

# *LAND DEVELOPMENT CODE*

*City of South Hutchinson, Kansas*

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prepared by the

**SOUTH HUTCHINSON PLANNING COMMISSION**

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**City of South Hutchinson, Kansas  
Land Development Code**

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**ARTICLE 1  
TITLE; PURPOSE DEFINITIONS;  
DISTRICT AND GENERAL REGULATIONS**

**Sections:**

- 1-101 Title**
- 1-102 Purpose**
- 1-103 Jurisdiction**
- 1-104 Definitions**
- 1-105 Districts**
- 1-106 General Regulations Governing All Zoning Districts**
- 1-107 Vesting of Development Rights**

**1-101 Title:** This code, including the Zoning District maps and overlays made a part hereof, shall be known and may be cited as the “Land Development Code of South Hutchinson, Kansas”, and shall hereinafter be referred to as “this Code.”

**1-102 Purpose:** This code is intended to serve the following purposes:

1. To promote the health, safety, morals, comfort and general welfare of all the citizens of South Hutchinson, Kansas, and its extraterritorial jurisdiction.
2. To create zoning districts sensitive to the needs of the residents while protecting and enhancing the rural values of the extraterritorial jurisdiction of the City and encouraging as much non-agricultural development as possible to occur within the incorporated area of the City.
3. To conserve good agricultural land and protect it from the intrusion of incompatible uses, but not to regulate or restrict the primary use of land for agricultural uses.
4. To regulate and restrict the height, number of stories, and size of buildings; the percentage of lots that may be occupied by buildings and other structures; size of yards, courts, and other open spaces.
5. To provide for adequate light and air, and acceptable noise levels.
6. To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.
7. To provide adequate notice on subsequent changes to this Code and an opportunity for interested parties to be heard.
8. To provide information regarding possible flood hazards.

9. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the Comprehensive Plan for South Hutchinson, Kansas.
10. To promote the achievement of the Future Land Use Plan for South Hutchinson, Kansas.
11. To inform the public regarding future development in South Hutchinson, Kansas, and its environs, thereby providing a basis for wise decisions with respect to such development.

**1-103 Jurisdiction:** Except as otherwise provided herein, this Code shall apply to all of the land within the corporate limits of the City of South Hutchinson, Kansas, and the following described lands in unincorporated Reno County, Kansas, which comprise the extraterritorial jurisdiction of the City of South Hutchinson, Kansas:

In Township 23 South, Range 5 West of the 6<sup>th</sup> P.M., the following sections or parts of sections: all of sections 30 and 31 lying south of the Arkansas River.

In Township 23 South, Range 6 West of the 6<sup>th</sup> P.M., the following sections or parts of sections: all of sections 22, 26, 27, 28, 29, 33, 34, 35 and 36; the E ½ of section 21; all of sections 23, 24 and 25 lying south and west of the Arkansas River; and all of section 32 except the SW ¼.

In Township 24 South, Range 6 West of the 6<sup>th</sup> P.M., the following sections: all of sections 1,2,3,11 and 12; all of section 4 except the SW ¼; and all of section 10 except the SW ¼.

**1-104 Definitions:** For the purpose of this Code, certain terms and words are hereby defined. Words used in the present tense shall include both the past and the future, and words used in the future tense shall include the present; words in the singular number shall include the plural and words in the plural number shall include the singular; the word “building” shall include the word “structure”; the word “dwelling” shall include the word “residence”; the word “lot” shall include the word “plot”; the word “person” shall include individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities; the word “shall” is mandatory and not directory while the word “may” is permissive; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”. Words or terms not herein defined shall have their ordinary and customary meaning in relation to the context.

1. **ABANDONED VEHICLE:** Any inoperable motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control.
2. **ABUTTING:** Adjoining or bordering.

3. **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
4. **ACCESSORY BUILDING:** A subordinate building or portion of the main building, located on the same lot, the use of which is clearly incidental to that of the main building or to the use of the land on which it is located. Customary accessory buildings include, but are not limited to, garages, carports, garden houses, small storage sheds and children's playhouses.
5. **ACCESSORY USE:** A subordinate use which serves an incidental function to that of the principal use of the premises. Customary accessory uses include, but are not fireplaces, and satellite dish antennas.
6. **ADMINISTRATIVE OFFICER:** See Zoning Administrator.
7. **AGRICULTURAL PURPOSES, LAND USED FOR:** The use of a tract of land for the production of plants, animals and/or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; cattle, sheep, poultry, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. Land used for agricultural purposes shall not include the following:
  - a. Lands which are used for recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.
  - b. Lands which are used for suburban residential home sites and yard plots whose primary function is for residential purposes even though such properties may produce or maintain some of the plants or animals listed herein.
  - c. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.
  - d. The operation of an auction sales yard.
  - e. The operation of a junkyard.
  - f. The operation or maintenance of a commercial stockyard, feedlot or other confined livestock feeding operation, including corporate farms.
  - g. The operation of either a boarding or breeder kennel.
  - h. The keeping of exotic birds and/or animals in the unincorporated portion of Reno County, Kansas.

- i. The operation of a bed and breakfast.
  - j. The establishment of an additional dwelling site for any purpose except as an accessory dwelling for bonafide farm help employed on the premises. This shall include the prohibition of creating a dwelling site intended for the placement of a manufactured home except in conformance with the provisions of these Regulations.
- 8. **AIRCRAFT:** A weight-carrying structure for navigation of the air that is supported either by its own buoyancy or by the dynamic action of the air against its surfaces. Aircraft includes, but is not limited to, airplanes, helicopters, gliders, ultra-light airplanes, hot air balloons, and the like.
- 9. **AIRPORT OR AIRCRAFT LANDING FIELD:** Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie down areas, hangars, and other necessary buildings and open spaces.
- 10. **ALLEY:** A public or private thoroughfare which provides only a secondary means of access to abutting property.
- 11. **ALTERATION:** A change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered as an alteration.
- 12. **AMENDMENT:** The process of change or alteration to the Land Development Code in one of the following forms:
  - a. A comprehensive revision or modification of the zoning text and/or maps.
  - b. A text change in the zone requirements.
  - c. A change in the maps, i.e., the zoning designation of a particular parcel or parcels. This form is also known as “rezoning.”
  - d. The approval of a Conditional Use Permit as provided within this Code.
- 13. **ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine. This does not include open kennels or runs.
- 14. **APARTMENT:** A room or a suite of rooms within an apartment house or complex arranged, intended or designed for a place of residence of a family.
- 15. **APARTMENT HOUSE:** A building or buildings containing apartments used as a place of residence for more than two (2) families.

