

Introduced: June 20, 2017
Passed: June 20, 2017
Published: June 23, 2017

ORDINANCE NO 2017 - 11

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE IV - ZONING DISTRICTS, ARTICLE VI - TEMPORARY USES, ARTICLE IX - SUPPLEMENTAL REGULATIONS, ARTICLE XII - AMENDMENTS AND ADMINISTRATION, OF CHAPTER 27 OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS; AND REPEALING ORDINANCE NO. 2017-9.

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

Section 1. That Section 27-401 – Zoning Districts of Article IV of Chapter 27, be amended as follows:

Sec. 27-401 Zoning Districts.

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

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

- I-2 Industrial District
- I-3 Heavy Industrial District
- AE Adult Entertainment District
- PUD Planned Unit Development District
- A-I Airport Industrial Mixed Use District

Overlay Districts

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

Section 2. That Section 27-405 – Table of Land Use Categories Explanation of Article IV of Chapter 27, be amended as follows:

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

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

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

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

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

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

Exception: The Airport Industrial Mixed Use District (A-I) is not included in the Table of Land Use Categories. Please refer to §27-432 for the permitted, permitted by special use permit and permitted by conditional use permit uses associated with the A-I district.

Section 3. That Section 27-432 – A-I Airport Industrial Mixed Use District of Chapter 27, be added as follows:

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

A. Intent.

The intent of the A-I Airport Industrial Mixed Use District is to provide for airport and airport-related uses in a manner that protects airport operations from encroachments and land use conflicts. This district accommodates the ongoing operational and expansion needs of the airport, including office, retail, dining, lodging (temporary-only), hangars, airplane storage, runways and other, similar uses.

In the A-I District, no building, structure, land or premises shall be used or hereafter erected, constructed, reconstructed, moved or altered except for one or more of the use types authorized by this section. All uses shall be subject to the development and performance standards set forth in these regulations.

B. Permitted Uses.

The following uses are permitted by right, provided they meet the height, lot, design and other criteria of this district and these regulations:

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

C. Conditional Use.

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

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

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

D. Special Uses.

None.

E. Temporary Uses.

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

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

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

F. Accessory Uses.

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

G. Site Plan Review.

Site plan review shall be required when proposed construction meets the criteria established in §27-1001 of these regulations.

H. Height and Lot Requirements.

Use/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Other principal uses	5,000	50	50	(1)	10	5	35	60
Accessory uses	-	-	-	(2)	5	5	35	10

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

Front Yard Setback Table						
Rural Road (feet)	City		City Collector		City Street (Public or Private) (feet)	30 th Avenue Corridor (feet)
	Expressway (feet)	City Arterial (feet)	Non-Residential (feet)	Residential (feet)		
N/A	N/A	25	N/A	N/A	10	N/A

I. Miscellaneous Provisions.

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

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

Section 4. That Section 27-601 – Temporary Uses of Article VI of Chapter 27, be amended as follows:

Article VI. Temporary Uses

Sec. 27-601 Temporary Uses.

A. Intent.

Temporary uses shall be permitted in all zoning districts. Some types of temporary uses are permitted only in specified zoning districts. The zoning

administrator may authorize a temporary use by issuing a zoning certificate. A zoning certificate verifies that a temporary use complies with the applicable provisions of these regulations. Certain temporary uses are allowed as accessory uses to existing uses that are permitted by right. The zoning administrator is granted the authority to interpret the provisions of this section and to classify temporary uses.

B. Application and Permit Processing.

The applicant must submit an application and a site plan for each proposed location to be reviewed by the zoning administrator at least 14 days in advance of the requested event. The site plan review will only be required once in a calendar year if the approved temporary use permit remains at the same location and follows the same layout and requirements.

The applicant will submit an application at least five working days in advance of each requested subsequent event in the same calendar year. A temporary use permit must be issued prior to the commencement of any temporary use. The zoning administrator may make a determination that extreme/inclement weather has caused an approved temporary use to not be able to operate and allow the event to be rescheduled or extended.

