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ORDINANCE NO 2021 - 4

AN ORDINANCE AMENDING CHAPTER 27 ZONING REGULATIONS 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 27-202. Definitions, of Chapter 27 of the Code of the City of Hutchinson be amended to read as follows:

Sec. 27-202 Definitions.

30th Avenue Corridor shall mean that area along 30th Avenue in the City of Hutchinson, Kansas, 225 feet in depth along the north and south sides of 30th Avenue, from Waldron Street to K-61 Highway.

Abandonment shall mean the cessation or discontinuance of a use or activity without intent to resume, as distinguished from short term interruptions such as periods of remodeling or maintenance or normal periods of vacation or seasonal closure.

Abut, Abutting shall mean touching or contiguous; as distinguished from lying near.

Access or Access Way shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by these regulations.

Accessory Building or Structure shall mean any detached building or portion of a principal building that is subordinate in size and function and serves a function customarily incidental to that of the principal building or principal use of the premises but is not used for dwelling purposes. Customary accessory buildings include garages, carports, tool sheds and similar structures.

Accessory Dwelling Unit shall mean a subordinate dwelling located on the same zoning lot as the primary structure and which meets the design standards and use restrictions of these regulations.

Accessory Use shall mean a use of land customarily incidental and subordinate to the principal use on the same zoning lot or tract.

Active Recreation shall mean those outdoor uses that require more than sitting, walking or casual cycling, such as, but not limited to: golf (disc, traditional, foot); aquatic facilities (swimming pools, water parks, splash pads); skate parks; BMX parks and other, similar uses. Active recreation does not include motorized recreation.

Adjacent shall mean adjoining, contiguous or abutting.

Adult shall mean any person aged 18 years or older.

Adult Book and/or Video Store shall mean an establishment which offers for sale or rental books, magazines, photographs, films, videos, or other visual representations, and other materials oriented toward representation of sexual activity of any kind. This term does not include occasional sales of books, magazines, videos and other materials that may meet this definition but are not considered obscene pursuant to K.S.A. 22-3901 et. seq.

Adult Day Care Center shall mean any place or facility operating less than 24 hours-a-day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

Adult Entertainment Establishment shall mean any premise which provides adult sexually-oriented entertainment whether live or by motion pictures, videos, photographic reproductions or other means.

Adult Novelty Store shall mean a commercial establishment offering for sale visual materials, printed matter, instruments, devices, and other paraphernalia designed and intended for use in connection with sexual activities. This does not include occasional sales of books, magazines, videos, and other materials that may meet this definition but are not considered obscene pursuant to K.S.A. 22-3901 et. seq.

Agricultural Operations *see "Agricultural Use."*

Agricultural Chemical Manufacture / Storage shall mean the manufacture or storage of chemicals typically associated with, or intended to be used for, agricultural purposes, including defoliant, herbicides, fertilizers, insecticides and pesticides.

Agricultural Use shall mean the use of a tract of land under one ownership for growing crops, pasturage, horticulture, commercial nurseries and greenhouses, truck farms, dairying, or the raising of poultry or cattle and other livestock, including the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises such as a member of the family thereof or persons employed thereon and their families. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use.

Airport shall mean the Hutchinson Municipal Airport or future airports owned and operated by the City of Hutchinson, unless otherwise specified.

Alley shall mean a dedicated public right-of-way other than a street, which affords a secondary means of access to the side or rear of lots.

Alteration shall mean any change, addition or modification in construction or use of an existing building or structure.

Amateur Radio shall mean radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.

Animal, domestic (farm) shall mean cattle, horses, sheep, poultry and similar animals commonly found on farms.

Apartment shall mean a room or a suite of rooms in an apartment house or multiple family dwelling arranged, used, designed, or suitable for use by one or more persons as a place of residence with a kitchen or culinary accommodations. *See also: "Dwelling Unit."*

Apartment Complex shall mean a building or buildings containing apartments used as a place of residence for more than two households.

Applicant shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, exception, building permit, certificate of occupancy or other similar permit has been requested. Consent shall be required from the legal owner or his legal representative in writing, except for building permits and zoning certificates.

Appurtenances shall mean the visible, functional objects accessory to and part of buildings.

Architectural Style shall mean the characteristic form and detail of buildings of a particular historic period.

Area shall mean a piece of land capable of being described with such detail that its location may be established and boundaries definitely ascertained.

Area of Influence shall mean that area approved by the Governing bodies of the City of Hutchinson and Reno County within which the City has commenting authority on proposed development projects, as delineated on the approved Area of Influence Map.

Artisanal Manufacturing shall mean a person or business that makes a high-quality, distinctive product in small quantities, typically by hand. Examples of artisanal manufacturing include, but are not limited to, breadmaking, woodworking, craft beer making and candy making. This definition is intended for shops that engage in small-scale production that may create noise, dust, heat or other impacts but at a scale and frequency that do not harm or interfere with the operations of neighboring businesses or residences.

Assisted Living shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours-a-day, seven days-a-week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by these regulations. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited-term basis, or, if limited in scope, on a regular basis.

Athletic fields shall include fields designed for soccer, baseball, football and similar types of active recreation. Fields designed for motorized sports shall not be considered athletic fields.

Attached shall mean that a foundation, wall or roof of a building or structure is connected to and supported by the foundation, wall, or roof of another building or structure.

Bar shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises.

Basement shall mean that portion of a building which is partly or wholly below grade. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground.

Bed and Breakfast shall mean an owner-occupied residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-time periods, sleeping rooms and meals are provided for one or more persons, provided that where the bed and breakfast is located in a residential district, there shall be a maximum of three sleeping rooms.

Bed and Breakfast Inn shall mean a bed and breakfast facility with four or more guest rooms.

Berm shall mean a raised form of earth to provide screening or to improve the aesthetic character of an area.

Block shall mean a series of lots entirely surrounded by public rights-of-way, railroad rights-of-way, parks, open land, or waterways.

Board of Zoning Appeals shall mean that board which has been created by the Governing Body, said board having jurisdiction and the statutory authority to hear and determine special use permits, exceptions and variances to these zoning regulations and appeals of determinations of the zoning administrator.

Breezeway shall mean a roofed, open-sided passageway for the purpose of connecting one portion of a principal building with another part of a principal building on a single lot.

Buffer shall mean a strip of land established to separate one type of land use from another land use or between a land use and a private or public street. *See also: "Screening."*

Buildable Area shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required where buildings can be constructed.

Building shall mean a structure having a roof supported by columns or walls intended, designed, used or suitable for use for the support, enclosure, shelter or protection of persons, animals or property; and when separated by firewalls each portion of such structure so separated shall be deemed a separate building. Parts of a building that are connected by a breezeway shall be considered the same building.

Building, Completely Enclosed shall mean any building having no outside openings other than ordinary doors, windows and ventilators.