16. **APPLICANT:** The owner of a tract of land, or his duly designated representative, for which an amendment has been requested.
17. **AUCTION SALES YARD:** A tract of land and accompanying buildings and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise offered on consignment.
18. **AUTOMOTIVE AND MACHINERY REPAIR SHOPS:** A building used for the repair of motor vehicles or machinery. This shall include, but not be limited to, body and paint shops, glass service shops and auto service centers.
19. **AUTOMOTIVE SALES AREA:** An open area, other than a street, used for display or sale of new or used motor vehicles, and where no repair work is done except minor incidental repair of motor vehicles to be displayed and sold on the premises.
20. **AUTOMOTIVE SERVICE STATION:** Any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, but not including tire recapping, major repair work such as motor replacement, body and fender repair or spray painting, provision of rental equipment, or open motor vehicle sales lots.
21. **BASEMENT:** A space wholly or partly underground and having more than one-half of its total usable space below building grade. Underground homes constructed with beams on top and on three sides, as well as walkout construction shall not be considered as basements.
22. **BOARD OF ZONING APPEALS:** That board created herein which has the statutory authority to hear and determine appeals, exceptions and variances to this Code.
23. **BOARDING OR ROOMING HOUSE:** A dwelling in which roomers, lodgers and/or boarders are housed but individual cooking facilities are not provided.
24. **BUFFER AREA:** Open and unobstructed ground area of a plot in addition to any required yards or road widenings around the perimeter of any plot.
25. **BUILDABLE WIDTH:** The width of that part of a lot not included within any required open space.
26. **BUILDING:** Any site-built structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land, exclusive of fences.
27. **BUILDING, COMMUNITY:** A building used for noncommercial social, educational, or recreational activities of a neighborhood or community.

28. **BUILDING, COMPLETELY ENCLOSED:** Any building having no outside openings other than ordinary doors, windows and ventilators.
29. **BUILDING HEIGHT:** The vertical distance from the established grade to the highest point on the roof or parapet wall.
30. **BUILDING LINE:** A line, usually fixed parallel to the lot line, beyond which a building cannot extend under the terms of this code. The building line is equivalent to the setback or yard line.
31. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the plot on which said building is situated. In any residential district, any dwelling shall be deemed to be a principal building on the plot on which it is located.
32. **BUILDING, PUBLIC:** A publicly-owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools. This shall include privately owned buildings used for the same public-type purposes.
33. **BULKY WASTE:** Discarded or stored inoperative household appliances, disused furniture, disused equipment, junk lumber and other building debris, parts of machinery and equipment, and similar waste not ordinarily collected with compactor equipment; provided that bulky waste shall not mean abandoned or inoperable vehicles in whole or in part.
34. **CAMP:** Any plot, including its area of land and/or water, on which are located cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes; but not including a day camp, trailer camp, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction, or nursery.
35. **CANOPY :** Any structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements; or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
36. **CAR WASH:** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
37. **CEMETERY:** Land used for burial and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

38. **CHILD CARE CENTER:** A facility licensed by the State of Kansas to provide for the care of thirteen (13) or more children from two (2) weeks to sixteen (16) years of age, and which is maintained for less than twenty-four (24) hours per day.
39. **CHURCH:** An establishment, the principal purpose of which is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, assembly rooms, kitchen, recreational facilities and/or library.
40. **CIRCUS AND/OR CARNIVAL:** A temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food services, sales, or small scale games.
41. **CITY:** The governing body of the City of South Hutchinson, Kansas, or the delegated staff, boards or agencies thereof. City also means the lands within the corporate limits of the City of South Hutchinson, Kansas.
42. **CITY ENGINEER:** The City Engineer, or such person designated by the Governing Body to provide engineering assistance in administering the provisions of this Code governing areas of normal responsibilities assigned to the City Engineer.
43. **CLINIC:** A building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.
44. **CLUB:** Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.
45. **CLUB, MEMBERSHIP:** Membership clubs, including private clubs, as defined by K.S.A. 41-2601 et seq and succeeded amendments, including but not limited to such clubs as the American Legion, VFW, and the Elks.
46. **CLUSTER HOUSING:** The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed in fronting all on a public street.
47. **COMMERCIAL AGRICULTURAL PRODUCTION:** The usual and customary practices associated with the traditional family farming operations within Reno County. These would include, but not be limited to, the uses defined within the term "Land Used For Agricultural Purposes" herein.
48. **COMMON OPEN SPACE:** An area of land, water or combination thereof, planned for active or passive recreation, but not including areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

- 49. COMPREHENSIVE PLAN:** The adopted Comprehensive Plan for the City of South Hutchinson, Kansas, and amendments thereto.
- 50. CONDITIONAL USE:** A use of any building, structure or parcel of land that, by its nature, is perceived to require special care and attention to siting so as to assure compatibility with surrounding properties and uses. Conditional uses are allowed only after public notice, hearing, and approval as prescribed in this Code and may have special conditions and safeguards attached to assure that the public interest is served.
- 51. CONDITIONAL USE PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration or establishment of a Conditional Use.
- 52. CONDOMINIUM:** A building containing two (2) or more dwelling units which are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A. 58-3710 et seq) of the State of Kansas.
- 53. CONSTRUCTION/DEMOLITION LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste.
- 54. CONSTRUCTION/DEMOLITION WASTE:** Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures, pavements, curbing, bridges, and trees and brush; but not asbestos.
- 55. CORPORATE FARM(ING):** A commercial farming operation conducted by a corporate entity as defined in Kansas statutes and that is not a family farm and/or a family farming corporation.
- 56. COUNTY:** The Board of County Commissioners of Reno County, Kansas, or its delegated staff, boards or agencies.
- 57. COUNTY HEALTH OFFICER:** The Director of the County Health Department, or such person designated to administer the Health Regulations of Reno County.
- 58. COURT:** An unobstructed open area bounded on three or more sides by the walls of a building or buildings; an **OUTER COURT** extends to a street or yard, and an **INNER COURT** does not.
- 59. DAY CARE HOME:** A facility licensed by the State of Kansas to provide for the care of not more than ten (10) children under fourteen (14) years of age, not more than six (6) of whom are under kindergarten age, between the hours of 6:00 a.m. and 9:00 p.m. This term is further construed to include similar units operated under other names.

