate pedestrian traffic areas from vehicular use areas and travel lanes is strongly encouraged.
- e. The design of all streets and parking lots shall meet the Fire Department's vehicle access requirements.
- f. Overhead doors and loading docks shall be screened from public streets.

- g. The integration of storm drainage and detention features shall be designed to enhance the public space.
4. Access.
 - a. Driveways shall be located so that no undue interference with the free movement of street traffic will result, to provide the required sight distance, and to provide the most-favorable driveway grade.
 - b. Access points within the development shall be limited to what is shown on the final plan and development agreement.
 - c. Any deviation from this shall require the approval of the City.
 5. Open Space/Buffer.
 - a. The minimum required open space for each lot shall be equal to at least 10 percent of the gross area of the lot.
 - b. Parking areas, except for driveways shall be effectively screened from general public view by incorporating the natural landscape and topography with the introduction of permanent earth berming of no less than two and one half feet above the top of curb of the adjacent public street.
 - c. In any case, all parking areas shall include landscape areas, islands, screens, etc., equal to not less than six percent of the total paved area.
 - d. Such landscaped areas may be included as part of the 10 percent total open space.
 - e. Landscaped islands within the parking area shall have ground cover of sodded grass, shrubs or other acceptable living plant material, unless the City specifically approves an alternate ground cover as part of the site plan review.
 6. Landscaping.
See Sec. 27-908.
 7. Green Space - street frontage/exterior lot line.
 - a. All project sites that have public frontage shall have a 20-foot-wide bermed, landscaped, sodded (unless otherwise approved), and irrigated green space established and maintained continuously along the public frontage of the streets.
 - b. Minimum area of landscaping shall be 20 feet from property line.
 8. Green Space - interior lot line.
 - a. A 10-foot-wide landscaped area with turf and irrigated green space shall be established and maintained along all interior lot lines.
 - b. Minimum area of landscaping shall be 10 feet from property line.
 - c. Mulch shall be locally available hardwood (natural color only).
 - d. Ten-foot-wide landscaped islands may be utilized as green space when properties are connected by shared parking lots or private drives.
 9. Public Spaces.
 - a. Feature lakes, detention pond areas, easements for public amenities, sidewalks within open areas, pedestrian plazas and paved outdoor spaces (excluding parking lots) are required in order to link commercial areas with pedestrian plazas and to create interaction.

- b. The building site shall include at least one public gathering space, such as a patio seating area, pedestrian plaza with benches, outdoor play area, and are required to provide two public space amenities, such as kiosks, a water feature, a clock tower, or a landscaped site for a sculpture or other form of public art. Pedestrian public space shall be shaded, landscaped, and screened.
10. Signage.
All signs identifying the project may be permitted with approval of a sign permit based upon the adopted sign regulations.
11. Cart Corrals.
Cart corrals shall be substantial fixtures and constructed with masonry, stone, block or metal.
12. Sidewalks, Bicycle paths and Transit Facilities.
 - a. All project sites that have street frontage shall provide and install a concrete sidewalk that shall run continuously along that frontage according to City specifications or appropriate development agreement.
 - b. Sidewalks, walkways, entrances and gathering areas. Sidewalks in front of and adjacent to the building shall be not less than ten feet in width and shall connect with sidewalks not less than five feet in width which connect to public sidewalks and adjoining retail buildings. Sidewalks shall be concrete with a broom finish. Walkways, entrances, and gathering areas shall have shade features such as trees or other landscaping, trellis structures, projecting canopies, covered arcades and porticos.
 - c. Transit facilities: The building site shall include a bus and para-transit stop/transfer point based on a determination of need by the Reno County Area Transit Authority's guidelines.
 - d. Bicycle paths and parking: The building site shall include bicycle paths connected to the City's planned and existing bike trail system. The developer is encouraged to include bicycle parking areas near the entrance to the building.
13. Site Lighting.
 - a. Parking area lighting shall be shielded so as to prevent illumination of adjacent properties.
 - b. A lighting plan shall be submitted for review in conjunction with any site plan.
 - c. When a developer wants to incorporate pole lights into a project to light parking lots, entry plazas, etc., those pole lights shall be the following:
 - (i.) Pedestrian Plaza and Feature Lights. These may be multiple headed light fixtures on a lower scaled pole approved by the City.
 - (ii.) Parking Lot Lights. These may be multiple headed light fixtures on a taller pole approved by the City.
14. Sales and Display Areas
No area outside of the building within a parking lot or rear loading area may be used for sales, display or storage of merchandise unless a temporary use permit has been obtained.

F. Building Design.

The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character and scale.

1. Facades and Exterior Walls.

- a. Facades shall be articulated to reduce their massive scale.
- b. Developments with facades over 100 feet in linear length are required to incorporate wall projections and recesses a minimum of three feet in depth and a minimum of 25 contiguous feet within each 100 feet of façade length.
- c. The projections and/or recesses are required to extend over a minimum of 25 percent of the façade.
- d. Developments are required to use features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the façade.

2. Specific Style Requirements.

All buildings shall have a recognizable base, mid-façade (or middle), and cornice. Proportionally the mid-façade shall comprise the largest percentage of the building, followed by the base, which, in turn, is followed by the cornice.

3. Diversity of Building Materials.

Every building is encouraged to have a mixture of building materials as noted below.

