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**ORDINANCE NO 2021 - 12**

**AN ORDINANCE AMENDING SECTIONS 27-406.D, 27-406.D.3, 27-503.E.5.d  
and 27-915, OF CHAPTER 27 OF THE CODE OF THE CITY OF HUTCHINSON,  
KANSAS**

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

**Section 1.** That Article IV, Section 27-406.D. Use Table – Accessory Uses, be amended  
as follows:

### D. Use Table – Accessory Uses

| USE CATEGORY  | RESIDENTIAL |     |     |     |    | COMMERCIAL |     |     |     | INDUSTRIAL / OTHER |     |     |     | Design Standards & Use Restrictions <sup>1</sup> |
|---|-------------|-----|-----|-----|----|------------|-----|-----|-----|--------------------|-----|-----|-----|--|
|   | TA          | R-3 | R-5 | R-6 | MH | C-1        | C-2 | C-3 | C-5 | I-1                | I-3 | C-R | P/I |  |
|   | R-1         | R-4 | 5   | 6   | MP |            |     | C-4 |     | I-2                | A-I | E-N |     |  |
| <b>ACCESSORY USES</b>   |             |     |     |     |    |            |     |     |     |                    |     |     |     |  |
| 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           | D   | D   | D   | N  | D          | D   | D   | D   | D                  | D   | N   | D   | See 27-406.D.2                                   |
| Fuel storage tanks; fuel storage and dispensing (non-commercial)  | D           | N   | N   | N   | N  | N          | N   | D   | N   | D                  | D   | N   | D   | See 27-406.D.3.                                  |
|   | N           |     |     |     |    |            |     |     |     |                    |     |     |     |  |
|   | N           |     |     |     |    |            |     |     |     |                    |     |     |     |  |
| Grain storage bins and grain silos  | D           | N   | N   | N   | N  | N          | N   | N   | N   | D                  | D   | N   | N   | See 27-406.D.4.                                  |
|   | N           |     |     |     |    |            |     |     |     |                    |     |     |     |  |
|   | N           |     |     |     |    |            |     |     |     |                    |     |     |     |  |
| 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   | N   | S   | D                  | D   | N   | N   | See 27-915                                       |
|   |             |     |     |     |    |            |     | S   |     |                    | N   |     |     |  |
| Offices   | P           | H   | H   | H   | H  | P          | P   | P   | P   | P                  | P   | P   | P   |  |
|   | H           |     |     |     |    |            |     |     |     |                    |     |     |     |  |
|   | H           |     |     |     |    |            |     |     |     |                    |     |     |     |  |

|   |             |     |     |     |       |            |     |         |     |                    |         |         |     |  |
|---|-------------|-----|-----|-----|-------|------------|-----|---------|-----|--------------------|---------|---------|-----|--|
| 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 <sup>1</sup> |
|   | 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         |     |     |     |       |            |     |         |     |                    |         |         |     |  |
| <b>ACCESSORY USES</b>                             |             |     |     |     |       |            |     |         |     |                    |         |         |     |  |
| Storage of farm materials, products and equipment | P           |     |     |     |       |            |     |         |     |                    |         |         |     | Except R-2.                                      |
|   | N           | N   | N   | N   | N     | N          | N   | N       | N   | P                  | P       | N       | N   |  |
|   | N           |     |     |     |       |            |     |         |     |                    |         |         |     |  |
| Swimming Pool, Private                            | P           | P   | P   | P   | P     | P          | P   | P       | P   | 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

<sup>1</sup>Where 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.

**Section 2.** That Article IV, Section 27-406.D.3. Fuel storage tanks; fuel storage and dispensing (non-commercial) Design Standards & Use Restrictions be amended as follows:

**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 50 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 zoning district.
- d. Above ground storage tanks in the C-3 and C-4 zoning districts shall in addition meet the following requirements:
  - i. Tanks shall be limited to no larger than 1,100 gallons capacity per tank.
  - ii. Tanks shall meet City of Hutchinson Fire Code, City of Hutchinson Building Code, as well as any state and federal regulations.
  - iii. Tanks shall be screened on all four sides from public view with a solid fence of wood or vinyl, or a solid wall which completely conceals the tank from public view. Chain link with slats may be used for the gate or doorway to the enclosure.