60. **DENSITY:** The average number of dwelling units per acre of land, expressed in terms of “per acre.” (Example: 300 dwelling units occupying 40 acres of land is 7.5 units per acre.)
61. **DETENTION CENTER:** A secure residential facility licensed by the State of Kansas, designed specifically for children who require secure custody and which provides temporary living accommodations for alleged delinquent, miscreant, wayward truant or deprived children pending court disposition or placement in an appropriate program.
62. **DISTANCE:** Horizontal distances unless otherwise designated.
63. **DISTRICT:** A section or sections of the zoning jurisdiction for which the regulations governing permitted use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.
64. **DOG:** Any canine specie over six (6) months of age.
65. **DRINKING ESTABLISHMENT:** A premises, which may be open to the general public, where alcoholic liquor by the individual drink is served.
66. **DRIVE-IN ESTABLISHMENT:** An enterprise which accommodates the patrons automobile and from which occupants of the automobile may make purchases, transact business or view motion pictures or other entertainment.
67. **DRIVE-THROUGH ESTABLISHMENT:** Any restaurant, financial institution, or product vending enterprise where the patron does not necessarily enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building are included in this definition.
68. **DWELLING:** Any building, or portion thereof, designed or used primarily for residential purposes, including residential-design manufactured homes and modular homes.
69. **DWELLING, MULTI-FAMILY:** A building, or portion thereof, arranged, intended or designed for occupancy by three or more families.
70. **DWELLING, SEASONAL:** A residence intended for occasional, but not permanent, occupancy.
71. **DWELLING, SINGLE FAMILY:** A building having accommodations for and occupied exclusively by one family. A residential-design manufactured home shall be considered a single-family dwelling.
72. **DWELLING, TWO FAMILY:** A building, or portion thereof, arranged, intended or designed for occupancy by two families.

- 73. DWELLING UNIT:** A building, or part thereof, containing complete housekeeping facilities for one family.
- 74. EASEMENT:** A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
- 75. EFFICIENCY UNIT:** A dwelling unit, constructed as a part of a residential complex, having a living room of at least 220 square feet; an additional 100 square feet of living area for each occupant of such unit in excess of two (2); a separate closet; a separate bathroom containing a water closet, lavatory and bathtub or shower; and, a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
- 76. ESTABLISHED SETBACK:** The average setback on each street on which a lot fronts established by three (3) or more buildings; provided, only those properties that are within the same district and within 300 feet on each side of said lot along the same side of the street, but not beyond any intersecting street, are used in determining the established setback.
- 77. EXOTIC BIRDS OR ANIMALS:** As applied in the unincorporated portion of Reno County, Kansas, only; birds or animals not commonly kept domestically or that are not native to Reno county and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, tigers, cougars, wolves, half-breed wolves, and snakes. Birds in the ratite family, llamas and buffalo shall not be considered as exotic birds or animals.
- 78. FAMILY:** One (1) or more persons related by blood or marriage or adoption, living together as a single housekeeping unit plus usual domestic servants; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit.
- 79. FAMILY DAY CARE HOME:** A facility licensed by the State of Kansas to provide children under eighteen (18) years of age with food and lodging for less than twenty-four (24) hours per day. This term is further construed to include similar units with different names.
- 80. FAMILY FARM:** A farming operation conducted by a person or persons, including a family farm corporation as defined by Kansas statutes, but not a corporate farm.
- 81. FARMERS MARKET:** The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce, or have taken the same on consignment for retail sale.
- 82. FEED LOT, COMMERCIAL:** A livestock feedlot or feedyard as defined by K.S.A. 47-1501 et seq, licensed by and operated under standards set forth by the State of Kansas.

- 83. FENCE:** An unroofed barrier or unroofed enclosing structure, including retaining walls.
- 84. FLOOD PLAIN:** That area of land subject to inundation of water as a result of what is commonly known as the 100-year flood.
- 85. FLOOR AREA:** The square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.
- 86. FOSTER HOME:** A facility licensed by the State of Kansas for the care of four (4) or less persons unrelated to the operator(s).
- 87. FRONT:** The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.
- 88. FRONTAGE:**
- a. Street Frontage:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
  - b. Lot Frontage:** The distance for which the front boundary line of the lot and the right-of-way are coincident.
- 89. GARAGE, PRIVATE:** An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.
- 90. GARAGE, PUBLIC:** A building, or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles.
- 91. GARAGE, STORAGE:** A building, or portion thereof, designed or used exclusively for housing motor vehicles, other than trucks and commercial vehicles, pursuant to previous contract or arrangement.
- 92. GARDEN APARTMENT BUILDING:** An apartment building located on a lot either singly or together with other similar apartment buildings, such building generally being one or two stories in height and having grounds completely landscaped.
- 93. GOVERNING BODY:** The City Council of the City of South Hutchinson, Kansas.

- 94. GREENHOUSE:** A translucent enclosure used for the cultivation or protection of tender plants.
- 95. GROUP HOME:** Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas. For purposes of this definition, disability shall mean:
- a. **DISABILITY:** A condition, with respect to a person, which means:
1. A physical or mental impairment which substantially limits one or more of such persons major life activities;
  2. A record of having such an impairment; or,
  3. Being regarded as having such an impairment.
- Such terms do not include current, illegal use or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C.802).
- 96. GROUP DAY CARE HOME:** A facility licensed by the State of Kansas for the care of seven (7) to twelve (12) children under fourteen (14) years of age, and which is maintained for less than twenty-four (24) hours per day.
- 97. GUEST HOUSE:** Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.
- 98. HAZARDOUS WASTE:** Any waste meeting the definition of K.S.A. 65-3430 and amendments thereto.
- 99. HAZARDOUS WASTE DISPOSAL FACILITY:** Any facility which meets the requirements as defined in K.S.A. 65-3430, as amended.
- 100. HIGHWAY:** A street designated as a highway by an appropriate local, state or federal agency.
- 101. HIGHWAY, LIMITED ACCESS:** A freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

102. **HOME OCCUPATION:** An occupation or business activity which is clearly incidental and secondary to the use of the premises for dwelling.
103. **HOSPITAL:** A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the in-patient medical and surgical care of sick or injured humans, 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 main use and must be an integral part of the hospital operation.
104. **HOTEL:** A building, or portion thereof, or a group of buildings, which provides sleeping accommodations for transients with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise.
105. **INDUSTRIAL LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of industrial solid waste.
106. **INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.
107. **INDUSTRIAL SOLID WASTE:** Non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill as determined by the Kansas Department of Health and Environment.
108. **INTENSITY:** The degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.
109. **JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.
110. **JUNKYARD:** An establishment which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of a motor vehicle graveyard. This term shall include salvage yards.
111. **KENNEL, BOARDING:** Any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.
112. **KENNEL, BREEDER:** Any place, area, lot, building or structure where more than four dogs are kept for any purposes.
113. **KINDERGARTEN:** A facility licensed by the state of Kansas to provide

educational programs for children during the school year immediately preceding their entrance into First Grade, and connected with a public, private or parochial elementary school system.