Building materials allowed for large retail buildings or centers include the following:

- a. Brick (clay) of the colors similar to those found in the natural environment of central Kansas;
- b. *Quick Brick* - An integrally colored concrete block unit four inches high, 16 inches long of the colors similar to those found in the natural environment of central Kansas;
- c. Natural or composite stone laid horizontally in the colors similar to those found in the natural environment of central Kansas;
- d. Clear glass or tinted or reflective glass in a compatible color range;
- e. Natural or composite stone laid horizontally;
- f. Pre-cast concrete with sufficient detail, pattern or reveals to give scale. Color shall be in the same color range as natural and composite stone;
- g. Cast-in-place concrete with sufficient detail, pattern, or reveals to give scale. Color shall be in the same color range as natural and composite stone;
- h. Integrally colored split-faced concrete block. Color shall be in the same color range as brick or natural and composite stone;
- i. Laminated metal panels (Alucobond or similar) of a compatible anodized aluminum color;
- j. Natural or synthetic stucco (E.I.F.S.). Colors shall complement the other colors and materials used in the building design; and

- k. Painted split-faced concrete block.
- 4. Colors.

Building colors shall be as follows:

 - a. No building shall have less than three colors. The following items shall not count as colors:
 - (i.) Glass (unless it is tinted or reflective and used in a curtain wall system);
 - (ii.) Window mullions;
 - (iii.) Mortar and caulk joints; and
 - (iv.) Signage.
 - b. Major accent colors shall comprise no more than ten percent of each building façade. Minor accent colors shall comprise no more than five percent of each building façade.
 - c. Colors shall be aesthetically pleasing and compatible with material colors that are used in adjoining neighborhoods.

G. Specific Building Element Requirements.

- 1. Roof Top Mechanical Screens.
 - a. All roof top mechanical units shall be screened from view from public rights-of-way through the use of permanent architectural screens that are integrated with the overall design of the building.
 - b. The screen shall be constructed from the following:
 - (i.) Any of the permitted building materials listed in this section; or
 - (ii.) Pitched roof or vertical wall elements comprised of standing seam metal roofing or perforated galvanized panel.
- 2. Ground Level Mechanical Screens.
 - a. All ground level mechanical units shall be screened from view from public rights-of-way through the use of architectural screens that are integrated with the overall design of the building.
 - b. The screen shall be constructed from any of the permitted building materials listed in this section.
- 3. Refuse Screening.
 - a. All trash or refuse receptacles shall be screened from view from public rights-of-way through the use of architectural screens that are integrated with the overall design of the building. The screen shall be constructed of stone, brick, masonry or vinyl materials.
 - b. If gates are utilized as part of the screen, they shall be constructed from materials that are consistent and similar in appearance and color to the screen and ultimately to the design of the principal building.
 - c. If the refuse container is integrated with the loading dock area then the dock screening shall be sufficient.
- 4. Dock Screening.

- a. All loading docks shall be screened from view from public rights-of-way through the use of one of the following and such loading shall not interfere with or impede the circulation or flow of traffic:
 - (i.) Architectural screens that are integrated with the overall design of the building.
 - (ii.) The screen shall be constructed from any of the permitted building materials listed in this section.
 - (iii.) Landscape screen of a density to screen 80 percent of the dock area from view within three years of planting. View shall be 80 percent screened all 12 months of the year.

5. Outdoor Storage.

All outdoor storage, including storage trailers or shipping containers, shall be screened from view from the public rights-of-way by use of plant material, berms and/or solid fencing.

6. Building Lighting.

All buildings shall be lighted at night with metal halide color lighting or similar lighting technology. The lighting shall be effectively done and shall highlight entrances, corners and other architectural features.

H. Maintenance of Design Requirements.

The applicant shall maintain the design requirements for the life of the project. In the event of failure to do so, the City may revoke the certificate of occupancy.

I. Submittal Requirements.

All exhibits required for the permanent file (noted in the following paragraphs) must be able to be reduced to "legal size" (8-1/2" x 14") by folding, photo reduction, etc. However, larger mounting boards, material samples, or other exhibits not meeting these criteria may be used for presentation purposes. An adequate number of color photographs are required to illustrate the existing nature of the proposed site, including any existing buildings and other existing features as well as the context of the proposed site. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.

Three black and white prints and one colored of the following required drawings shall be submitted to the City for review:

1. Site Plan and Landscape Plan.

Plans/documents shall contain the following information:

- a. Scale and north arrow;
- b. Address of site;
- c. All property and street pavement lines;
- d. Existing and proposed contours;
- e. Gross area of tract stated in square feet;
- f. If parking is involved, show calculations for determining the required number of off-street parking spaces as required by these regulations. Give the number of spaces proposed. Give the maximum number of employees, customers and office vehicles that would be at the facility at any one time;