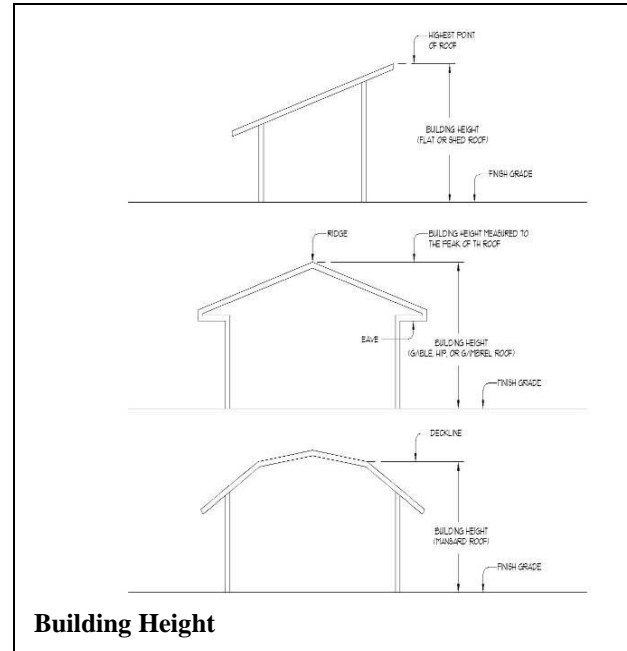
Building, Principal shall mean a building in which is conducted the principal uses of the lot or parcel upon where it is situated. *See also: "Use, Principal."*

Building Code shall mean the adopted building codes of the City of Hutchinson including but not limited to fire codes, electrical codes, property maintenance codes and fuel gas codes.

Building Height shall mean the vertical distance measured from the average elevation of the finished lot grade to the highest point of a coping or flat roof, to the deck line of mansard roof, and to the mean height between eaves and ridge of gable, hip, curved and gambrel roofs.

Building Line see "Setback"

Building Official shall mean the Building Official of the Inspections Department of the City of Hutchinson or his/her authorized deputy, agent or representative.



Bulk Regulations shall mean regulations in the zoning ordinance which control the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling maximum height, maximum lot coverage, and minimum width of yards and setbacks.

Carport shall mean a permanent roofed structure with not more than three enclosed sides used or intended to be used for motor vehicle or recreational vehicle shelter.

Child Day Care Center shall mean a facility operating in accordance with K.A.R. 28-4-420 et seq. and any amendments thereto, which (1) provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening and nighttime care; or (2) provides before and after school care for school-age children. The term does not include the following: (a) kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (b) facilities operated in connection with a shopping center or other principal activity, where individuals are cared for temporarily while parents or custodians are occupied on the premises, or are in the immediate vicinity and readily available; or (c) special activity programs, including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations.

City shall mean the City of Hutchinson, Kansas. Also, "City Council" or "Governing Body."

City Attorney shall mean the City Attorney of the City of Hutchinson or his/her authorized deputy, agent or representative.

City Council shall mean the Hutchinson City Council.

City Engineer shall mean the City Engineer of the Engineering Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

City Limits shall mean the established corporate boundary of the City of Hutchinson.

Club, Class A shall mean a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them.

Code shall mean the Municipal Code of the City of Hutchinson.

Coffee Kiosk shall mean a retail food business that sells coffee or other nonalcoholic beverages and pre-made bakery goods from a drive-through window to customers seated in their motor vehicles for consumption off the premises and that provides no indoor or outdoor seating.

Collection Bin, Free Standing shall mean a large box, bin, or drop-off container located on a parcel of land for the purpose of collecting materials such as clothing, household items, paper, metal or glass to be reused, recycled, sold or donated.

Columbarium shall mean a structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Commercial Entertainment shall mean those typically privately-held recreational and entertainment facilities intended to operate for-profit. Commercial entertainment includes such uses as movie theatres, drive-in theatres, miniature golf, motorized recreation and drone parks.

Commission shall mean the City of Hutchinson Planning Commission.

Common Area shall mean an area of land or water or combination thereof used for passive or active recreation, private streets, private alleys, driveways, off-street parking, loading areas, swimming pools, tennis courts, and similar types of uses in association with one or more principal uses.

Community Garden shall mean a parcel of land gardened collectively by a group of people which may include the sale of produce, herbs, flowers, and other by-products of the garden produced on site.

Compact Development shall mean an infill residential development of at least 3 dwelling units per lot, which is permitted to have access from a public or private street.

Compatible Use shall mean a land use which is congruous with, tolerant of, and has minimal adverse effects on existing neighboring uses. Compatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise,

dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference and radiation.

Comprehensive Plan shall mean the adopted Comprehensive Plan of the City of Hutchinson, Kansas, which sets forth policies for the present and foreseeable future community welfare as a whole and meets the purposes and requirements of the residents of the City of Hutchinson and its planning and zoning jurisdiction.

Conditional Use shall mean a use where allowed by the district regulations that may not be appropriate throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics will not be detrimental to the public health, safety and general welfare. All conditional uses require review by the Planning Commission and approval by the City Council.

Conditional Use Permit shall mean the documentary evidence of authority granted by the City Council in accordance with these regulations which allows establishment of a conditional use at a particular location.

Congregate Living shall mean a home or other building where dwellers reside in individual rooms or apartments but have meals in a common area. Examples of congregate living include assisted living facilities, boarding houses, rooming houses, group homes, dormitories, fraternities and sororities.

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

Contiguous shall mean the same as “Abut” or “Abutting.”

Correctional Facility shall mean a facility providing housing and care for individuals confined for violations of law. Typical uses include jails, prisons and juvenile detention centers.

Cottage Court shall mean a development having a single accessway that provides for a minimum of three single family residential units, whether attached or detached.

Court shall mean an open space on the same lot with a building or buildings that is bounded on two or more sides by such buildings.

County shall mean Reno County, Kansas.

County Health Officer shall mean the Director of the County Health Department or such person designated to administer the health regulations of Reno County.

Cul-de-Sac shall mean a right-of-way with one end open to traffic and the other end permanently terminated by a vehicular turn-around.

Curb Cut shall mean an opening in the curb of a street or other type of passageway which enables vehicles to enter upon a parcel from a public street.

Day Care Home, Licensed shall mean a facility operating in accordance with K.A.R. 28-4-113 et seq. and any amendments thereto, in which care is provided for a maximum of 10 children under 16 years of age and includes children under 11 years of age related to the provider. There are specific criteria for meeting this definition as administered by KDHE.

Day Care Home, Licensed Group shall mean a facility operating in accordance with K.A.R. 28-4-113 et seq. and any amendments thereto, in which care is provided for a maximum of 12 children under 16 years of age and includes children under 11 years of age related to the provider. There are specific criteria for meeting this definition as administered by KDHE.

Deck shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.

Dedicate shall mean to transfer property rights from the property owner to another person or entity.

Detention Center shall mean a facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail and prison.

Developer shall mean the legal or beneficial owner or owners of all the land proposed to be included in a development or the duly authorized agent thereof. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 40 years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for all purposes of these regulations.

Development shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

Director of Parks and Facilities shall mean the Director of the Parks Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

Director of Planning and Development shall mean the Director of the Planning and Development Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

Director of Public Works shall mean the Director of the Public Works Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

Drainage shall mean the removal of surface water from land through grading, installation of surface drains, construction of below surface drains and other means.

Drainageway shall mean a man-made or natural conveyance that transports stormwater over land which is frequently referred to as a channel, swale, ditch, gully, stream or watercourse.