114. **LABORATORY, MEDICAL:** An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.
115. **LANDSCAPING:** The improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental features such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
116. **LAUNDRY:** An establishment where commercial laundry and dry cleaning work is undertaken.
117. **LAUNDRY-SELF-SERVICE:** An establishment equipped with individual coin-operated washing, drying and/or dry cleaning machines.
118. **LIVESTOCK SALES YARD:** An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.
119. **LOADING SPACE OR LOADING BERTH:** A space within the main building or on the same lot as the main building providing for the standing, loading, or unloading of motor vehicles.
120. **LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Code, including one (1) main building or unit group of buildings together with permitted accessory buildings and required yard areas and parking spaces, having its principal frontage upon a public street. A lot may include one (1) or more platted lots or metes and bounds described tracts, but must be under single ownership and, when more than one (1) parcel, be contiguous.
121. **LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines, excluding any road right-of-way or road easements.
122. **LOT, CORNER:** A lot abutting upon two or more streets at their intersection.
123. **LOT COVERAGE:** The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures or any part thereof, excluding projecting roof eaves.
124. **LOT, DEPTH OF:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
125. **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

- 126. LOT INTERIOR:** A lot whose side line or lines do not abut upon any street.
- 127. LOT LINES:** The lines bounding a lot as defined herein.
- 128. LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds, or a parcel of land, the deed of which was recorded prior to the adoption of this Code.
- 129. LOT, WIDTH OF:** The distance, measured on a horizontal plane, between the side lot lines, measured at right angles to the lot depth at the established front building line.
- 130. LOT, ZONING:** A parcel or tract of land used, developed, or built as a unit under single ownership or control. Said zoning lot may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
- 131. MANUFACTURE:** Any method of processing, developing, fabricating or assembling either raw material, semi-finished materials or parts into semi-finished or finished products.
- 132. MANUFACTURED HOME:** A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq) promulgated by the U.S. Department of Housing and Urban Development.
- 133. MANUFACTURED HOME ACCESSORY BUILDING OR STRUCTURE:** A subordinate building or structure which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.
- 134. MANUFACTURED HOME LOT:** A plot of ground within a manufactured home park 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.
- 135. MANUFACTURED HOME PAD:** That portion of the manufactured home lot on which the manufactured home unit, and any attached awning, is placed.
- 136. MANUFACTURED HOME PARK:** An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term “manufactured home park” does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.

137. **MANUFACTURED HOME PARK PERMIT:** A written document or certification issued by the Zoning Administrator permitting the construction, alteration or extension of a Manufactured Home Park.
138. **MANUFACTURED HOME SALES AREA:** An open space, other than a street, used for display or sale of new or used manufactured homes and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.
139. **MANUFACTURED HOME SKIRTING:** 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.
140. **MANUFACTURED HOME SUBDIVISION:** Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
141. **MANUFACTURED HOME, RESIDENTIAL-DESIGN:** A manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof, and (C) siding and roofing materials which are customarily used on site-built homes.
142. **MOBILE HOME:** A transportable, factory-built structure designed to be used as a year-round residential dwelling, built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became Effective June 15, 1976, or which fails to meet this standard.
143. **MODULAR HOME:** A dwelling structure located on a permanent foundation and connected to public utilities consisting of preselected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom-built on the site of its permanent location, and also in contradistinction to a manufactured home or a residential-design manufactured home.
144. **MOTOR HOME:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.
145. **MOTOR VEHICLE:** A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.
146. **MOTOR VEHICLE GRAVEYARD:** Any establishment which is maintained, used, or operated for storing, keeping, buying, or selling three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles; provided, however, such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.

147. **MULTI-FAMILY LAND USE:** The use of any lot or tract of land for two-family and/or multi-family dwellings.
148. **NONCONFORMING BUILDINGS, LAND AND/OR USE:** The use of a building or land which was lawful at the time this Code became effective but which, because of the passage of this Code, does not conform to the regulations of the district in which it exists.
149. **NONCONFORMING LOT:** An unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.
150. **NOXIOUS MATTER:** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
151. **NURSERY:** Any land used to raise trees, shrubs, flowers and other plants for sale or for transporting.
152. **NURSING OR CONVALESCENT HOME:** An institution or agency licensed by the State for the reception, board, care or treatment of five (5) or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.
153. **OPEN SPACE:** Useable open space designed and intended for use by all residents of a residential area, including publicly dedicated space.
154. **OUTDOOR STORAGE:** The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.
155. **OVERLAY DISTRICT:** A district which acts in conjunction with the underlying zoning district or districts.
156. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to a tract of land.
157. **PACKAGE LIQUOR STORE:** An establishment in which alcoholic beverages are sold for consumption off the premises.
158. **PARKING LOT:** An area, other than a private parking area, street or alley, used for parking of motor vehicles and available for public or semi-public use.
159. **PARKING SPACE:** Any area surfaced for all-weather use, including gravel, sand, or comparable materials, used for the purpose of storing one parked motor vehicle.
160. **PERSON:** Any individual, partnership, joint venture, corporation, or other business or legal entity.

- 161. PLANNING COMMISSION:** The Planning Commission of South Hutchinson, Kansas.
- 162. PRESCHOOL:** A facility licensed by the State of Kansas to provide daytime care and instruction for children between the age of thirty (30) months and the age at which the children are eligible to attend kindergarten. This term is further construed to include “Day Nursery School” and other similar uses.
- 163. RECREATIONAL EQUIPMENT:** An item which is not used in connection with customary accessory residential uses on a lot. Included in the meaning of recreational equipment are such large items as slide-in campers, boat trailers, hang gliders, ski jets, houseboats, pontoons, and boats over fourteen (14) feet in length which require a trailer for transportation.
- 164. RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES:** Any lot, plot, parcel or tract of land and/or water; and/or any building or structure, or combination thereof; planned, intended or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as: athletic fields, ball diamonds, golf courses, golf driving ranges, miniature golf courses, swimming pools, natatoriums, tennis courts, racquetball courts, recreational lakes, marinas, racetracks, drag strips, gun clubs, hunting reserves, sporting clay ranges, private shooting ranges, and all common appurtenant accessory activities and facilities such as lighting, bleachers, and concession stands, etc.
- 165. RECREATIONAL VEHICLE:** A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses.
- 166. RECREATIONAL VEHICLE CAMPGROUND:** A lot or tract of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.
- 167. RESIDENTIAL CENTER:** A non-secure facility licensed by the State of Kansas providing residential care for more than ten (10) persons unrelated to the operator(s).
- 168. RESTAURANT:** A building wherein food is prepared and sold to the public for human consumption. Restaurant includes, but not limited to, café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.
- 169. RIDING STABLES:** Structures in which saddle horses are kept, maintained and/or boarded, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered uses accessory to the use of the premises for a riding stable.