- g. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of direction signs or other circulation aids (if any);
 - h. Calculations for determining the required number of trees to be placed within the proposed parking area must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property;
 - i. Location of all isolated trees having a diameter of six inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included.)
 - j. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number and spacing of all plantings must be illustrated;
 - k. Location of all existing (to remain) and proposed buildings on the site and all buildings within 50 feet of the boundaries of the site;
 - l. Final grading, including proposed berms, detention ponds, etc.; and
 - m. Finished sidewalk locations in, around and outside of the site.
2. Elevations.
Complete elevations of all proposed construction and related elevations of existing structures, if any, shall be required. Elevations shall contain the following information:
- a. Scale;
 - b. All signs to be mounted on the elevations; and
 - c. Designation of the kind, color, and texture of all building materials to be used.
3. Material Samples.
Material samples shall be required for all major materials. Sample size shall not exceed 8-1/2" x 14". Two sets shall be required.
4. Lighting Submittal Requirements.
- a. Lighting Plan. A lighting plan is required containing the following information:
 - (i.) Scale and north arrow;
 - (ii.) Address of site;
 - (i.) All property and street pavement lines;
 - (ii.) Proposed ingress and egress to the site, including on-site parking area(s), parking stalls and adjacent streets;
 - (iii.) Existing landscaping that will be retained and proposed landscaping;
 - (iv.) Location and height of all existing (to remain) and proposed buildings on the site and all buildings within 50 feet of the boundaries of the site; and
 - (v.) Location of all existing (to remain) and proposed lighting standards, and circumference area that will be lighted by each standard.
5. Lighting Specifications.

A scaled drawing of the proposed lighting standard(s) is required and shall contain the following information:

- a. All size specifications;
- b. Information on lighting intensity (number of watts, photometric plan, etc.); and
- c. Materials and colors.

Sec. 27-912 Performance Standards for Industrial Uses.

A. Physical Appearance.

All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, manufactured homes or similar equipment when in operable condition.

B. Fire hazard.

No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels, process chemicals and welding gasses when handled in accordance with other regulations of the City of Hutchinson.

C. Noise.

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

D. Sewage and Liquid Wastes.

No operation shall be carried on which involves the discharge into a sewer, water course or the ground, liquid waste of any radioactive or poisonous nature or chemical wastes which are detrimental to the environment and normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

E. Air Contaminants.

Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such and capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted

Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of these regulations.

Gasses: The gasses sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.

Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in any zone.

Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Sec. 27-913 Self-Service Storage Facilities (Mini-Warehouses).

REPEALED

Sec. 27-914 Material Storage Yards.

Material storage yards may be utilized in connection with the retail sales of products sold on the premises and where storage is incidental to the primary business of the store, provided:

- A. All products and materials used or stored are in a completely enclosed building or enclosed by an approved solid wall or fence.
- B. Storage of all materials and equipment shall not exceed the height of the wall and not extend into the front yard beyond the front building line.
- C. Storage of motor vehicles used in connection with the permitted trade or business is permitted within the storage yard, but not including storage of heavy equipment such as road-building or excavating equipment. Such storage shall not include motor vehicle repair or salvage uses.

Sec. 27-915 Portable Storage Units for Long-Term or Permanent Use.

REPEALED

Sec. 27-916 Special Vehicle Standards.

- A. Vehicle commercial businesses shall conduct all servicing, repairing, painting, body work, and similar activities within a structure. Any outdoor storage of vehicles not for sale, rent or lease for a period exceeding 24 hours, shall be at least 25 feet from a street right-of-way and screened with an approved fence.
- B. Parking of Large Trucks and Commercial Truck Trailers.
Large trucks, large trailers and commercial truck trailers may be parked on parcels in the MH, MP, R-1, R-2, R-3, R-4, R-5, EN, CR, P/I, C-1, C-2, C-3, C-4, C-5 and AE districts for a period not to exceed 24 hours for the purposes of loading and unloading household goods, fuel, merchandise, fixtures, materials, and similar items. Large trucks, large trailers and commercial truck trailers may be parked on parcels in the A-1, I-1, I-2 and I-3 districts for indefinite periods of time. This regulation shall not apply to lawful businesses where the principal use is the selling, renting or leasing of large trucks or trailers.

Sec. 27-917 Salvage Yards and Motor Vehicle Graveyards.

- A. Motor vehicle graveyards, salvage yards, scrap processing yards and junk yards shall be permitted as a conditional use in the I-2 and I-3 Districts. No such use shall be established or expanded without approval by conditional use permit.
- B. All motor vehicle graveyards, salvage yards, scrap processing yards and junk yards shall comply with the following regulations. The following regulations shall apply to any new use established after the adoption of these regulations. All such facilities in lawful existence on the date of adoption of these regulations shall conform to the screening requirements of this section within two years. An exception may be granted by the zoning administrator to allow a one-year extension for the screening requirements if the owner has more than one salvage yard or motor vehicle graveyard operation and continuous progress to install the screening is being made.
 - 1. The use shall be located on a tract of land a minimum of 300 hundred feet from any residential district.