The zoning administrator may, from time to time, specify the form of the temporary use permit application. The temporary use permit application shall include at minimum: a site plan; landowner approval (if other than the principal use of property); sales tax certificate or tax exempt ID; evidence of compliance with all other local, state, and federal regulations; and, other information as requested.

Applications for said temporary use permit shall be secured from the Planning and Development Department in the manner prescribed by this chapter. The application will be approved or denied within five days of the submittal of a complete application. Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation. The approved zoning certificate shall be displayed at all times during the sale and shall be placed in a location that is easily visible to the public.

C. Matters to Be Considered.

The zoning administrator shall approve applications for a temporary use permit if all of the following findings can be met:

1. The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means of odor, noise, dust or other nuisances;
2. The additional parking required by the temporary use will be provided on site;
3. Increased traffic caused by the temporary use will not adversely affect the safety of the surrounding neighborhood or city at large;

4. The proposed temporary use is consistent with the Comprehensive Plan, City Code and other applicable regulations;
5. A complete application and evidence of compliance with all other local, state and federal regulations have been received by the Planning and Development Department;
6. The property where the temporary use will be located and the applicant for the temporary use permit have not been cited for current violations of the regulations of the City of Hutchinson; and
7. The temporary use will not impact the public health, safety or general welfare.

D. State Fair Grounds & Airport.

1. Except as required by the State Fairgrounds management, temporary uses on the State Fairgrounds shall be exempt from all regulations of this section.
2. Temporary use permits involving the Airport property are limited to those uses identified in §27-342, and related uses, and shall be approved by the Airport Manager.

E. General Regulations.

Each temporary use shall:

1. Be described in a permit issued by the zoning administrator prior to commencement of the event. This permit shall be in addition to evidence of compliance with all other local, state and federal regulations.
2. The number of additional parking spaces required for the temporary activity shall be determined by the zoning administrator. The parking spaces required for the temporary use shall not reduce the amount of parking required for the principal use.
3. Temporary uses shall be set back a minimum of 25 feet from the edge of the roadway. The zoning administrator is authorized to increase or reduce the required setback if conditions warrant.
4. Pedestrian entrances and exits for a temporary use shall not be placed directly adjacent to drive aisles.
5. The maximum duration of any temporary use for each applicant shall be four consecutive days, not to exceed eight events in a calendar year unless specified otherwise in these regulations. The maximum duration of temporary uses may be extended to coincide with special community events such as HutchFest and the Kansas State Fair.
6. All sites shall be completely cleaned of debris and temporary structures removed immediately following the termination of the sale or special event.
7. No public right-of-way may be used for temporary uses.
8. All temporary use permit holders must maintain a professional appearance at the site. Motor vehicles, trailers and other structures not specifically designed to be used for a temporary use shall not be used.

9. Proof of ownership of applicant, or a signed contract or letter of authorization from the property owner on which the activity is to take place shall be presented at the time the temporary use permit is requested.
10. The accumulation of one or more motor vehicles for sale on a property that are not owned by the property owner or lessee of the premises shall not be permitted.
11. Off-site advertising shall not be permitted as a temporary use.
12. Temporary uses shall not be located in any sight triangle.
13. The outside display of products normally for sale at a business permanently located on the property does not require a temporary use permit as long as the display is in compliance with all codes and regulations.
14. The City Manager has the discretion to reimburse required fees when the entire proceeds from the operation are given to a charity in the City of Hutchinson or used for charitable purposes within the City of Hutchinson.