- 170. RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, or other public utility or service area.
- 171. SALE, RETAIL:** The sale of goods, merchandise and/or commodities to the ultimate consumer.
- 172. SALE, WHOLESALE:** The sale of goods for resale, or the sale of goods produced or processed from raw materials which require bulk delivery of the product.
- 173. SANITARY LANDFILL:** A disposal site in which the method of disposing of solid waste and/or industrial solid waste is by landfill, dump or pit and which has a solid waste disposal permit issued under K.S.A. 65-3401 et seq., and amendments thereto.
- 174. SCHOOL:** Any building or buildings housing public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.
- 175. SCREENING:** Fencing or vegetation maintained for the purpose of concealing from view.
- 176. SETBACK:** The distance between a building and the lot line, or road easement line, whichever provides the desired minimum distance.
- 177. SIGN:** See Article 24.
- 178. SLIDE-IN CAMPER:** A structure designed to be mounted temporarily or permanently in the bed of a pickup or light truck to provide enclosed storage space for transportation of property or quarters for recreational camping, including shells and truck cabs.
- 179. SOLID WASTE:** Garbage, refuse and other discarded materials including, but not limited to solid, semisolid, sludge, liquid and contained gaseous waste materials resulting from commercial, agricultural and domestic activities. Such term shall not include hazardous wastes.
- 180. STOCKYARD, COMMERCIAL:** A penned enclosure, or structure, where livestock are maintained temporarily for the purpose of slaughtering, marketing or shipping.
- 181. STORE OR STORAGE:** As related to waste tires, means the placing of waste tires in a manner that does not constitute disposal of the waste tires. Storage includes the beneficial use of waste tires as fences, silo covers and erosion control, and such other beneficial uses determined not to create health or environmental risks by the Secretary of Health and Environment of the State of Kansas.

- 182. STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- 183. STORY, HALF:** A story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than 2 feet above the floor of such story.
- 184. STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
- 185. STRUCTURE:** Anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.
- 186. SWIMMING CLUB:** A pool and accessory building operated for members and their guests, whether or not operated for gain.
- 187. SWIMMING POOL, PRIVATE:** A pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.
- 188. SWIMMING POOL, PUBLIC:** A pool and accessory buildings, generally owned and operated by a governmental entity, whether open or enclosed, and for use by the general public.
- 189. SUBURBAN RESIDENTIAL:** A lot of more than two (2) but less than forty (40) acres in size created primarily for the purpose of providing a residential building site, notwithstanding the accessory agricultural use of some or all of said lot either prior to or after the construction of the residential dwelling.
- 190. TAVERN:** An establishment in which cereal malt beverages are sold or served to customers.
- 191. TOWNHOUSE:** A Single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.
- 192. TRANSFER STATION:** A facility, including land and buildings, used for the handling and processing of solid waste to be bundled, bailed or otherwise packaged for transport to another site for disposal in a solid waste landfill. Transfer station can include material recovery operations, recycling facilities and any other ancillary and/or accessory operation associated with the management of solid waste.
- 193. TRAVEL TRAILER:** A structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

- 194. TRAILER PARK:** A tract, lot, or parcel of land upon which temporary accommodations are provided for two or more trailers; such park being open to the public either free or for a fee.
- 195. USE:** The specific purpose for which land or a building is used.
- 196. USEABLE OPEN SPACE:** Land or water which is free of buildings, structures and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.
- 197. VISIBILITY TRIANGLE:** The triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines at points which are thirty (30) feet distant from the point of intersection, measured along said right-of-way lines.
- 198. WASTE TIRE:** A whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect, as defined in K.S.A. 65-3424, et seq, and amendments thereto.
- 199. WASTE TIRE ABATEMENT:** The processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.
- 200. WASTE TIRE BENEFICIAL USE:** The use or storage of waste tires in a way that creates an on-site economic benefit, other than from processing or recycling, to the owner of the tires. This shall not include the disposal of waste tires on the owners land simply to avoid proper disposal as prescribed by this Code and/or state law.
- 201. WASTE TIRE COLLECTION CENTER:** A site where used or waste tires are collected from the public prior to being offered for recycling or disposal.
- 202. WASTE TIRE PROCESSING FACILITY:** A site where equipment is used to cut, burn or otherwise alter whole waste tires so that they are no longer whole.
- 203. WASTE TIRE SITE:** A site at which 1,000 or more whole tires are accumulated.
- 204. YARD:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limited obstruction of visibility.
- 205. YARD FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.

- 206. YARD, REAR:** A yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building line.
- 207. YARD, SIDE:** A yard between the side building line and the side line of the lot and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.
- 208. ZONE OR DISTRICT:** A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open space about buildings are herein established.
- 209. ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of this Code.

**1-105 Districts:** The following districts are created in order to regulate and restrict the use of land and the location of buildings erected or altered for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings. The City of South Hutchinson, Kansas, is hereby divided into districts of which they shall be in number, known as:

“AG”	Agricultural District
“SR”	Suburban Residential District
“R-1A”	Single-Family Residential District
“R-1B”	Single-Family Residential District
“R-1C”	Single-Family Residential District
“R-2”	Two Family Residential District
“R-3”	Medium Density Residential District
“R-4”	Apartment House District
“C-0”	Commercial Office District
“C-1”	Neighborhood Commercial District
“C-2”	General Commercial District
“C-3”	Highway Service Commercial District
“C-4”	Central Business District
“I-1”	Light Industrial District
“I-2”	Medium Industrial District
“I-3”	Heavy Industrial District
“PUD”	Planned Unit Development
“FP”	Floodplain Overlay District

The above listing shall be considered as listing the districts in their respective order from most restrictive to least restrictive. Requests for “rezoning” may be approved for a more restrictive classification than that requested based on the above listing.

Such land, and the district classification thereof, shall be shown on the official map designated as the "Zoning District Boundary Map of South Hutchinson, Kansas." Such Zoning District Boundary Map, and all symbols, notations, dimensions, and references shown thereon pertaining to such districts shall be as much a part of this Code as if it were fully described herein, and shall be filed as part of this Code with the Zoning Administrator of South Hutchinson, Kansas. Said Map shall be available for inspection in the office of the Zoning Administrator as well as in the office of the City Clerk, and any later alterations of the Map, adopted by amendment as provided by this Code, shall be filed and made available for public reference. The above stated map shall hereinafter be referred to as the "map" in this document.

When uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Code, the following rules shall apply:

1. In cases where a boundary line is given a position within a street or alley, or navigable or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream; and if the actual location of such street, alley, or stream varies slightly from the location as shown on the maps, then the actual location shall control.
2. In cases where a boundary line is shown as being located a specific distance from street line or other physical feature, this distance shall control.
3. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of such right-of-way.
4. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the maps accompanying and made a part of this Code are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the maps or by Code of the Governing Body.
5. In unsubdivided property, unless otherwise indicated, the district boundary line on the map accompanying and made a part of this Code shall be determined by the use of the scale contained on such map.
6. When a lot held in one ownership on the effective date of this Code is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district; unless otherwise indicated on the map or by Code of the Governing Body.
7. Where a district boundary follows a street, alley, watercourse or other right-of-way, in case of vacation of said street, alley, watercourse or other right-of-way, the abutting zoning classification of each side thereof shall automatically be extended to the center line of said vacated street, alley, watercourse or right-of-way. Two districts shall be deemed to adjoin even though separated by a public way or portion thereof.