2. The use shall be conducted wholly within a noncombustible building or within an area surrounded by a solid fence or wall with a minimum height of six feet and a maximum height of 10 feet. Such fence or wall shall surround the exterior portions and screen the use on all sides. Said fence or wall shall consist of:
 - a. All approved solid fence materials in Sec. 27-907 of these regulations, and any accepted fencing materials commonly used in the fencing industry;
 - b. Said fence or wall shall not include chain link, chain link with slats, or other materials that do not meet the definition of a solid fence or are not specified as an approved material in Sec. 27-907 of these regulations;
 - c. Said fence or wall shall be uniform in height, material and painted or stained a uniform neutral color, and shall be so maintained by the owner as to ensure maximum safety to the public and obscure items being stored or salvaged from view of the neighborhood;
 - d. Such fence or wall shall be constructed in accordance with all other applicable provisions of these regulations, shall be erected in a safe manner and in accordance with the building codes, and shall be properly maintained;
 - e. Said fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No salvaged materials, junk, motor vehicles, appliances or scrap materials shall be piled or stacked so as to exceed the height of the enclosing fence or wall. Exterior storage of salvaged materials shall not extend or be visible above the height of the fence or wall; and
 - f. All fence entrance gates must be solid and meet the specifications of this section. Entrance gates must be kept closed when not being used to enter or exit the salvage storage yard area.
3. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, in the front yard or within the public right-of-way.
4. Burning of paper, trash, junk, scrap metal or other materials shall be prohibited.
5. All such operations shall be in compliance with all statutes and regulations of the State of Kansas and these regulations.

Sec. 27-918 Keeping of Animals.

- A. The keeping of animals within the zoning jurisdiction of the City must be in compliance with Chapter 7, Animal and Fowl Regulations, of the Hutchinson City Code and with any other applicable local, state or federal regulations.
- B. The keeping of domestic farm animals shall be permitted in the TA and R-1 Districts as an accessory use to any principal lawful use of a parcel provided that there is no more than one animal unit per acre of land.

Animal Unit: A unit of measurement of livestock and animals based on the type and size of animals as follows:

Type of Animal	Animal Units
<i>Cattle</i>	
Mature cow (1,000 lbs.)	1.00
Mature cow with unweaned calf	1.20
Bull	1.40
400 lb. stocker	0.50
500 lb. stocker	0.60
600 lb. stocker	0.70
600 lb. replacement heifer	0.70
700 lb. replacement heifer	0.80
800 lb. replacement heifer	0.90
<i>Horses</i>	
Yearling	0.75
Two year old	1.00
Three year old	1.25
<i>Sheep, deer and goats</i>	
Ewes with or without lambs	0.20
Does with or without fawns or kids	0.20
Weaned lambs, kids, fawns or yearlings	0.12
Rams or bucks	0.26
<i>Pigs and hogs</i>	
Sows with or without piglets	0.30
Piglets	0.10
Boars	0.40
<i>Chickens, turkeys, ducks, game birds, geese and other poultry</i>	0.05

- C. No domestic farm animals shall be permitted in the R-2, R-3, R-4, R-5, MH, MP, EN, CR, P/I, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3, A-I or AE districts except as allowed by Sec. 27-919.
- D. Nothing in this section shall be construed to apply to zoos, animal exhibits, veterinarian services, pet stores or the State Fair grounds.

Sec. 27-919 Keeping of Chickens.

The keeping of chickens shall be permitted as an accessory use to any principal lawful use in the R-2, R-3, R-4, R-5 and MH districts provided that:

- A. A maximum of three chickens shall be allowed on any zoning lot. For each 2,000 square feet of lot area over 7,000 square feet, one additional chicken may be kept provided that no more than 10 chickens shall be kept on any zoning lot.
- B. All chickens must be kept within a fenced part of a yard and provided with appropriate shelter. No chickens shall be kept in any required front yard and they may not be kept any closer to the street than the principal structure.
- C. All chicken coops, hen houses and other structures used to house chickens must be kept neat in appearance and in sanitary condition.
- D. All chicken coops, hen houses and other structures used to house chickens must be set back a minimum of 10 feet from side lot lines, five feet from the rear lot line, and shall not project closer to the front or side street than the principal structure.
- E. No roosters shall be kept.
- F. No slaughtering or processing of chickens shall be allowed.

- G. Nothing in this section shall be construed to apply to zoos, animal exhibits, veterinarian services, pet stores or the State Fair grounds.

Sec. 27-920 Keeping of Bees.

A. Purpose and Application.

It is the intent of these regulations to maintain minimum standards for the keeping of bees within the corporate limits of the City and promote the social benefits of beekeeping and as a local food supply. These regulations shall apply to those persons or entities who presently possess beehives or who intend to possess beehives in the future.

B. Definitions.

Apiary shall mean a place where bee colonies are kept.

Bee shall mean any stage of the common domestic honey bee, *apis mellifera* species.

Beekeeping shall mean a person who owns or has charge of one or more colonies of bees.

Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

Hive shall mean a structure intended for the housing of a bee colony.

Tract shall mean a contiguous parcel of land under common ownership.

C. Compliance with Provisions.

It shall be unlawful for any person to place, establish or maintain any hive, stand, box or apiary or keep any bees in or upon any premises within the corporate limits of the City, unless the bees are kept in accordance with these regulations.

D. Permit Required.

Any person keeping hives, stands, boxes or apiaries shall be required to obtain a permit from the City. The permit shall be valid from January 1 through December 31 of each year. The permit will be due upon initial application and each subsequent year of renewal.