F. Uses Requiring a Temporary Use Permit.

The following uses are subject to the corresponding regulations and do require a temporary use permit provided they meet the following criteria:

1. Retail Sale of Fireworks.
 - a. Permitted districts: C-3, C-4, I-1, I-2 and I-3.
 - b. Maximum duration: June 27 through July 4.
 - c. Application: Payment of fees and issuance by the City Clerk's office of an approved application shall be considered the approval of the temporary use permit.
 - d. Refer to Sec. 25-102 of the City Code for additional regulations on fireworks.
2. Retail Sales.
 - a. Permitted districts: C-1, C-2, C-3, C-4, C-5 and P/I.
 - b. Buffer: No sale shall occur on a parcel that is within 250 feet of a parcel where another temporary sale is occurring. No temporary sale shall occur on a parcel that is within 500 feet of a parcel on which a similar business is operating unless the similar business gives its written approval for the temporary sale to occur.
 - c. Area of operation: The area of operation shall not exceed 800 square feet and no dimension shall exceed 40 linear feet. The zoning administrator may review and permit a larger operation on parcels which exceed 500,000 square feet.
3. Sale of Farm and Garden Produce.
 - a. Permitted districts: All districts except the AE District. In the following districts, sales of farm and garden produce shall be limited to produce grown on the parcel: TA, R-1, R-2, R-3, R-4, R-5, EN, MP and MH.
 - b. Maximum duration: Four consecutive months during any one calendar year.

- c. Definition: Farm and garden produce includes items that are commonly grown such as field crops, fruits and vegetables but does not include any prepared foods or meat, poultry or fish.
- 4. Food Sales (other than farm and garden produce).
 - a. Permitted districts: C-1, C-2, C-3, C-4 and C-5.
 - b. Maximum duration: Four consecutive months during any calendar year.
 - c. Required approval from state or local jurisdictions.
 - d. Refer to Sec. 13-109 of the City Code for additional regulations on concessions or stands operated in a City park.
- 5. Garden Center.
 - a. Permitted districts: C-3, C-4 and C-5.
 - b. Maximum duration: One event, not to exceed six months in a calendar year.
 - c. For the purposes of this section, "garden center" shall mean the temporary sale of landscaping nursery materials including the sale of plants, nursery products, fertilizers, potting soil, garden tools and utensils.
- 6. Tent Shelters.
 - a. Permitted districts: All districts except the AE District.
 - b. Maximum duration: 14 consecutive days unless approved for a longer duration by the Fire Chief.
 - c. Location: May be erected in any yard or off-street parking area, except in the CR District, where they shall not be erected in a front yard.
 - d. Inspection: All tent shelters must be inspected by the Fire Department.
 - e. For the purposes of this section, "tent shelter" shall mean a structure made of rigid supports and flexible fabric.
- 7. Portable Storage Units for Temporary Use.
 - a. "Portable storage unit" shall be defined as a transportable unit designed and used for the temporary storage of retail merchandise, household goods, personal items, construction materials, supplies and non-hazardous materials which is placed on a property temporarily for the use of the occupants of a dwelling or building on the property or for use during the construction of a building. Portable storage units shall be designed to be used outside of an enclosed building and shall not be placed on a permanent foundation or used for occupancy by persons. Portable storage units shall include but not be limited to such units commonly known as "PODS," mobile attics, shipping containers, portable storage containers, and similar uses. Under no circumstances shall a railroad car be used as a portable storage unit within the City's zoning jurisdiction.
 - b. Permitted districts: Portable storage units shall be permitted in all districts as a temporary use.
 - c. Portable storage units shall only be placed on a driveway or parking area or, if access exists at the side or rear of the site, in the side or

rear yard. Portable storage units shall not be located in or impede the use of any required parking area, loading area, aisle or driveway.