**1-106 General Regulations Governing All Zoning Districts:**

1. Except as hereinafter provided:
  - a. No land may be used except for a purpose permitted in the district in which it is located.
  - b. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or part thereof be used, except for a use permitted in the district in which the building is located.
  - c. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height, area and bulk regulations, the parking regulations, or the off-street loading regulations herein established for the district in which the building is located.
2. If a use in any structure is hereafter changed to another, then the new use must comply with the use regulations of this Code.
3. The minimum yards, parking spaces, open spaces, including lot area per family, required by this Code for each and every building existing at the time of the passage of this Code, or of any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Code.
4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot.
5. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and loading spaces required by Articles 22 and 23 are provided. No structure or use already established on the effective date of this Code shall be enlarged unless the minimum off-street parking and loading spaces which would be required by Articles 22 and 23 are provided for the whole structure or use as enlarged.
6. Nothing contained in this Code shall be deemed to be consent, license or permit to use any property; to locate, construct or maintain any structure or facility; or to carry on any trade, industry, occupation or activity.
7. Zoning of Annexed Lands: Unless land is rezoned at the time of its annexation into the City, the land shall retain its zoning status under Reno County Zoning Regulations until such time as the property is rezoned pursuant to the provisions of this Code. The City shall have the authority to secure civil remedies for violations of such Reno County Zoning Regulations to the same extent that it may secure civil remedies for violations of this Code pursuant to Article 35, herein.

8. Exterior Lighting for all Zoning Districts:

- a. Exterior lighting may create traffic hazards by glaring into the eyes of motorists. The glare of exterior lights may also prove a nuisance to neighboring parcels. The standards in this section do not apply to street lights, located in street right-of-ways.
- b. All exterior lighting shall be located on a parcel and constructed so as to meet the following maximum illumination standards:

<b><u>If the parcel is adjacent to:</u></b>	<b><u>The Maximum Permitted Illumination shall be:</u></b>
A parcel in the R-3, R-4 or R-5 Districts	0.2 lumens per square meter; or 0.02 footcandles
A residential city collector or local city street	2.0 lumens per square meter; or 0.2 footcandles
An expressway, arterial, or nonresidential collector	20.0 lumens per square meter; or 2.0 footcandles
A parcel in the P, C-1, C-2, C-3, C-4, C-5, I-1 and PUD	50.0 lumens per square meter; or 5.0 footcandles

- c. The maximum permitted illumination shall be measured at the parcel boundary. The maximum permitted illumination standards shall apply independently and separately to each parcel boundary.
- d. Publicly owned ball diamonds, playing fields and tennis courts shall be exempt from the maximum permitted illumination standards because of their unique requirements for nighttime visibility and because they are used for limited time periods.
- e. Flickering or flashing lights, except those incorporated in a sign, shall not be permitted.
- f. Maximum permitted illumination shall be measured in lumens per square meter or footcandles. Measurements shall be made with a portable light meter, tested and calibrated by a laboratory or manufacturer. The light meter shall be mounted at ground level in a horizontal position. Two measurements shall be taken during the night, one with the light source in question on and one with the light source off. The difference between the two readings shall not exceed the maximum permitted illumination. This procedure will eliminate the effects of moonlight and other existing sources of light.

**1-107 Vesting of Development Rights:** The rights of landowners of properties platted or subdivided for residential purposes prior to the adoption of this Code shall be protected from the requirements of this Code for use of said land for the intended residential purposes for a period of five (5) years from the time in which such property was first platted or subdivided, provided:

1. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be:
  - a. signed and sealed plats recorded with the Register of Deeds;
  - b. recorded deeds conveying land;
  - c. recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
2. Within said five (5) year period actual sales occur resulting in separate owners on the tracts of land.
3. The division of land was legally done in conformance with the then South Hutchinson Subdivision Regulations.

Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered an unplatted lot, as defined in this Code, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations then in effect.

Properties divided or platted for any use other than residential purposes shall not be permitted to develop or further develop except in conformance with this Code and the South Hutchinson Subdivision Regulations. Persons who obtained a validly issued permit under the previous South Hutchinson Land Development Code shall be permitted to develop the property so long as the permit issued under the previous South Hutchinson Land Development Code does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of this code, the South Hutchinson Subdivision Regulations, or any other applicable Codes or regulations then in effect.

**ARTICLE 2**  
**“AG” AGRICULTURAL DISTRICT REGULATIONS**

**Sections:**

**2-101 Application**

**2-102 Use Regulations**

**2-103 Performance Standards**

**2-104 Parking Regulations**

**2-105 Off-Street Loading Regulations**

**2-106 Sign Regulations**

**2-107 Height, Area and Bulk Regulations**

**2-108 Supplementary Height, Area and Bulk Regulations**

**2-109 Supplementary Use Regulations**

**2-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this Code when referred to in this Article, are the regulations in the “AG” Agricultural District. The purpose of this District is to provide for a full range of agricultural activities by family farms on land used for agricultural purposes, including processing and sale of agricultural products raised on the premises; and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectionable, hazardous, incompatible and unsightly uses. The District is also intended to protect watersheds and water supplies; to protect forest and scenic areas; to conserve fish and wildlife habitat; to promote forestry; and to prevent and/or discourage untimely scattering of residential and/or more dense urban development. In this regard, all lands used for agricultural purposes by family farms, as defined in this Code, are and shall be exempt from any and all restrictions or limitations. No administrative interpretation shall be made that results in any restriction or stipulation on land used for agricultural purposes by family farms as herein defined; provided, however that consistent with state law, new agricultural buildings shall be subject to floodplain regulations and to setback requirements on that part of agricultural lands fronting on designated major roads and highways. Any proposal for change of land used for agricultural purposes by family farms to nonagricultural uses shall be subject to the requirements of this Code.

**2-102 Use Regulations:** In District “AG”, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Agricultural uses.
2. Grain storage structures.
3. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas.
4. Oil and/or gas well drilling operations, and temporary on-site storage of oil and gas field-related equipment and supplies, but not a junk yard.

5. Single-family dwellings.
6. Group Homes as defined in this code.
7. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.
8. The creation of one (1) additional lot on lands used for agricultural purposes shall be permitted without requiring a rezoning, including those divisions of agricultural lands because of mortgage or lending requirements; provided said additional lot is created in conformance with the requirements of the Reno County Subdivision Regulations.

**2-103 Performance Standards:** The Performance standards for permitted uses are contained in Article 21 of this code.

**2-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**2-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**2-106 Sign Regulations:** None.