Drive-In Restaurant shall mean a restaurant where customers order food and beverages from order boxes, typically located in each parking stall, and the order is delivered to the car by an employee of the restaurant.

Drive-Thru shall mean an establishment where customers can be served without leaving the confinement of their vehicle; where vehicles wait in a line to order and be served (as distinguished from drive-in facilities, where items are delivered to waiting vehicles parked in traditional parking spaces).

Drive-Thru Restaurant shall mean a restaurant where customers order food and beverages without leaving their vehicles from one or two order boxes and wait in a line to be served.

Driveway shall mean any vehicular access to an off-street parking or loading facility.

Duplex shall mean the same as “Dwelling, Two Family.”

Dwelling shall mean a building or portion thereof containing complete housekeeping facilities, including living, sleeping, toilet, bath, and eating areas for one household. Dwellings shall contain a minimum of 600 square feet of floor area, unless classified as an Accessory Dwelling Unit or a Compact Dwelling / Economy Home.

Dwelling, Multiple Family shall mean a building or buildings identified, designed, used or suitable for use as a residence for three or more families living in separate apartments.

Dwelling, Single Family shall mean a building having accommodations for or occupied exclusively by one family.

Dwelling, Single Family Attached shall mean a single family dwelling unit that is attached to one or more additional single family dwellings. Said dwelling units are separated by an un-pierced common wall or walls (as required by local codes) through the center of the structure that also sits along the property line separating ownership of the structure. *See also: “Dwelling, Two Family” and “Townhouse.”*

Dwelling, Two Family shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

Dwelling Unit shall mean a building or portion thereof containing complete housekeeping facilities one household. *See also: “Dwelling.”*

Easement shall mean an authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.

Eating Establishment shall mean any place in which food is served or is prepared for sale or service on the premises or elsewhere.

Economy Home shall mean a single family residential dwelling unit that is a minimum of 400 square feet in size and a maximum of 800 square feet in size.

Educational Institution shall mean a public or private institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must meet all criteria and standards as

established by the Kansas State Board of Education or other respective authority having jurisdiction over the institution.

Effective Date shall mean the date that these regulations shall have been adopted or amended, or the date land areas became subject to the regulations contained in these regulations as a result of such adoption or amendment and any subsequent publication as required by law.

Emergency Shelter shall mean a facility providing 24-hour residential care and protection for a period not to exceed 30 days and which provides the resident access to the surrounding community.

Enlargement shall mean the expansion of a building, structure or use in number, volume, size, area, height, length, width, depth, capacity or ground coverage.

Exception shall mean the allowance of a use with specific conditions in a given zoning district by special use permit where specifically authorized by these regulations or to the standards required by these regulations and authorized by Section 27-503.

Exterior Lighting shall mean lights installed outdoors on an outside wall, a roof, a standard pole or other device, not including lights that shine on or which are a part of a sign but including security lights, flood lights, decorative lights, parking lot lights and similar lights.

Facade shall mean the entire building front, including the parapet.

Federal Communications Commission (FCC) shall mean the federal agency charged with licensing and regulating wireless communication at the national level.

Feedlot shall mean the feeding of livestock, poultry or small animals for commercial purposes usually in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging or other natural means.

Fence shall mean a freestanding enclosure or barrier intended to provide privacy, protection, security, screening or confinement, or to redirect a person's travel.

1. **Fence, Open** shall mean a fence of approved material, which has, for each one-foot-wide segment extending over the entire length and height of the fence, 50 percent or more of its surface area in open spaces which affords direct views through the fence.
2. **Fence, Solid** shall mean a fence of approved material, excluding chain link with slats, which obscures at least 90 percent of vision through each one-foot-wide segment extending over the entire length and height of the fence.

Flammable or Explosive Material shall mean any substance which decomposes through detonation or which is intense burning. In addition, any substance which is considered an "explosive" or a "flammable liquid" as defined in Division IV of Article I of the City of Hutchinson Fire Code shall be considered a flammable or explosive material.

Flood shall mean a general and temporary condition of partial or complete inundation of normally dry land area, resulting from the over flow of creeks, rivers or streams, or from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain shall mean land area subject to inundation from surplus storm water as defined by a FEMA Flood Insurance Study and as depicted on a Flood Insurance Rate Map. The floodplain is the area adjacent to the floodway which on average has a one percent chance of flooding in any year.

Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (one percent annual chance flood) without cumulatively increasing the water surface elevation more than one foot.

Food Sales shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.

Front shall mean the part or side of a building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for that building or structure.

Frontage shall mean the portion of a parcel or lot which abuts a dedicated public street, highway or private roadway.

Funeral Home shall mean a building used for the temporary storage, preparation and viewing of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation.

Garage, Private shall mean any detached accessory building or portion of a principal building designed or used for the housing and storage of motor vehicles and other property which belong to, or are provided for the exclusive use of, the occupants of the lot or premises upon which such building is located and having no provisions for the commercial repair or upkeep of such vehicles.

Garage, Public shall mean any building, portion of a building, or premises designed, operated, or used for commercial purposes in the storage, sale, keeping and/or repair of motor vehicles.

Garage Sale or Yard Sale shall mean a temporary residential accessory use whereby items accumulated during the everyday residential use of a dwelling are sold.

Governing Body shall mean the City Council of the City of Hutchinson, Kansas.

Grade shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Green Space shall mean an open space available for unstructured recreation and landscaping consisting of grassy areas and trees.

Greenhouse, Accessory shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

Gross Floor Area shall mean the sum of the horizontal areas of all stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall.

Ground Cover shall mean plant materials or approved inorganic materials used in landscaping which may be intended to keep the soil from being blown or washed away and which remain less than 24 inches in height at maturity. Turf grass is excluded.

Ground Level shall mean the grade at the public right-of-way edge or parcel boundary edge, whichever applies.

Ground Water shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

Gunsmith shall mean a person who repairs, modifies, embellishes, refurbishes or installs parts on finished firearms. Gunsmiths without on-site retail sales may be permitted as a home occupation, provided all other home occupation regulations are met.

Hard Surface shall mean any permanently applied asphalt or concrete surface of an approved thickness, or other approved surface, excluding asphalt millings with or without a slurry seal, and excluding crushed rock, gravel, loose fill material, grass, sand and dirt.

Hazardous Waste shall mean waste materials including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment as defined by state and local regulations.

Hedge shall mean a plant or series of plants, shrubs or other landscape material, arranged so as to form a physical barrier or enclosure.

Home Occupation shall mean a commercial occupation or activity conducted by a person within a dwelling unit of said person's primary place of residence, which is clearly incidental and secondary to the use of the premises for dwelling purposes.

Homeowners Association shall mean a community association which is organized in a development in which individual owners share common interests in open space or facilities. The homeowners association usually holds title to reserve areas, manages and maintains the common area, and enforces certain covenants and restrictions.

Hospital shall mean a building or group of buildings having room facilities for one or more patients, used for providing services for the inpatient medical and surgical care of ill or injured persons, and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities and staff offices; provided, however, that such related facilities must be incidental and subordinate to the principal use and must be an integral part of the hospital operation.