- d. Portable storage units must be set back a minimum of five feet from all property lines and all structures.
- e. Portable storage units shall not be placed in any easement.
- f. Portable storage units shall be prohibited on all streets, alleys, and rights-of-way.
- g. **Portable Storage Units on Residential Properties.**
In addition to subsections (a.) through (f.) above, portable storage units on residential properties shall comply with the following requirements:
 - (i.) Portable storage units on residential properties shall not be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, retail merchandise, commercial goods, goods for property other than at the residential property where the portable storage unit is located (i.e. used for retail sales) or any illegal or hazardous materials. Upon reasonable notice to the property owner, the City may inspect the contents of any portable storage unit at any reasonable time to ensure that it is not being used to store said materials.
 - (ii.) There shall be no more than one portable storage unit per residential parcel.
 - (iii.) On residential parcels, the portable storage unit shall be no greater than 10 feet in width, 20 feet in length and 10 feet in height.
 - (iv.) A portable storage unit must not remain on any residential property in excess of seven consecutive days, including the days of delivery and removal, and must not be placed on any one residential property in excess of 14 days in any calendar year. At the expiration of a 14-day period, applicants may seek to extend the use of their portable storage unit for a maximum of seven additional days by seeking an extension for cause from the zoning administrator.
- h. **Portable Storage Units on Commercial and Industrial Properties.**
Portable storage units on commercial and industrial properties shall meet the requirements of subsections (a.) through (f.) above and shall be permitted as a temporary use for a maximum of 120 days in a calendar year. Portable storage units used for longer periods shall be considered permanent and shall follow the requirements of Sec. 27-915, Portable Storage Units for Long-Term or Permanent Use.

8. Other Temporary Uses Which Are Similar to the Uses Listed in this Section.

G. Uses Not Requiring a Temporary Use Permit.

The following temporary uses are subject to the corresponding regulations but do not require a temporary use permit:

1. Garage or Yard Sales.
 - a. Permitted districts: Garage or yard sales shall be permitted only on residential lots in all zoning districts.
 - b. Maximum duration: Four events in any calendar year not to exceed three consecutive days per event.
2. Real estate sales or leasing offices.
 - a. Permitted district: All districts.
 - b. Maximum duration: Following the issuance of a building permit until a construction project has been completed.
 - c. Requirements: The office shall not contain sleeping accommodations.
3. Contractor's Office and Construction Equipment Sheds.
 - a. Permitted districts: All districts.
 - b. Maximum duration: Following the issuance of a building permit and shall be removed when the construction project is complete.
4. Temporary Shelter.
 - a. Permitted districts: MP, MH, TA, R-1, R-2, R-3, R-4, R-5 and EN.
 - b. Maximum duration: In the event of fire or natural disaster a manufactured home may be located on a parcel during the repair, reconstruction or new construction of permanent housing on the same parcel but not to exceed 12 months.
 - c. Extension: One six-month extension may be granted.
 - d. Requirements: Adequate water supply and wastewater disposal facilities must be available.
 - e. Removal: The manufactured home shall be removed when the permanent dwelling is suitable for habitation. The property owner must assure that the manufactured home will be removed or authorize the City to remove it at the owner's expense.
5. Temporary Shelter During Home Construction.
 - a. Permitted districts: MH, TA, R-1, and R-2 Districts.
 - b. Maximum duration: A manufactured home may be located on a parcel to provide temporary shelter during new construction on the same parcel but not to exceed 12 months.
 - c. Extension: The Board of Zoning Appeals may grant an exception for one six-month extension.
 - d. Requirements: Adequate water supply and wastewater disposal facilities must be available.
 - e. Removal: The manufactured home shall be removed when the permanent dwelling is suitable for habitation. The property owner

must assure that the manufactured home will be removed or authorize the City to remove it at the owner's expense.

H. Conditions of Approval.

The zoning administrator may impose such conditions on a temporary use permit as is necessary to meet the purposes of this chapter and protect the public health, safety and welfare. Conditions which may be imposed may include, but are not limited to:

1. Yard setback and open space requirements;
2. Parking and paving type;
3. Fencing, walls and other screening or barriers for screening the use or separating conflicts between vehicles and pedestrians;
4. Signs;
5. Vehicular and pedestrian ingress and egress;
6. Property maintenance during the course of the activity;
7. Control of illumination, noise, odor, vibration or other nuisances;
8. Hours of operation;
9. Documentation showing all other applicable regulations are followed (e.g., state or local jurisdiction); and
10. Any other requirement which protects the health, safety and welfare of the public or the adjacent properties.

