

Introduced: July 5, 2016
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ORDINANCE NO 2016-14

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLES III, IV AND IX, ACCESSORY BUILDINGS AND USES OF CHAPTER 27 OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS

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

Section 1. That Section 27-314, Accessory Buildings and Uses be amended as follows:

Sec. 27-314. Accessory Buildings and Uses

Intent and interpretation.

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

All accessory uses and accessory structures shall:

- A. Be subordinate in purpose to the principal building or buildings served;
- B. Not be established on any zoning lot unless the principal structure has been more than one-half completed and is watertight;
- C. Not be erected in or encroach into any required yard, easement or sight triangle;
- D. Be located a minimum distance of five feet from all structures, unless permanently attached to such structures; and
- E. Detached accessory structures on interior lots shall not project nearer to the front lot line than the front exterior wall of the principal building and on corner lots shall not project nearer to the side street front lot line than the required setback.
- F. Lot Coverage and Height.

1. The combined lot coverage of the principal building and all accessory buildings shall not exceed the lot coverage requirements found in these regulations.
2. In the MH and MP Districts, accessory buildings shall not exceed 16 feet in height.
3. In the TA District, accessory buildings shall be allowed to exceed the height of the principal building provided that all other restrictions are met. In the TA District, accessory buildings and principal buildings may have combined lot coverage of 10 percent or 25,000 square feet, whichever is less.

G. Residential Garages, Carports and Storage Buildings.

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

1. Accessory buildings to residential uses shall be limited to buildings for domestic or household use or for the parking of motor vehicles and recreational vehicles. A hobby activity may be operated as an accessory use by a residential occupant of the premises solely for personal enjoyment, amusement or recreation; provided that any articles produced or constructed are not sold on the premises, except as may be permitted for an approved home occupation, and that no objectionable noise, odor, light or other adverse effects are created.
2. Accessory structures shall comply with the following maximum size requirements:

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

3. Accessory structures shall not occupy more than 35 percent of the entire rear yard from the rear of the principal building to the rear lot line. This percentage shall be calculated using all accessory structures on the property, including those that do not require a building permit.
4. For each single family dwelling, there shall be permitted a maximum of one detached garage and one carport, whether attached or detached.
5. For each duplex building, there shall be permitted a maximum of one detached garage, per unit, one detached storage building per unit, and two carports, whether such carports are attached or detached.

6. Carports shall not be attached to the front of a residential principal building. Carports shall be located only to the side or rear of the principal building and shall not project nearer to the front lot line than the principal building, whether attached or detached. On corner lots, carports shall not project nearer to the side street front lot line than the required setback. Carports shall not exceed the height of the principal building.
7. The sidewalls of garages and storage buildings shall not exceed 12 feet in height.
8. Garages, carports and storage buildings shall be constructed of materials customarily used in residential construction. The design and construction of such structures shall be similar to and compatible with the design and construction of the principal building. The exterior building materials and colors shall be similar to the principal building and shall be commonly associated with residential construction.
9. All garages and carports shall be provided and accessed by a driveway of an approved surface and design. Residential driveways accessing a detached garage or carport from a paved roadway shall be paved, as provided for in these regulations, from the roadway to the rear of the principal structure. From the rear line of the principal structure to the detached garage or detached carport, crushed rock or gravel may be used.
10. Storage sheds with access doors 8 feet wide or wider shall be considered detached garages for the purpose of these regulations.
11. All residential accessory structures shall be setback a minimum of 5 feet from the rear and side property lines, as measured from the eave of the accessory structure.
12. Accessory structures on permanent foundations that do not meet the setback or scale requirements of these regulations may be reconstructed in the same location and at the same size without having to obtain a variance from these regulations.

Section 2. That Section 27-408.I., R-1 Single Household Suburban Residential District Height and Lot Requirements be amended as follows:

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

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

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

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

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

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

Section 3. That Section 27-409.I. R-2 Single Household Residential District Height and Lot Requirements be amended as follows:

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

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

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

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

¹ The minimum setback shall be 30 feet from the property line.

Section 4. That Section 27-410.I., R-3 Moderate Density Residential District Height and Lot Requirements be amended as follows:

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

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

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

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

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

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

Section 5. That Section 27-411.I., R-4 Residential Neighborhood Conservation District Height and Lot Requirements be amended as follows:

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

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

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

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

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

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

Section 6. That Section 27-412.I., R-5 High Density Residential District Height and Lot Requirements be amended as follows:

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

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

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

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

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

Section 7. That Section 27-415.I., Established Neighborhood District Height and Lot Requirements be amended as follows:

I. Height and Lot Requirements.

The height and lot requirements shall be as follows:

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

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

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

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

Section 8. That Section 27-901.C., Home Occupations Site-Related Standards be amended as follows:

Sec. 27-901 Home Occupations

C. Site-Related Standards.

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

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

Section 9. That the existing Hutchinson City Code Sections 27-314, 27-408.I., 27.409.I., 27-410.I., 27-411.I., 27-412.I., 27-415.I. and 27-901.C. are hereby repealed.

Section 10. That all other sections of Articles III., IV. and IX. of Chapter 27 shall remain in full force and effect.

Section 11. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY, this 5th day of July, 2016, for the City of Hutchinson, Kansas.

Jon Daveline, Mayor

ATTEST:

Karen Weltmer, City Clerk