Hotel shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations at a daily rate to the general public and providing associated services such as

restaurants, meeting rooms, and recreational facilities. The term “hotel” includes “motel” and other similar transient accommodations.

Household shall mean one or more persons who occupy a dwelling unit and live as a single housekeeping unit.

Impervious Surface shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as conventionally surfaced streets, sidewalks, parking lots, driveways, and the roofs of buildings.

Infill Development shall mean the development of vacant or underutilized land located in a predominately built up area.

Infrastructure shall mean facilities and services needed to sustain industrial, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

Inoperable Vehicle Storage shall mean those vehicle storage areas permitted as an accessory use to permitted auto repair uses and does not include salvage uses.

Intensity shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with low intensity uses.

Junk shall mean any worn-out, cast-off, old or discarded articles of scrap metal, copper, brass, iron, steel, wood, rope, rags, batteries, paper, trash, rubber, debris, appliances, waste, construction and demolition debris, dismantled or wrecked motor vehicles or parts thereof, and other old or scrap materials including ferrous or nonferrous material, and any other material defined as junk by local and state regulations.

Junkyard shall mean an establishment which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of a salvage yard or motor vehicle graveyard. Junkyards shall comply with all local and state regulations.

Landfill shall mean a site established for disposing of solid wastes in a manner that minimizes environmental hazards which is operated in accordance with the regulations of KDHE.

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

Landscaping shall mean the improvement of a lot, parcel or tract of land with grass, shrubs, plants and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains and statuary, and other similar natural and artificial objects designed and arranged to produce a visually pleasing effect.

Large-Scale Assembly shall mean a public or institutional type of building(s), which contains more than 20,000 square feet of gross floor area.

Large Truck or Trailer shall mean a vehicle used for hauling loads or trailers along streets and highways. Large trucks include tractor trailer rigs, delivery trucks, cement trucks, dump trucks, and other such heavy duty commercial vehicles. All motor vehicles wider than seven feet six inches or higher than eight feet shall be classified as large trucks for the purposes of these regulations. Semi-trailers shall be classified as large trailers.

LEED shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

LEED-ND shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by the United States Green Building Council.

Live/Work Unit shall mean a single unit (studio, loft or one bedroom) consisting of both a commercial and residential component that is occupied by the same person. The live/work unit shall be the primary dwelling of the occupant.

Livestock shall mean cattle, horses, sheep, poultry and similar animals raised for domestic use or sold for profit.

Loading Space shall mean an off-street space or berth on the same lot with a main building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley or other appropriate means of ingress and egress.

Lot shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of these regulations, or a parcel of real property delineated on an approved record of survey, lot split or tax lot, or tract as filed in the office of the Reno County Register of Deeds.

Lot, Corner shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot (see "Lot, Interior").

Lot, Double Frontage see "Lot, Through."

Lot, Flag shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor. The lot width of a flag lot shall be measured at the midpoint of the main portion of the lot.

Lot Interior shall mean a lot other than a corner lot which has frontage on one street or road only. In the case where two streets or roads intersect at an angle of 135 degrees or more, then the adjacent lot(s) shall be considered an interior lot.

Lot, Through shall mean a lot having frontage on two non-intersecting dedicated streets or road rights-of-way, not including a corner lot.

Lot, Zoning see "Zoning Lot."

Lot Area shall mean the total area, on a horizontal plane, within the lot lines of a lot.

Lot Coverage shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.

Lot Depth shall mean the average distance from the front property line to the rear property line, measured in the general direction of the side property lines of the lot.

Lot Frontage shall mean the side of a lot abutting on a legally accessible street, whether private or public, other than an alley.

Lot Line shall mean the property line bounding a lot.

1. **Lot Line, Front** shall mean the property line abutting a street or road upon which the permanent street address is based.
2. **Lot Line, Rear** shall mean a lot line not abutting a street or road right-of-way which is opposite and most distant from the front lot line.
3. **Lot Line, Side** shall mean any lot line other than a front lot line or rear lot line.

Lot of Record shall mean a lot which is part of a subdivision, the plat of which was recorded in the office of the Reno County Register of Deeds prior to the adoption of these regulations, or a lot described by metes and bounds, the description of which was recorded in the office of the Reno County Register of Deeds prior to the adoption of these regulations.

Lot Width shall mean the horizontal distance between the side property lines measured at the front property line as it abuts the street or along the street right-of-way line on unplatted streets, except that on cul-de-sac lots, the lot width shall be measured at the required front yard setback line.

Manufacture shall mean to use any method of processing, developing, fabricating or assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product.

Manufactured Home, Certified shall mean a structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act. For purposes of these regulations, the term “manufactured home,” when used by itself, shall not include a “residential-design manufactured home” as defined in these regulations.

Manufactured Home, Non-Certified shall mean a manufactured home as defined above that has not been certified as meeting the federal Manufactured Home Construction and Safety Standards Act established pursuant to 42 USC 5403.

Manufactured Home, Residential-Design shall mean a manufactured home on a permanent foundation which meets the construction and design standards of the City. All residential-design manufactured homes shall meet the requirements of Sec. 27-902 of these regulations.

Manufactured Home Lot shall mean a plot of ground within a manufactured home subdivision for the placement of one manufactured home for single family occupancy and the exclusive use of its occupants and which provides the necessary utility services for water, sewage and electricity.

Manufactured Home Pad shall mean that portion of an individual lot on which the manufactured home unit and any attached structure is placed.

Manufactured Home Park shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured homes used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term “manufactured home park” does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection or sale.

Manufactured Home Skirting shall mean the enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.

Manufactured Home Subdivision shall mean a subdivision that is platted for development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes and site-built single family dwellings, all of which are required to be placed on permanent foundations.

Manufacturing shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, food processing and liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

Manufacturing, Heavy shall mean the manufacture of non-hazardous and non-explosive materials that require or include outdoor storage of materials, supplies or goods.

Manufacturing, Light shall mean the manufacture of non-hazardous and non-explosive materials that do not require or include outdoor storage of materials, supplies and goods, and which manufacturing processes are conducted entirely within a fully enclosed building. This definition does not include artisanal manufacturing.

Master Fee Schedule shall mean a fee schedule maintained by the City which establishes the required fees to be collected for specific planning, zoning, subdivision and similar activities.

Mechanical Equipment, Building shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, electric, heating, ventilating, air conditioning and similar purposes.

Mini-Storage or Mini-Warehouse *see “Self-Service Storage Facility.”*

Mining or Quarrying shall mean the extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand, soil and gravel pit operations, quarries and mines.

Mobile Vendor shall mean a person or persons who sell goods, food or other merchandise via mobile/transient means, typically from a vehicle designed for cooking and dispensing of said food or merchandise.

Mobile Vendor Park shall mean a group of two or more mobile vendors (food trucks, etc.) located for a temporary period of time on the same zoning lot.

Monopole shall mean a type of support structure that consists of a vertical pole fixed into the ground and/or attached to a foundation.

Motel see "Hotel."

Motor Freight Terminal (Truck Terminal) shall mean a building or area in which freight brought by large trucks is received, assembled or stored and dispatched for routing by large trucks which may include large truck and trailer storage.