**2-107 Height, Area and Bulk Regulations:** In the “AG” Agricultural District, the minimum dimensions of yards required along designated major roads and highways in Reno County shall be as follows:

1. **Lot Area:** Every lot shall be a minimum of 10 acres.
2. **Intensity of Use:** A maximum of one (1) dwelling may be established on each 10 acres. A minimum of two (2) acres of land with a minimum of 165 feet of lot width must be provided for each dwelling. The dwellings may be located next to one another in the same general location on the 10 acres.
3. **Front Yard:** The depth of the front yard shall be at least 25 feet or at the discretion of the zoning administrator, to align with other properties.
4. **Side Yard:** The depth of the side yard shall be at least 6 feet.
5. **Rear Yard:** The depth of the rear yard shall be at least 10 feet.

The Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**2-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**2-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 3**  
**“SR” SUBURBAN RESIDENTIAL DISTRICT REGULATIONS**

**Sections:**

**3-101 Application**

**3-102 Use Regulations**

**3-103 Performance Standards**

**3-104 Parking Regulations**

**3-105 Off-Street Loading Regulations**

**3-106 Sign Regulations**

**3-107 Height, Area and Bulk Regulations**

**3-108 Supplementary Height, Area and Bulk Regulations**

**3-109 Supplementary Use Regulations**

**3-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “SR” Suburban Residential District. The purpose of this District is to provide for the platted development of low-density residential neighborhoods that retain the character of the basically rural area and yet allow an influx of residential development. This district is limited to the designated growth areas in the extraterritorial jurisdiction of the City of South Hutchinson in Reno County where adequate water, sewage disposal and other infrastructure presently exists; or may be approved outside such areas only when adequate water, sewage disposal and other infrastructure, as well as the delivery of support services can be demonstrated and proved to the satisfaction of the City and County. The density of any individual proposed development shall be determined by the adequacy of the site to meet the development standards and policies of these and all other City of South Hutchinson and Reno County rules and regulations, including but not limited to the Subdivision Regulations, Environmental/Sanitary Code, soil suitability classification, and other such factors that will justify and support such proposed density. The burden of proof for such proposed density shall be on the person proposing the development and the City may require of said person any and all such proof deemed necessary before any approval of the project may be granted.

**3-102 Use Regulations:** In District “SR,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Group Homes as defined in this code.
3. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

4. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development on the same or adjoining tract or subdivision, but not for use as a residence; and which shall be removed upon completion or abandonment of such construction or upon the expiration of a period of one (1) year from the time of erection of temporary buildings, whichever is sooner.

**3-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**3-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**3-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**3-106 Sign Regulations:** None.

**3-107 Height, Area and Bulk Regulations:** In the “SR” Suburban Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per dwelling unit permitted on any lot shall be as follows:

1. **Height:** Nonagricultural buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 6 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 10 feet.
5. **Lot Area Per Dwelling Unit:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area per dwelling unit equivalent to the requirements of the applicable section(s) of the adopted Reno County Sanitation Code based on the proposed water service and/or wastewater treatment system for the lot.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**3-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**3-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**3-110 Animal Units:** A unit of measurement of livestock and animals based on the type size of animals as follows:

Type of Animal	Animal Units
<hr style="border-top: 1px dashed black;"/>	
Cattle (in general the following formula applies liveweight/1000 + 0.10 = animal units)	
Mature cow (900 lbs and over)	1.00
Mature cow with unweaned calf	1.20
Bull	1.40
Over 400 lbs to 1000 lbs increases @ .10 per 100 lbs.	
Horses	
Yearling	0.75
Two year old	1.00
Three year old	1.25
Sheep, deer and goats	
Ewes with or without lambs	0.20
Does with or without fawns or kids	0.20
Weaned lambs, kids, fawns or yearlings	0.12
Rams or bucks	0.26
Pigs and hogs	
Sows with or without piglets	0.30
Piglets	0.10
Boars	0.40
Chickens, turkeys, ducks game birds, geese and other poultry	0.05

**ARTICLE 4**  
**“R-1A” SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

**Sections:**

**4-101 Application**

**4-102 Use Regulations**

**4-103 Performance Standards**

**4-104 Parking Regulations**

**4-105 Off-Street Loading Regulations**

**4-106 Sign Regulations**

**4-107 Height, Area, and Bulk Regulations**

**4-108 Supplementary Height, Area and Bulk Regulations**

**4-109 Supplementary Use Regulations**

**4-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “R-1A” Single-Family Residential District. The purpose of this District is to provide for single-family residential development of a moderately spacious character where public utilities are present to support the development. The District is also designed to protect and preserve existing development of a similar character.

**4-102 Use Regulations:** In District “R-1A,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
3. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, but not for use as a residence; and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of one year from the time of erection of such temporary buildings, whichever is sooner.

**4-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**4-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**4-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**4-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**4-107 Height, Area, And Bulk Regulations:** In the “R-1A” Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 6 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 10 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**4-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**4-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 5**  
**“R-1B” SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

**Sections:**

**5-101 Application**

**5-102 Use Regulations**

**5-103 Performance Standards**

**5-104 Parking Regulations**

**5-105 Off-Street Loading Regulations**

**5-106 Sign Regulations**

**5-107 Height, Area and Bulk Regulations**

**5-108 Supplementary Height, Area and Bulk Regulations**

**5-109 Supplementary Use Regulations**

**5-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “R-1B” Single-Family Residential District. The purpose of this District is to provide for single-family residential development of a higher density, serviced by public utilities, and accessible to public infrastructure capable of supporting the development. The District is also designed to protect and preserve existing development of a similar character.

**5-102 Use Regulations:** In District “R-1B,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.
3. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, but not for use as a residence; and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period or one year from the time of erection of such temporary buildings, whichever is sooner.

**5-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**5-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**5-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**5-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**5-107 Height, Area, and Bulk Regulations:** In the “R-1B” Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 6 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 10 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**5-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**5-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 6**  
**“R-1C” SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

**Sections:**

**6-101 Application**

**6-102 Regulations**

**6-103 Performance Standards**

**6-104 Parking Regulations**

**6-105 Off-Street Loading Regulations**

**6-106 Sign Regulations**

**6-107 Height, Area and Bulk Regulations**

**6-108 Supplementary Height, Area and Bulk Regulations**

**6-109 Supplementary Use Regulations**

**6-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “R-1C” Single-Family Residential District. The purpose of this District is to protect and preserve existing single-family development on small lots inside the city. Creation of new developments of densities allowed within this district are prohibited. This district is not to be used except to accommodate existing development.

**6-102 Use Regulations:** In District “R-1C,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

**6-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**6-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**6-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**6-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**6-107 Height, Area, and Bulk Regulations:** In the “R-1C” Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 6 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 10 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**6-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**6-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 7**  
**“R-2” TWO-FAMILY RESIDENTIAL DISTRICT**

**Sections:**

**7-101 Application**

**7-102 Use Regulations**

**7-103 Performance Standards**

**7-104 Parking Regulations**

**7-105 Off-Street Loading Regulations**

**7-106 Sign Regulations**

**7-107 Height, Area, and Bulk Regulations**

**7-108 Supplementary Height, Area, and Bulk Regulations**

**7-109 Supplementary Use Regulations**

**7-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “R-2” Two-Family Residential District. The purpose of this District is to maintain a generally spacious residential environment of existing single-family neighborhoods, and at the same time permit two-family dwellings within those neighborhoods as in-fill development. Also, it is intended to accommodate new developments of two-family dwellings adjacent to, or near areas planned for higher density development.