I. Fees.

The applicant for a temporary use permit shall pay to the City an application fee as established on the City's Master Fee Schedule.

J. Violation.

Any person or business found to be in violation of this section shall not be eligible to obtain a temporary use permit in the City for the next calendar year following such determination.

Section 5. That Section 27-909 – Exterior Lighting of Article IX of Chapter 27, be amended as follows:

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.

Section 6. That Section 27-915 – Portable Storage Units for Long-Term or Permanent Use of Article IX of Chapter 27, be amended as follows:

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

Portable storage units used on a long-term or permanent basis may be subject to site plan review and shall be permitted by right in the A-I, I-1, I-2 and I-3 Districts and by conditional use permit in the C-4, C-5 and EN Districts, as noted in Sec. 27-406. Such units shall comply with all yard and setback regulations and all other applicable regulations. Such units shall be permanently anchored to the ground.

Section 7. That Section 27-916 – Special Vehicle Standards of Article IX of Chapter 27, be amended as follows:

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-I, 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.

Section 8. That Section 27-918 – Keeping of Animals of Article IX of Chapter 27, be amended as follows:

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.

Section 9. That Section 27-1203 – Zoning Classifications of Lesser Change of Article XII of Chapter 27, be amended as follows:

Sec. 27-1203 Zoning Classifications of Lesser Change.

In accordance with the provisions of K.S.A. 12-757, the Planning Commission and the City Council may recommend and approve a lesser change in zoning districts without republication of a notice or redistribution of notices to property owners when such change is more restrictive than the district which is applied for as shown on the table below; **provided, however, that such recommendation and approval shall not be for a less restrictive classification than that set forth in the notice.** If the applicant, at the City Council Meeting at which a zoning amendment is being considered, desires to amend the application and/or the City Council desires to consider a “lesser” zoning change, then such a proposed change shall be returned to the Planning Commission for reconsideration and further recommendation to the City Council without further publication or notice. For the purposes of this section, zoning classifications of lesser change shall be listed below, based on descending order of use restrictions:

A. Most Restrictive to Least Restrictive:

- TA Transitional Agricultural Rural District
- R-1 Single Household Suburban Residential District
- R-2 Single Household Residential District
- R-3 Moderate Density Residential District
- R-4 Residential Neighborhood Conservation District
- R-5 High Density Residential District
- P/I Public/Institutional District
- C-1 Office Commercial District
- C-2 Neighborhood Commercial District
- C-3 Outdoor Commercial District
- C-4 Special Commercial District
- I-1 Light Industrial District
- I-2 Industrial District
- I-3 Heavy Industrial District

B. Zones not included:

Because of the highly specialized purposes of the “EN” Established Neighborhood District; “MH” Manufactured Home Subdivision District; “MP” Manufactured Home Park District; “C-5” Downtown District; “CR” Commercial/Residential District; “AE” Adult Entertainment District; “PUD” Planned Unit Development District; “A-I” Airport Industrial Mixed Use District and all Overlay Districts, they are not included in the above list of zoning classifications of lesser change and are excluded from designation through the lesser change provisions. The overlay districts are “GATE” Gateway Corridor

Overlay District; “AH” Airport Hazard Overlay District; “HP” Historic Preservation Overlay District and “FP” Floodplain Overlay District.

Section 10. That the existing Hutchinson City Code Sections 27-401, 27-405, 27-601, 27-909, 27-915, 27-916, 27-918 and 27-1203 are hereby repealed.

Section 11. That Hutchinson City Code Section 27-432 is hereby added.

Section 12. That all other sections of Chapter 27 – Zoning Regulations shall remain in full force and effect.

Section 13. That Ordinance No. 2017-9 is hereby repealed.

Section 14. 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 20th day of June, 2017, for the City of Hutchinson, Kansas.

Jon Daveline, Mayor

ATTEST:

Karen Weltmer, City Clerk