Motor Vehicle shall mean a self-propelled land vehicle not operated upon rails, except mopeds and self-propelled wheelchairs.

Motor Vehicle Graveyard shall mean any establishment which is maintained, used or operated, for storing, keeping, buying or selling wrecked, scrapped, ruined, dismantled, disabled or inoperable motor vehicles, watercraft, recreational vehicles, trailers, boxcars, tractors, farm machinery and other conveyances, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Said uses shall comply with all local and state regulations. A deposit or the storage on a parcel of two or more inoperable, wrecked or broken-down motor vehicles or parts of two or more such motor vehicles for one week in a residential district or for three weeks in any other district shall be deemed a motor vehicle graveyard.

Motor Vehicle Repair (Light-Medium) shall mean a building used for the purpose of repairing up to four-axle motor vehicles, with a maximum vehicle weight of 14,000 pounds. Commercial trucks, buses and other large vehicles are not considered light-medium vehicles.

Motor Vehicle Repair (Heavy) shall mean a building used for the purpose of repairing vehicles weighing more than 14,000 pounds or any vehicle with more than four axles.

Multi-modal Shipping Container shall mean a large, standardized shipping container designed and built for freight transport across different modes – from ship to rail to truck – without unloading / reloading cargo.

Multi-unit Living. See "Dwelling, Multiple Family".

Nonconforming Building or Structure shall mean a building or structure or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

Nonconforming Lot shall mean a lot which does not comply with the lot size requirements for the district in which it is located.

Nonconforming Use shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

Non-Ground Floor Dwelling (Loft) shall mean a dwelling unit in a commercial building which is located on the second or higher story.

Nursery shall mean the use of a premises for the propagation, cultivation and growth of trees, shrubs, plants, vines and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

Off-Street Parking Area shall refer to all off-street areas and spaces designed, used, required or intended to be used for parking, including driveways or access ways in and to such areas.

Office, General shall mean a business establishment or portion thereof, where consulting, record keeping, bookkeeping and clerical work are performed, but not to include medical offices or clinics.

Office, Medical shall mean a business establishment or portion thereof, which furnishes medical, surgical or other service to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental labs, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

Open Space shall mean a parcel, portion of a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures and buildings.

Outdoor Storage shall mean the storage of any material for a period greater than 24 hours, processing and repair (including vehicles) not in an enclosed building.

Overlay District shall mean a district which acts in conjunction with the underlying zoning district and which provides an additional layer of regulations.

Owner shall mean one or more persons, including corporations, who have legal title to real property.

Parcel shall mean a lot, tract or contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

Parcel Boundary shall mean a line bounding a parcel which divides the parcel from another parcel, a public right-of-way, or any other public or private space. *See also: "Lot Line."*

Park shall mean any public or private land available for recreational, educational, cultural or aesthetic use.

Parking Area, Private shall mean an area, other than a street or alley, used for the parking of motor vehicles, which is restricted from general public use.

Parking Area, Public shall mean an area, other than a private parking area or street, used for the parking of motor vehicles, either for free or for remuneration.

Passive Recreation shall mean recreational facilities / uses that are designed to facilitate sitting, walking, casual cycling, and the like.

Parking Lot shall mean any land used for the temporary parking of motor vehicles.

Pergola shall mean an accessory structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters.

Permanent Foundation shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

Permitted Use shall mean a land use that is allowed by right within a given zoning district.

Person shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, county, special district or any other group or combination acting as an entity.

Personal Services shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall include but not be limited to grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

Pervious shall mean a surface that allows surface water penetration.

Planned Unit Development shall mean a development designed to provide for a determined arrangement of residential, business or industrial uses in accordance with an approved development plan.

Planning Commission shall mean the City of Hutchinson Planning Commission.

Plant Materials shall mean trees, shrubs, vines, ground cover, grasses, turf, perennials, annuals and bulbs.

Plat shall mean a drawing which is approved by the jurisdictional governing body and filed of record with the Reno County Register of Deeds that delineates the subdivision of a parcel of land. A plat commonly shows lots, blocks, streets, easements and other features relevant to the development and improvement of the property.

Portable Storage Container shall mean a transportable unit designed and used for the storage of retail merchandise, household goods, personal items, construction materials, supplies and non-hazardous materials which is placed on a property for the use of the residents or business on the property or for storage during the construction of a building. Portable storage containers shall

include but not be limited to such units commonly known as “PODS,” mobile attics, shipping containers, portable storage containers, and similar uses, but shall not include railroad cars or multi-modal shipping containers. Portable storage containers are designed to be used outside of an enclosed building and are not placed on a permanent foundation or used for occupancy by persons.

Premises shall mean any one or more lots or tracts of land, including all buildings, structures, or facilities located thereon.

Preservation shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

Principal Building *see “Building, Principal.”*

Principal Use *see “Use, Principal.”*

Prohibited Use shall mean any use of land or a structure other than those considered legal nonconforming, which is not listed as a permitted use, permitted with design standards, conditional use or special use within a zoning district.

Public, Institutional and Civic Facility shall mean any building, location or structure owned by a public entity, such as a library, fire station, school, community center, and other similar facilities and uses.

Public Use shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

Public Utility shall mean any business which furnishes the general public telephone service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

Public Water and Sewer Systems shall mean a water or sewer system owned and operated by a governmental entity which meets all local, state and federal requirements.

Railroad shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

Recreational Vehicle (RV) shall mean a vehicular, portable structure, either self-propelled or pulled, designed for short term occupancy and highway travel without a special permit, including but not limited to motor homes, converted buses and vans, and camper tents, travel trailers, boats and boat trailers used exclusively for the purpose of traveling and occupancy by the owner, members of his or her family and guests, on camp trips beyond the city limits. Pickup trucks with camper shells shall not be included in this definition.

Recreational Vehicle Park (RV Park) shall mean a commercial tract of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational

vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers or travelers on a rental basis.

Repair (Except Vehicle Repair) shall mean repair of appliances and other household goods, including but not limited to sewing machines, vacuum cleaners, washing machines, dryers, refrigerators, stove, upholstery and the like.

Repair, Aircraft and Railcar shall mean the repair of aircraft and aircraft parts as well as the repair of railcars, locomotives and other railroad apparatus.

Residence shall mean a building used, designed or intended to be used as a home or dwelling place for one or more families.

Restaurant shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.

Retail Sales shall mean establishments engaged in the selling of goods or merchandise to the general public for personal or household consumption.

Retail Service shall mean retail establishments providing services or entertainment, as opposed to products, to the general public for personal or household use.

Retaining Wall shall mean a manmade barrier constructed for the purpose of stabilizing soil, retarding erosion or terracing a parcel or site.

Rezoning shall mean an amendment to the zoning map which is reviewed by the Planning Commission at a public hearing and is approved by the City Council by ordinance.

Right-of-Way shall mean a strip of land dedicated for or intended to be occupied by a street, railroad or road.

Road shall mean the same as "Street."

Room shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathrooms, closets, and hallways.

Rural Road *see "Street, Rural"*

Salvage Yard shall mean any land or building used for the collection, storage or sale of wastepaper, trash, rags, fibrous material, scrap metal or other discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof, or materials from the demolition of buildings or structures. A deposit or the storage on a parcel of two or more inoperable, wrecked or broken-down motor vehicles or parts of two or more such motor vehicles for one week in a residential district or for three weeks in any other district shall be deemed a salvage yard.