E. Housing Requirements and Location: Number Restricted.

1. Type of Houses: All bee colonies shall be kept in Langstroth-type hive with removable frames which are kept in sound and usable condition.
2. Height: The height of any one hive shall not exceed five feet.
3. Location: No hive, stand or apiary shall be placed or kept:
 - a. Closer than 30 feet to the property line of any adjoining developed property; or

- b. Closer than 50 feet to any house or other building located on developed property other than the residence of the keeper of such bees; or
 - c. Closer than 100 feet to the nearest edge of the traveled portion of a public street or the trail system, or
 - d. Within a front yard.
 - e. Upon land not owned or possessed by the keeper of such bees without first obtaining written permission to do so from the owner or person lawfully in possession of such land. Such permission may be revoked at any time.
4. Number of Beehives: It shall be unlawful to keep more than two colonies per each 12,000 square feet tract of land.
 5. Future Development of Adjacent Property: In the event that any adjacent undeveloped property is developed, or residential structures are constructed closer than the distance herein prescribed, the keeper shall move or, if necessary, remove the hives, stands, boxes or apiaries to comply with these regulations.
 6. Sign Requirements on Property Other than Owner's.
Every person owning a hive, stand, box or apiary located on premises other than where the owner resides shall identify such hive, stand, box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name, address and phone number of the owner of such equipment.
 7. Screening of Flyways.
Any owner of a beehive maintained in accordance with these regulations shall establish and maintain a flyway six feet in height consisting of a solid wall, fence or dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.
 8. Required Watering Facility.
Fresh, clean watering facilities for the bees shall be provided within 20 feet of each hive, stand, box or apiary.
 9. Maintenance.
Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed. Notwithstanding compliance with the requirements of this section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

In any instance in which a colony exhibits unusually aggressive characteristics, or when the colony consists of Africanized bees (*Apis mellifera scutellata*), it shall be the duty of the beekeeper to destroy or re-

queen the colony. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.

10. 10. Violation and Penalty.

The keeping of bees in violation of this section is prohibited and subject to Section 27-1210 Violation and Penalty of these regulations.

- F. F. Nothing in this section shall be construed to apply to zoos, animal exhibits, veterinarian services, pet stores or the State Fair grounds.

Sec. 27-921 Wireless Communication Facilities.

A. Definitions.

The following definitions shall apply to this section of these regulations:

Wireless Communication Facility shall mean all parts of a the facility including antennae, antenna array, equipment shelters, guyed towers, lattice towers, location, monopole, support structure and towers.

Wireless Communication shall mean broadcast systems, cellular, commercial mobile radio services, common carrier wireless access exchange services, enhanced specialized mobile radio, functionally equivalent services, personal communication services, paging, personal wireless services, public service and emergency systems, specialized mobile radio, tower builder, unlicensed wireless services and wireless cable system. Wireless communication does not include amateur radio, private dispatch systems or City emergency warning sirens.

- B. Wireless communication facilities shall be exempt from the maximum height restrictions of the zoning districts in which they are located. All wireless communication facilities shall be subject to an administrative approval or a conditional use permit.

C. Development Plan.

1. At the time of application for administrative approval or conditional use permit, the applicant shall submit a development plan in sufficient detail, as determined by the zoning administrator, to evaluate its conformance with applicable standards and guidelines. The following criteria shall be utilized to determine whether a proposed wireless communication facility shall be reviewed administratively or if a conditional use permit is required.
 - a. Wireless communication facilities less than 100 feet in height from the ground, or less than 40 feet in height as measured from the top of the building or structure if so mounted, and located in a non-residential zoning district, shall be reviewed administratively; and
 - b. All wireless communication facilities proposed to be located in residential zoning districts and all towers 100 feet or more in height

from the ground in a non-residential zoning district, or 40 feet or more in height as measured from the top of a building or structure if so mounted, shall be reviewed as a conditional use permit. If the applicant is requesting a tower taller than 200 feet, then notification shall be sent to all property owners within a radius equal to the proposed height of the tower.

- c. All towers proposed to be located in a residential zoning district shall be no taller than 50 feet in height, measured from the ground and shall be reviewed as a conditional use permit.
2. The development plan shall include:
 - a. A written authorization from the property owner of the proposed wireless communication facility site;
 - b. A site plan drawn to scale showing the property boundaries, wireless communication facility, guy wire anchors and other apparatus, existing and proposed structures, proposed transmission buildings and/or other accessory uses, access road(s) location, access road surface material, parking area, fences, location and content of warning signs, exterior lighting specifications, a landscaping plan, land elevation contours, drainage plan, and existing land uses surrounding the site. If any accessory building is proposed, details of the building, including elevations and proposed use of the building, shall be submitted with the application; and
 - c. A report or written information prepared and signed by an engineer licensed to practice in the State of Kansas which describes the wireless communication facility height and design, including a cross-section of the structure, if applicable; engineering specifications detailing construction of the wireless communication facility, base and guy wire anchorage; the proposed painting and lighting schemes; and description of the wireless communication facility's capacity, including the number and type of antennas that the wireless communication facility can accommodate.
 - d. Documentation that the proposed location has been approved by the FCC and FAA or if such approval is not necessary then a copy of the regulations that exempt the proposed wireless communication facility must be submitted.
 3. Before a permit is issued, the wireless communication facility owner shall provide the City with proof in writing of the existence of at least \$500,000 in general liability insurance, naming the City as an additional insured, as is required by state law or at the discretion of the City.