**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:

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

**Section 3.** That Article V, Section 27-503.E.5.d. Administrative Adjustments, Accessory Structures, be amended as follows:

E. Development Standards Eligible for Administrative Adjustment.

The Zoning Administrator is authorized to issue administrative adjustments in accordance with the above procedures only for those zoning standards and in those amounts provided below:

1. Setback.
  - a. Reducing required side, front or rear setback for primary structures by up to 20 percent, provided that the minimum provisions of the Building Code for separation of structures is met.
  - b. Authorizing an addition to an existing nonconforming structure in line with the existing setback, as long as the following criteria are met:
    - (i.) Side yard setback reduction: Existing structure is located a minimum of 3 feet from the side property line (residential structures) and 5 feet from the property line (commercial/industrial structures);
    - (ii.) Front yard setback reduction: Existing structure is located a minimum of 10 feet from the property line;
    - (iii.) Rear yard setback reduction: Existing structure is located a minimum of 10 feet from the property line.
2. Maximum Height.
  - a. Increasing the maximum height for a principal structure by up to 20 percent.
  - b. Increasing the maximum height for an accessory structure by up to 30 percent.
3. Lot Coverage.
  - a. Increasing maximum lot coverage by up to 10 percent.
4. Parking.
  - a. Reducing required parking spaces by up to 10 percent, provided that no parking reduction shall impact accessible spaces.
5. Accessory Structures.
  - a. Allowing for an accessory structure to exceed the maximum lot coverage by up to 10 percent and the maximum allowable area by up to 20 percent.
  - b. Allowing for an accessory structure to have a reduced setback, according to the following:  
Residential – 3 feet minimum setback.  
Commercial / Industrial / Other – 5 feet minimum setback.
  - c. Allowing for a carport to be located on the front of a residential structure provided it meets the setback requirements of the Zoning District and is composed of wood or a combination of wood and other elements typically associated with residential construction.
  - d. Allowing for accessory structures associated with residential development to be placed in the front yard, where all of the following apply:
    - (i.) The accessory structure meets the minimum setbacks of the Zoning District; and
    - (ii.) The accessory structure is comprised of wood or a combination of wood and other elements typically associated with residential construction.

- e. Allowing for accessory structures associated with industrial uses to be placed in the front yard provided the setback for the Zoning District is met.
6. Signs
- a. Increase the maximum height of a freestanding sign by up to 25 percent.
  - b. Increase the maximum area of any permitted sign by up to 25 percent.

**Section 4.** That Article IX, Section 27-915. Repealed be amended as follows:

Sec. 27-915 Portable Storage Containers and Multi-modal Shipping Containers for Long-Term or Permanent Use.

Portable storage units used on a long-term or permanent basis shall be subject to site plan review and are permitted by right with design requirements in the I-1, I-2 and I-3 Districts and by special use permit in the C-4 and C-5 Districts, as noted in Sec. 27-406. Such units shall comply with the following design requirements:

- A. Containers shall be allowed as an accessory use only and can only be located on a lot with a principal building.
- B. On platted lots larger than one acre, a maximum of two containers are permitted. All platted lots one acre or less shall be permitted a maximum of one container.
- C. Containers shall be located at least five feet behind the front wall line of the principal building on site.
- D. Containers shall meet all yard and setback regulations and all other applicable regulations.
- E. All signage and logos on the container shall be removed.
- F. Container shall match the colors of the principal building or is an earth tone color that complements and appears inconspicuous against the color of the principal building.
- G. Container shall be permanently anchored to the ground and maintained so that the container is safe, structurally sound, stable, and in good repair.
- H. Vertical stacking of containers and/or stacking material on top of the container is prohibited.
- I. Containers shall not be modified for habitation, and are prohibited from having windows, heating and cooling, plumbing or multiple entrances. Electrical, ventilation, and refrigeration systems are permitted to meet minimum codes and standards for lighting and air circulation for storage purposes.

**Section 5.** That the existing Sections 27-406.D, 27-406.D.3, 27-503.E.5.d and 27-915 of Chapter 27 of the Code of the City of Hutchinson be repealed.

**Section 6.** That all other sections of Chapter 27 shall remain in full force and effect.

**Section 7.** 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 20<sup>th</sup> day of July, 2021, for the City of Hutchinson, Kansas.

Steven Garza, Mayor

ATTEST:

Karen Weltmer, City Clerk