Scale shall mean a proportional relationship of the size of parts to one another and to the human figure. For site plans and other plans referenced herein, scale means the geometric relationship between the plan and the ground.

School shall mean any public or private elementary school, middle school, high school, community college, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.

Screening shall mean landscaping, fences, structures or plantings that conceal from view from public ways or from residential property the area behind such landscaping, fences, structures or plantings.

Self-Service Storage Facility shall mean a building or group of buildings containing individual, compartmentalized and controlled access stalls or lockers for storage.

Setback shall mean the distance between a building and the lot line or street right-of-way line, whichever is applicable, measured as an extension of the building line.

Setback Line, Front Yard shall mean the line which defines the depth of the required front yard. Said setback line shall be measured from and parallel to the street right-of-way line or highway setback line when one has been established.

Setback Line, Rear Yard or Side Yard shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be measured from and parallel to the property line.

Shopping Center shall mean a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations and protection from the elements.

Side Street see “Yard, Side Street Front.”

Sight Triangle shall mean the area at a public or private street intersection required by these and/or other regulations to be maintained free of structures, objects or plantings, and where nothing shall be erected, placed, planted or allowed to grow which could materially impede the vision of motorists and/or pedestrians and thereby pose a safety hazard. *Refer to Section 27-308 of these regulations for required dimensions and other requirements for sight triangles.*

Similar Use shall mean the use of land, buildings or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

Single-Unit Living. See “Dwelling, Single Family”.

Site Plan shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, driveways, parking spaces, loading spaces, lighting, drainage, landscape features and other principal and accessory site development improvements for a specific parcel of land.

Site Plan Review shall mean the review by the city of all documents and applications necessary for development including subdivision plats, site plans, rezoning requests, permit review and/or other applicable forms.

Solid Fence see “Fence, Solid.”

Solid Waste shall mean waste materials including but not limited to garbage, trash, refuse, rubble, sewage sludge, offal, dead animals or paunch manure.

Special Use shall mean a certain use of land or buildings that may not be appropriate under all circumstances in any zoning district, but may be appropriate where adequate precautions can be taken to assure the compatibility of such use with surrounding uses. Special uses are restricted and approved by the Board of Zoning Appeals.

Special Use Permit shall mean the documentary evidence of authority granted by the Board of Zoning Appeals when a certain use of land or buildings may not be appropriate under all circumstances in any zoning district, but may be appropriate where adequate precautions can be taken and conditions imposed to assure the compatibility of such use with surrounding uses.

Stadium shall mean a large open or enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

State shall mean the State of Kansas.

Storage shall mean the keeping of any goods, junk, material, merchandise or vehicles, whether indoors, outdoors, roofed or unroofed, in an area on the same tract or premises.

Stormwater Management shall mean the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating or filtering of surface water, ground water, and/or runoff, together with applicable managerial (non-structural) measures.

Stormwater Runoff shall mean surface water generated by rainfall that does not seep into the earth but flows over land, including impervious surfaces, to flowing or stagnant bodies of water.

Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above “grade” as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above “grade” as defined herein at any point, such usable or unused underfloor space shall be considered as a story.

Story, First shall mean the lowest story in a building which qualifies as a “story,” as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below “grade,” as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below “grade,” as defined herein, at any point.

Street shall mean a right-of-way which affords principal means of vehicular access to property abutting thereon.

Street, Arterial shall mean a street identified as an Arterial on the Hutchinson Street Classifications Map.

Street, Collector shall mean a street identified as a Collector on the Hutchinson Street Classifications Map.

Street, Residential/Other shall mean a street identified as Residential/Other on the Hutchinson Street Classifications Map.

Street, Rural shall mean any street that has not been identified by the Hutchinson Street Classification Map.

Street, State Highway shall mean a street identified as a State Highway on the Hutchinson Street Classifications Map.

Street, Private shall mean a street which affords principal access to property abutting thereon, which right-of-way is owned, controlled and maintained by persons other than the public.

Street, Public shall mean a street which affords the principal means of vehicular access to property abutting thereon, which right-of-way has been dedicated to the public for such use.

Street Centerline shall mean the centerline of a street right-of-way as established by official surveys.

Street Frontage shall mean the distance for which a property line adjoins a public street from one property line intersecting said street to the opposite property line.

Street, Frontage Access shall mean a street adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

Streetscape shall mean the scene as may be observed along a public or private street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware and miscellaneous structures.

Structure shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas.

Structure, Principal see *“Building, Principal.”*

Structure Height see *“Building Height.”*

Structural Alteration shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or similar components.

Subdivision shall mean the division of land, lot, tract or parcel into two or more lots, parcels, plats or sites, or other divisions of land for the purpose of sale, lease, offer or development, whether immediate or future. The term “subdivision” shall also include the division of residential, commercial, industrial, agricultural or other land whether by deed, metes and bounds description, lease, map, plat or other instrument.

Subdivision Regulations shall mean the Subdivision Regulations of the City of Hutchinson.

Support Structure shall mean the structure or surface upon which antennas are mounted.

1. Roof-mounted: Mounted on the roof of a building.
2. Side-mounted: Mounted on the side of a building.
3. Ground-mounted: Mounted on the ground.
4. Structure-mounted: Mounted on a structure other than a building.

Swimming Pool, Private shall mean a pool which is an accessory use to a residence for the exclusive use of the occupants of the residential building and their guests.

Swimming Pool, Public shall mean a pool and accessory buildings, generally owned and operated by a governmental entity, whether open or enclosed, and open for use by the general public.

Tavern see “Bar.”

Temporary Use shall mean a use intended for limited duration to be located in a zoning district as permitted by the zoning regulations.

Tract shall mean a plot or parcel of land, other than a lot in a platted subdivision, which is recorded in the office of the Register of Deeds.

Trailer shall mean a vehicle without motive power which is pulled by another vehicle and is designed and constructed to travel on the public thoroughfares. See also: “Large Truck or Trailer.”

Truck Stop shall mean a building and premises built to accommodate large trucks where gasoline, oil, and minor auto accessories may be supplied and dispensed at retail and which may include truck washing facilities.

Two-Unit Living. See “Dwelling, Two Family.”

Use shall mean the purpose or activity for which land or buildings are designed, arranged, intended, occupied or maintained.

Use, Design Standard shall mean a use that is allowed within a zoning district pursuant to meeting specified design standards.

Use, Permitted shall mean any land use allowed as a use by right within a zoning district.

Use, Principal shall mean the main use of land or structure, as distinguished from an accessory use.
See also: "Building, Principal."

Variance shall mean relief from or variation of the provisions of these regulations, other than use regulations, granted by the Board of Zoning Appeals as applied to a specific piece of property.

Vegetation shall mean plant life restricted to grass, turf, flowers, trees, shrubs and vines.

Warehouse shall mean a building used primarily for the storage of goods and materials.

Watertight shall mean completion of a structure so that no rain or snow may enter, e.g. roof with shingles and exterior walls with windows installed.