D. General Provisions.

1. A proposal for a new wireless communication facility shall not be approved unless the applicant can document that the telecommunications equipment planned for the proposed facility cannot be accommodated on an existing or proposed wireless communication facility or approved structure due to one or more of the following reasons:

- a. The planned equipment would exceed the structural capacity of existing and approved wireless communication facilities, considering existing and planned use of those facilities, and existing and approved facilities cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause frequency interference with other existing or planned equipment for these facilities, and the interference cannot be prevented at a reasonable cost;
 - c. Existing or approved wireless communication facilities do not have space on which planned equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved; and
 - d. The proposed wireless communication facility will be used privately and not be sold to the general public. This provision does not prevent a wireless communication company from selling its wireless communication facility to another company.
2. All wireless communication facilities shall be designed to accommodate at least three two-way antennas for every 150 feet of height, or at least one two-way antenna and one microwave facility for every 150 feet of height. The above requirements may be modified to provide the maximum number of compatible users within the radio frequency emission levels.
3. Any wireless communication facility owner granted a conditional use permit or zoning certificate under these regulations shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall have 180 days from the date of cessation of operations to remove the wireless communication facility and accessory structure(s). If the owner fails to remove the facility and accessory structure(s) within the allotted time, the City may remove them and collect the cost thereof pursuant to K.S.A. 12-6a(17).
4. Any wireless communication facility owner granted a conditional use permit or zoning certificate shall submit a letter to the zoning administrator by July 1 of each year listing the current users and types of antennae located on the approved wireless communication facility. A sign shall be posted on the facility of the exterior fence around the base of the facility noting the name and telephone number of the facility owner and operator. No other signs shall be placed on the facility or site.
5. If the applicant or other existing wireless communication facility in the area disagree on the provisions of this section then the City may select a third party to review the application to determine if the proposed communications equipment can or cannot be accommodated on an existing approved wireless communication facility or other approved structure. The report from the third party shall be presented to the City Council and the services of the third party shall be paid for by the applicant.

E. Development Standards.

1. The location of a ground mounted wireless communication facility must be such that it is set back at least equal to the height of the facility to the nearest property line or building as measured from the center of the facility. A ground mounted wireless communication facility may be set back less than the facility height to the nearest property line or building if documentation from a Kansas licensed engineer is submitted certifying that in the event of a wireless communication facility failure or collapse, the facility is designed to fall within the proposed setback area. All guy wires, similar support devices and other apparatus shall project no closer than 20 feet to any property line.
2. Wireless communication facilities may be placed on the roof of a building or on top of other structures using either of the following to determine wireless communication facility height and setback:
 - a. Wireless communication facility height above the roof/structure may be as high as the setback distance to the nearest roof/structure edge.
 - b. The height of a ground-mounted wireless communication facility may be used for a roof/structure mounted facility if the required setbacks for a ground facility are satisfied.
3. Additional setbacks may be required to contain on-site all ice-fall or debris from facility failures and/or to preserve the privacy of adjoining residential and public property. Setbacks shall apply to all facility parts including guy wire anchors and any accessory facilities.
4. All wireless communication facilities and accessory facilities shall be sited to have the least adverse visual affect as is practical on the environment. Facilities shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Facilities shall be a galvanized finish or painted gray or light blue unless other standards are required by the FAA. In all cases, monopole wireless communication facilities shall be preferable to guyed wireless communication facilities or free standing structures. Wireless communication facilities shall be designed and sited to avoid, whenever possible, application of FAA lighting and painting requirements.

Sec. 27-922 Amateur Radio Towers, Antennae and Facilities.

- A. Antenna installations 50 feet in height and under shall obtain a zoning certificate and a building permit prior to construction.
- B. Amateur radio antenna installations exceeding 50 feet in height may be allowed by special use permit. Such installation shall be in conformance with the following conditions:
 1. The amateur radio antenna installation shall comply with all applicable state and federal regulations and standards;
 2. The site for the amateur radio antenna installation shall be on the same premises as the main residence of the amateur radio operator;

3. The site for the amateur radio antenna installation shall be licensed by the Federal Communications Commission as an amateur radio station for amateur radio communications;
4. The amateur radio antenna installation may exceed the maximum height for the zoning district in which they are located;
5. Only equipment and facilities necessary to the operation of the amateur radio antenna installation shall be permitted and only if such facilities are expressly permitted by the terms of the special use permit;
6. The application shall be accompanied by a site plan showing site boundary, locations of the proposed antenna installation, guy wire anchors, and nearby structures, tower design and building materials, equipment to be attached to the tower (e.g., antennas, mast and rotor, etc.), and setbacks from the site boundary. It shall also be accompanied by the following:
 - a. A site plan in accordance with the city's design standards; and
 - b. A statement accompanying the site plan indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to its design, unobtrusiveness, minimum height necessary to accommodate the radio service communications, avoidance of artificial light and coloring provisions;
7. With the exception of those antenna installations to be mounted on existing structures, the following requirements shall be met:
 - a. In the residential districts, the antenna installation shall be set back from public streets abutting the antenna installation site by a distance equal to or greater than the antenna installation height. The distance between the antenna installation and site boundary shall be equal to or greater than 50 percent of the antenna installation height. The distance between the anchors of the antenna installation and site boundaries shall be equal to or greater than the setback requirements established in the underlying zoning district;
 - b. The tower shall have a galvanized finish or other rust inhibiting finish but can be painted green below treetop level. It shall not be painted in alternate bands of distinctive orange and white colors or equipped with lights unless specifically required for safety reasons by a governmental agency having jurisdiction thereof. If so required, such lights shall not exceed the minimum standards thereof; and
 - c. To prevent vandalism or injuries, adequate security measures shall be provided around the antenna installation base (such as security fence with a locking portal) or other device designed to prevent unauthorized access to the antenna.
8. In consideration of applications for such special use permits, the following criteria shall be given specific consideration:
 - a. Adverse effects on adjacent property including, but not limited to:
 - (i.) Whether the proposed antenna installation will visually and aesthetically degrade the neighborhood; and
 - (ii.) Whether the proposed antenna installation has the potential to reduce property values;

- b. The Federal Communications Commission declaratory ruling entitled “PRB-1” recognizing the federal objectives in amateur radio operations and requiring that any zoning regulations which involve placement, screening or height of antennas based upon legitimate health, safety or aesthetic considerations must be crafted to reasonably accommodate amateur communications and to represent the minimum practical regulation necessary to accomplish those purposes; and
- c. Whether there are potential alternatives to a blanket denial of the proposed antenna installation which could be approved.

Sec. 27-923 Small Wind Energy Conversion Systems.

A. The purpose of these regulations is to promote the safe, effective and efficient use of small wind energy conversion systems installed to reduce the on-site consumption of utility supplied electricity.

B. Definitions.

The following definitions shall apply to this section of these regulations:

Small Wind Energy Conversion System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of under 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

C. Small wind energy conversion systems shall be allowed by conditional use permit within any district where the use is listed in the Table of Land Use Categories, Sec. 27-406. Certain requirements as set forth below shall be met:

- 1. Tower Height.
 - a. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
 - b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
- 2. Noise.
 - a. Small wind energy conversion systems shall not exceed 50 dBA, as measured at the nearest neighboring dwelling unit.
 - b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
- 3. Approved Wind Turbines.
Small wind turbines must have been approved by a small wind certification program recognized by the American Wind Energy Association.
- 4. Compliance with Building and Zoning Codes.

- a. Applications for small wind energy conversion systems shall be accompanied by drawings of the wind turbine structure, including the tower base and footings.
- b. An engineering analysis of the tower showing compliance with official building code of City of Hutchinson and certified by a professional engineer licensed in the State of Kansas shall also be submitted.
- 5. Compliance with FAA Regulations.
Small wind energy conversion systems shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- 6. Compliance with National Electrical Code.
Permit applications for small wind energy conversion systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the International Electrical Code.
- 7. Utility Notification.
 - a. No small wind energy conversion system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - b. Off-grid systems shall be exempt from this requirement.
- 8. Setbacks.
No part of the wind energy conversion system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site or encroach into any easement. All towers shall adhere to the setbacks established in the following table:

Setback from:	Wind Turbine – Non-Commercial WECS
Property Lines	One times the total height.
Neighboring Dwelling Units	One times the total height.
Road Rights-of-Way*	One times the tower height.
Other Rights-of-Way	One times the tower height.

* The setback shall be measured from any future rights-of-way if a planned change or expanded right-of-way is known. Setbacks are not applicable from Wildlife Management Areas and State Recreational Areas, wetlands, USFW Types III, IV and V, other structures and cemeteries adjacent to the applicant's sites, other existing WECS not owned by the applicant.

Sec. 27-924 Commercial/Utility Grade Wind Energy Conversion Systems (WECS).

- A. The purpose of this regulation is to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within the City of Hutchinson and its zoning jurisdiction.
- B. Definitions.
The following are defined for the specific use of this section:

Aggregate Project shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual wind energy conversion system within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregate project.

Commercial Wind Energy Conversion System shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system. In the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Hub Height shall mean the distance from ground level as measured to the centerline of the rotor.

Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to the placement of a wind energy conversion system. Meteorological towers do not include towers and equipment used by airports, the Kansas Department of Transportation, or other applications to monitor weather conditions.

Property Line shall mean the boundary line of the area over which the entity applying for a wind energy conversion system permit has legal control for the purpose of installing, maintaining and operating a wind energy conversion system.

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

Substations shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the wind energy conversion system.

Tower shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades or meteorological equipment.

Tower Height shall mean the total height of the wind energy conversion system exclusive of the wind turbine itself.

Transmission Line shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Wind Energy Conversion System shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbine shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

C. **Requirements.**

Commercial/Utility Grade Wind Energy Conversion Systems (WECS) shall be allowed by conditional use permit in non-residential zoning districts, as listed in the Table of Land Use Categories, Sec. 27-406. Prior to approval of a WECS, the following requirements and information shall be met and supplied with the conditional use permit application:

1. The name(s) of project applicant;
2. The name of the project owner;
3. The legal description and address of the project;
4. A description of the project of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid;
5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures:
 - a. This site layout shall include distances and be drawn to scale;
 - b. The location of the wind turbines may be approximate until specific geological conditions are determined in the field;
 - c. Once the specific geological conditions and specific locations are determined the contractor shall contact the Building Official in order to complete a final approval of the location; and
 - d. The location of the feeder lines may be approximate until the location of the wind turbine is finalized and approved and then a final location shall be submitted to the Building Official for final approval;
6. Certification by an Engineer competent in disciplines of wind energy conversion systems regarding the required specifications regarding noise as well as the foundation requirements;
7. Documentation of land ownership or legal control of the property;

8. The latitude and longitude of individual wind turbines and a site plan showing compliance with all required setbacks. This information shall be provided to the City upon finalized approved locations of the wind turbines;
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other wind energy conversion system, within 10 rotor distances of the proposed wind energy conversion system not owned by the applicant;
10. Location of wetlands, scenic, and natural areas within 1,320 feet of the proposed wind energy conversion system;
11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met;
12. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan;
13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency;
14. Evidence that there will be no interference with any commercial and/or public safety communication towers; and
15. Decommissioning Plan as required by these regulations.