Wetland shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation commonly known as hydrophytic vegetation, which is typically adapted for life in saturated soil conditions.

Yard shall mean any open space on the same lot with a building or group of buildings, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by these regulations.

Yard, Front shall mean the area between a front property line and any front yard setback line, except as otherwise provided, which extends the full width or length of the lot.

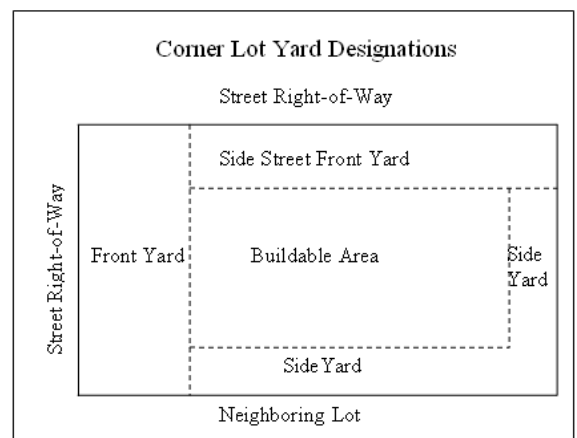
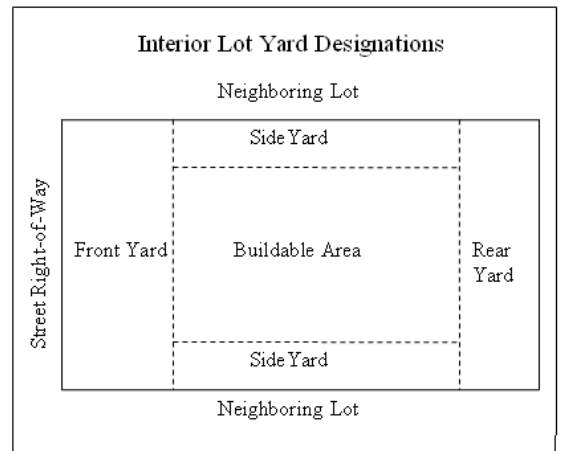
Yard, Rear shall mean the area between the rear property line and the rear yard setback line, which extends the full width of the lot.

Yard, Side shall mean the area from the front yard or from the front lot line where no front yard is required by these regulations, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

Yard, Side Street Front shall mean a yard that occurs on a corner lot along the length of the lot. The side street front yard is adjacent to the side street public right-of-way and is generally perpendicular to the established front yard. Special setback requirements apply for side street front yards.

Zero Lot Line see Sec. 27-312.

Zoning Administrator shall mean the person or persons authorized and empowered by the City Manager to administer the requirements of these regulations.



Zoning Amendment shall mean an amendment to the zoning map, the zoning regulations, or both, which is reviewed by the Planning Commission at a public hearing and is approved by the City Council by ordinance.

Zoning Certificate shall mean a written statement or authorization from the zoning administrator indicating that the existing or proposed uses for a particular parcel of property is in conformance with these regulations.

Zoning District shall mean an area delineated on the zoning map for which uniform land use regulations are specified.

Zoning Jurisdiction shall mean all areas within the corporate limits of the City and all areas where extraterritorial jurisdiction has been granted to the City by the Reno County Commission.

Zoning Lot shall mean a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the zoning regulations. A zoning lot may include any number of contiguous platted or unplatted lots.

Zoning Map shall mean the official zoning district map delineating the boundaries of zoning districts in the City of Hutchinson zoning jurisdiction which, along with the text of the zoning regulations, has been officially adopted by the Hutchinson City Council.
(Ord. 2018-21, Adop. 8/21/2018)

Section 2. That Section 27-313. Permitted Obstructions in Required Yards, of Chapter 27 of the Code of the City of Hutchinson be amended to read as follows:

Sec. 27-313 Permitted Obstructions in Required Yards.

- A. *All Yards:* The following projections shall be permitted in all yards:
1. Steps, accessibility ramps and other assisting devices that are four feet or less above grade and which are necessary for access to a permitted building or for access to a lot from the street or alley;
 2. Chimneys, window wells, sills, window unit air conditioners, flues, cornices, ornamental features, fire escapes, outside staircases, balconies, and similar structural features, provided the projection is no more than 24 inches into the required yard;
 3. Flag poles;
 4. Arbors and trellises;
 5. Fences, subject to applicable height and other restrictions; and
 6. Decks and porches that are not enclosed by screens, walls, glass, or other enclosures; provided the projection is no more than four feet into a required front or rear yard.
- B. *Rear and Side Yards:* Open off-street parking spaces, outside elements of central air conditioning systems and recreational and laundry-drying equipment shall be permitted in required rear and side yards.

- C. *Building Groupings:* For the purpose of the side yard regulations, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one zoning lot.

Section 3. That Section 27-314. Accessory Buildings and Uses of Chapter 27 of the Code of the City of Hutchinson be amended to read 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 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 except for lots larger than five acres located in the TA, R-1, R2, and R-3 districts where additional detached garages shall be permitted.

a. For each additional detached garage, one of the following conditions shall be met:

- (i.) The garage is screened from adjacent streets and residential lots by a natural, undisturbed wooded area at least 20 feet in width.
- (ii.) The garage is set back at least 150 ft from any adjacent street and 100 feet from any residential lot.
- (iii.) The garage is screened from adjacent streets and residential lots by 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.

b. Additional garages shall conform to all other requirements found in these regulations.

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. For each single-family dwelling, there shall be permitted a maximum of one detached carport.

a. For the purposes of these regulations, lean-tos, or carports attached to a primary structure not requiring a structure alteration of the primary structure, shall be considered an accessory, detached carport. Carports that are structurally or architecturally integrated with the primary structures shall be considered attached.

- b. Carports shall not be attached to the front of a residential principal building, 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.
- c. 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, including new metal.
- 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 structure setbacks shall be 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 4. That Section 27-406.D. Accessory Buildings and Uses of Chapter 27 of the Code of the City of Hutchinson be amended to read as follows:

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

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

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

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

D. Use Table – Accessory Uses

1. Collection bins, freestanding Design Standards & Use Restrictions

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

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

2. Electric Vehicle Charging Stations, Public Design Standards & Use Restrictions

Electric vehicle charging stations for public use shall be permitted as indicated in Table §27-406.D., pursuant to meeting the following requirements:

- a. Electric vehicle charging stations shall be permitted in the R-4, R-5 and R-6 zoning districts only as an accessory use to multi-unit living.
- b. Facilities shall obtain approval from the Development Review Committee, including electric utility availability.

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

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

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

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

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

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

Section 5. That Section 27-601.F.1. Uses Requiring a Temporary Use Permit, Retail Sales of Fireworks of Chapter 27 of the Code of the City of Hutchinson be amended to read as follows:

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 30 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.

Section 6. That Section 27-702 Table of Off Street Parking and Loading Requirements of Chapter 27 of the Code of the City of Hutchinson be amended to read as follows:

Sec. 27-702 Table of Off-Street Parking.

The following table identifies the required parking for land uses located within the City of Hutchinson. When the required number of spaces is not a whole number, the number shall be rounded up to the next higher number. Uses not listed in the table are not necessarily excluded. The Zoning Administrator is empowered to make interpretations of land uses and parking requirements for such land uses.