D. Aggregated Projects.

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and any appropriate approvals.
2. Permits shall be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

E. Setbacks.

All towers shall adhere to the setbacks established in the following table:

Setback from:	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines.	One times the tower height.	One times the tower height.
Neighboring Dwelling Units.	One times the tower height.	One times the tower height.
Road Rights-of-Way.*	One times the tower height.	One times the tower height.
Other Rights-of-Way.	NA	NA
Wildlife Management Areas and State Recreational Areas.	600 feet	600 feet
Wetlands, USFW Types III, IV, and V.	600 feet	600 feet
Other structures and cemeteries adjacent to the applicant's sites.	One times the tower height.	One times the tower height.
Other existing WECS not owned by the applicant.	NA	NA

* The setback shall be measured from any future rights-of-way if a planned change or expanded right-of-way is known.

F. Special Safety and Design Standards.

All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.

2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility wind energy conversion system, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. All wind turbines and towers that are part of a commercial/utility wind energy conversion system shall be white, gray or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
6. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
7. All other signage shall comply with the sign regulations found in these regulations.
8. All communications and feeder lines associated with the project distribution system installed as part of a wind energy conversion system shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
9. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. Discontinuation and Decommissioning.
 - a. A wind energy conversion system shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Hutchinson Planning Department outlining the steps and schedule for returning the wind energy conversion system to service. All wind energy conversion systems and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.
 - b. Each commercial/utility wind energy conversion system shall have a decommissioning plan outlining the anticipated means and cost of removing the wind energy conversion system at the end of their serviceable life or upon being a discontinued use. The cost estimates shall be made by a competent party; such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay

for decommissioning and removal of the wind energy conversion system and accessory facilities.

11. Noise.
No commercial/utility wind energy conversion system shall exceed 50 dBA at the nearest structure or use occupied by humans.
12. Interference.
The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any wind energy conversion system. The applicant shall notify all communication tower operators within five miles of the proposed wind energy conversion system location upon application to the City for permits.
13. Streets and Roads.
Applicants shall:
 - a. Identify all county, municipal or township roads to be used for the purpose of transporting wind energy conversion systems, substation parts, concrete, and/or equipment for construction, operation or maintenance of the wind energy conversion system and obtain applicable weight and size permits from the impacted jurisdictions prior to construction;
 - b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road;
 - c. Be responsible for restoring the road(s) and bridges to preconstruction conditions; and
 - d. The applicant shall be responsible for immediate repair of damage to public streets and roads and bridges stemming from construction, operation or maintenance of the wind energy conversion system.
14. Drainage System.
The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the wind energy conversion system.

Sec. 27-925 Solar Panels.

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Hutchinson unless a zoning certificate therefore is approved and issued by the zoning administrator and is constructed in conformance with the building permit and the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

- A. Lot and Height Requirements.
Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard; and
 2. A solar panel which is freestanding may be located only in the rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage, nor shall the solar panel be located in the side yard or front yard setback.
- B. Structural Requirements.
The physical structure and connections to existing structures shall conform to the applicable Hutchinson building codes.
- C. Site Plan.
The application for a permit shall be accompanied by a site plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- D. Permit Fees.
Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning or building permit.
- E. Preexisting Solar Panels.
Notwithstanding nonconformance with the requirements of this section, a solar panel erected prior to the adoption of these regulations pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Sec. 27-926 Biofuels and Distillation Facilities.

The following conditions shall be met when locating a biofuels or distillation facility within the City's zoning jurisdiction. These standards are intended to protect the health, safety and general welfare of the residents of Hutchinson and the surrounding region.

1. Access to the facility shall be paved and connect to a hard surfaced street/road classified as an arterial.
2. If access is onto a county highway, road, or city street, the applicant must provide evidence that the paving of such highway, road or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.
3. If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the paving in order for the pavement to handle the size and weight of the loads.
4. The applicant shall be required to construct and acquire right-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.

5. The facility shall provide access to a railroad line and shall have sufficient area to provide for sidings for loading and unloading raw or finished product. The sidings shall be constructed at the applicant's expense.
6. The facility shall not be located in an area where winds and other climatic events disperse odor, steam, smoke and other discharges into the corporate limits of the City of Hutchinson.
7. The facility shall not be located in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.
8. Water supply wells for the facility shall not be located within the 20-year time of travel of any municipal well.
9. The facility shall be designed to recycle, in a manner compliant with all city and state rules and regulations, a minimum of 75 percent of the water used by the facility including water used for distillation.
10. All fuel storage tanks shall be located in a manner that will not allow for contamination of any ground water or surface water.
11. Total equipment height shall comply with the height limitations of the zoning district in which it is located.
12. All above ground fuel storage tanks shall be within an impermeable containment levee system.
13. Site plan review shall be required.
14. Lighting must be compliant with all applicable regulations.
15. Noise produced by the facility must comply with noise ordinance regulations.