A. Parking Standards – Residential Uses

Land Use	Minimum Parking Standard
HOUSEHOLD LIVING, AS LISTED BELOW:	
Accessory dwelling unit	1 space per unit
Compact development / tiny home	1 space per unit
Cottage court	1 space per unit
Live/work unit	1 space per unit
Manufactured home (residential design)	2 spaces per unit
Mobile home	1 space per unit
Mobile home park	1 space per unit
Multi-unit living	1 space per unit
Non-ground floor dwelling	1 space per unit
Single-unit living	2 spaces per unit
Two-unit living	2 spaces per unit
GROUP LIVING, EXCEPT AS LISTED BELOW:	
	1 space per every 4 beds/units
Assisted living	0.5 spaces per unit
Congregate living	0.5 spaces per unit
Dormitory, fraternity, sorority	1 space per every 3 beds
Group Home (11 or more)	2 spaces per home
Group Home (10 or fewer)	2 spaces per home

B. Parking Standards – Commercial Uses

Land Use	Minimum Parking Standard
ANIMAL SERVICES (General), EXCEPT AS LISTED BELOW:	
	1 space per 500 GFA ¹
Boarding / Shelter	1 space per 500 GFA
Stables (Commercial)	1 space per each 4 stalls ²
EATING & DRINKING ESTABLISHMENTS, EXCEPT AS LISTED BELOW:	
	1 space per each 5 seats

Bar / Tavern	1 space per each 4 seats
Drive-In / Thru restaurant	1 space per each 4 seats
Mobile vendor park	None
MEDICAL, INCLUDING OFFICE, EXCEPT AS LISTED BELOW:	1 space per 350 GFA
Extended care facility	1 space per each 5 beds, plus 1 space per employee on maximum shift
Hospital	
OFFICE, GENERAL	1 space per 500 GFA
PUBLIC, INSTITUTIONAL & CIVIC FACILITIES, EXCEPT AS LISTED BELOW:	1 space per each 6 seats (church); 1 space per employee plus one space per each 10 students (school); 1 space per 1000 GFA (all other uses)
Cemetery / Columbarium / Mausoleum	Study required
Crematorium / Funeral Home	1 space per each 6 seats
Child or adult day care center / Day care home (licensed group)	1 space per each 2 employees
Day care home / Group Day care Home (licensed)	2 spaces
Detention center	1 space per employee on maximum shift plus 1 space per each 25 residents
Large-scale assembly	1 space per each 6 seats (church); 1 space per employee plus one space per each 10 students (school); 1 space per 1000 GFA (all other uses)
RECREATIONAL & ENTERTAINMENT FACILITIES, EXCEPT AS LISTED BELOW:	Study required
Active recreation (> 1 acre)	Study required
Commercial entertainment, including movie theatres	2 spaces per lane plus 1 space per 1000 GFA of other uses (bowling); 1 space per each 6 seats (theatre); 1 space per each 2 holes (mini golf); 1 space per 500 GFA or by Parking Study (Other)
Athletic fields and stadiums	1 space per each 6 seats
REPAIR, EXCEPT VEHICLE REPAIR	1 space per 400 GFA

¹GFA (Gross Floor Area)

²May be gravel in the TA Zoning District

Land Use	Minimum Parking Standard
RETAIL (RENTAL & SALES), AS LISTED BELOW:	
Large (> 18,000 SF)	1 space per 500 GFA
Medium (3501 - 18,000 SF)	
Outdoor	1 space per 1000 GFA plus 1 space per acre of outdoor sales area
Small (up to 3500 SF)	1 space per 500 GFA
TRANSIENT ACCOMMODATIONS, AS LISTED BELOW:	
Bed & breakfast	1 space per guest room plus 1
Campground, RV park, Tent camping	1 space per camp space
Hotel, Motel, Extended Stay, Boarding House	1 space per guest room plus 1 space per 1.5 employees on maximum shift
SERVICES (PERSONAL)	1 space per 400 GFA
STORAGE, SELF-SERVICE	1 space per employee on max shift
VEHICLE SALES, SERVICE AND STORAGE, EXCEPT AS NOTED BELOW	1 space 500 GFA of indoor sales area plus 1 space per 5000 SF of outdoor sales area
Boat / RV storage	1 space per employee on maximum shift
Car wash, excluding commercial trucks, heavy equipment and implements	1 space per employee on maximum shift
Inoperable vehicle storage	1 space per employee plus 2
Motor vehicle repair (light-medium)	2 spaces per service bay
Motor vehicle repair (heavy)	2 spaces per service bay
Truck stop	1 space per 500 GFA (retail area), plus 1 space per each 3 pumps

C. Parking Standards – Industrial & Other Uses

Land Use	Minimum Parking Standard
AGRICULTURAL USES, EXCEPT AS BELOW:	None
Agricultural chemical manufacture or storage / Agricultural product processing or storage	1 space per 1500 GFA plus 1 per acre of outdoor storage area
Community gardens	None
Agricultural equipment sales and service	1 space per 500 GFA indoor sales / office area plus 1 space per acre of outdoor sales area
Agricultural sales, including onsite product sales	

CONTRACTOR, AS LISTED BELOW:	
Office	1 space per employee
Storage yard	1 space per employee on maximum shift plus 1 space per acre of yard area
Wholesale sales	1 space per 500 GFA of indoor sales area plus 1 space per acre of outdoor sales area
MANUFACTURING, AS LISTED BELOW:	
Artisanal	1 space per 1000 GFA
Light	1 space per 5000 GFA
Heavy	1 space per 10,000 GFA
MINING / EXTRACTION	Study required
REPAIR (AIRCRAFT, RAILCAR & HEAVY VEHICLE)	2 spaces per repair bay
SALVAGE YARDS, INCLUDING AUTO SALVAGE	1 space per acre
STORAGE AND WAREHOUSES, EXCEPT SELF-SERVICE, AND AS LISTED BELOW:	1 space per 10,000 GFA
Outdoor storage	1 space per acre
TRANSPORTATION, AS LISTED BELOW:	
Multi-modal transfer station	Study Required
Railyard	
Trucking	

Section 7. That Section 27-907.A.8 Fences, Prohibited Materials of Chapter 27 of the Code of the City of Hutchinson be amended to read as follows:

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 or razorwire except as may be permitted for security requirements with the following design standards:
 - i. permitted in the C-3, C-4, I-1, I-2, I-3, A-1 and P/I zoning districts;
 - ii. installed a minimum of 72 inches above ground level;
 - iii. not visible from the public right-of-way in the GATE (Gateway Corridor Overlay District) and;
 - iv. not visible from the public right-of-way classified as State Highway or Arterial Streets.
 - v. The visibility limitations in subsections iii. And iv. above shall not apply to property in the A-1 and P/I zoning district.
 - vi. Nothing in these standards shall prohibit the allowance of barbed wire in the TA zoning district for the purpose of securing domestic farm animals.
 - 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.

Section 8. That all other sections of Chapter 27 shall remain in full force and effect.

Section 9. 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 19th day of January, 2021, for the City of Hutchinson, Kansas.

Steve Garza, Mayor

ATTEST:

Karen Weltmer, City Clerk