**7-102 Use Regulations:** In District “R-2,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the “R-1B” Single-Family Residential District.
2. Two-family dwellings.

**7-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**7-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**7-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**7-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**7-107 Height, Area, and Bulk Regulations:** In the “R-2” Two-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 6 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 10 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**7-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**7-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 8**  
**“R-3” MEDIUM DENSITY RESIDENTIAL DISTRICT**

**Sections:**

**8-101 Application**

**8-102 Use Regulations**

**8-103 Performance Standards**

**8-104 Parking Regulations**

**8-105 Off-Street Loading Regulations**

**8-106 Sign Regulations**

**8-107 Height, Area, and Bulk Regulations**

**8-108 Supplementary Height, Area, and Bulk Regulations**

**8-109 Supplementary Use Regulations**

**8-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “R-3” Medium Density Residential District. The purpose of this District is to provide for medium density, residential development opportunities in areas where it is deemed necessary and appropriate according to the Comprehensive Plan.

**8-102 Use Regulations:** In District “R-3,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the “R-2” Two-Family Residential District, except single-family dwellings
2. Condominiums.
3. Garden Apartment Buildings.
4. Townhouses.

**8-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**8-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**8-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**8-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**8-107 Height, Area, and Bulk Regulations:** In the “R-3” Medium Density Residential District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings or structures shall not exceed 45 feet and/or 3 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**8-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**8-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 9**  
**“R-4” APARTMENT HOUSE DISTRICT**

**Sections:**

**9-101 Application**

**9-102 Use Regulations**

**9-103 Performance Standards**

**9-104 Parking Regulations**

**9-105 Off-Street Loading Regulations**

**9-106 Sign Regulations**

**9-107 Height, Area, and Bulk Regulations**

**9-108 Supplementary Height, Area, and Bulk Regulations**

**9-109 Supplementary Use Regulations**

**9-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “R-4” Apartment House District. The purpose of this District is to provide for high density, residential development opportunities in areas where it is deemed necessary and appropriate according to the Comprehensive Plan.

**9-102 Use Regulations:** In District “R-4,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the “R-3” Medium Density Residential District.
2. Apartment houses or complexes.
3. Multi-family dwellings.

**9-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**9-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**9-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**9-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**9-107 Height, Area, and Bulk Regulations:** In the “R-4” Apartment House District, the height of buildings, shall be as follows:

1. **Height:** Buildings or structures shall not exceed 45 feet and/or 3 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**9-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**9-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 10**  
**“C-O” COMMERCIAL OFFICE DISTRICT REGULATOINS**

**Sections:**

- 10-101 Application**
- 10-102 Use Regulations**
- 10-103 Performance Standards**
- 10-104 Parking Regulations**
- 10-105 Off-Street Loading Regulations**
- 10-106 Sign Regulations**
- 10-107 Height, Area and Bulk Regulations**
- 10-108 Supplementary Height, Area and Bulk Regulations**
- 10-109 Supplementary Use Regulations**

**10-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “C-O” Commercial Office District. The purpose of this District is to provide for office and non-retail business developments that provide a service or support a neighborhood or the community. This District is intended to be used to transition, where deemed appropriate, from residential developments to more intensive types of commercial and/or retail business activity.

**10-102 Use Regulations:** In District “C-O,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Medical clinics, including supporting laboratories and accessory drug stores, pharmacies and optical shops.
2. Offices and office buildings for the administrative functions of companies, corporations, social or philanthropic organizations or societies, or for professional activities including, but not limited to:

Accountants  
Architects  
Consultants  
Doctors  
Engineers  
Insurance  
Lawyers

3. Photographic Studios.
4. Radio and television studios, provided no broadcast towers are located on the premises.
5. Savings and loan institutions, credit union offices, and banks, including drive-through facilities.

6. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

**10-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**10-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**10-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**10-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**10-107 Height, Area and Bulk Regulations:** In the “C-O Commercial Office District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 3 stories in height.
2. **Front Yard:** None, except where a building or structure obstructs sight distance at uncontrolled intersections as determined by the Zoning Administrator.
3. **Side Yard:** None.
4. **Rear Yard:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**10-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**10-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 11**  
**“C-1” NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS**

**Sections:**

- 11-101 Application**
- 11-102 Use Regulations**
- 11-103 Performance Standards**
- 11-104 Parking Regulations**
- 11-105 Off-Street Loading Regulations**
- 11-106 Sign Regulations**
- 11-107 Height, Area and Bulk Regulations**
- 11-108 Supplementary Height, Area and Bulk Regulations**
- 11-109 Supplementary Use Regulations**

**11-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “C-1” Neighborhood Commercial District. The purpose of this District is to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods.

**11-102 Use Regulations:** In District “C-1,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the “C-O” Commercial Office District.
2. Automotive service stations, provided bulk storage of flammable liquids is underground; and further provided that no repair services are conducted on the premises.
3. Retail stores and shops which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, including but not limited to, the following.

- Artist materials, supply, studio
- Barber and/or beauty shop
- Book and stationery store
- Camera shop
- Delicatessen and/or carry-out food (maximum seating capacity of 12)
- Dry cleaning, pressing, laundry, tailor shop
- Florist shop
- Newspaper or magazine sales
- Optical sales and service
- Package liquor store
- Pharmacy
- Shoe store or repair shop

**11-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**11-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**11-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**11-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**11-107 Height, Area and Bulk Regulations:** In the “C-1” Neighborhood Commercial District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 3 stories in height.
2. **Front Yard:** None, except where a building or structure obstructs sight distance at uncontrolled intersections as determined by the zoning Administrator.
3. **Side Yard:** None.
4. **Rear Yard:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**11-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**11-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 12**  
**“C-2” GENERAL COMMERCIAL DISTRICT REGULATIONS**

**Sections:**

- 12-101 Application**
- 12-102 Use Regulations**
- 12-103 Performance Standards**
- 12-104 Parking Regulations**
- 12-105 Off-Street Loading Regulations**
- 12-106 Sign Regulations**
- 12-107 Height, Area and Bulk Regulations**
- 12-108 Supplementary Height, Area and Bulk Regulations**
- 12-109 Supplementary Use Regulations**

**12-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “C-2” General Commercial District. The purpose of this District is to provide sufficient space in appropriate locations for most commercial and service activities.

**12-102 Use Regulations:** In District “C-2,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the “C-1” Neighborhood Commercial Office District and/or in the “C-3” Highway Service Commercial District.
2. Auditorium or theater, but no open-air drive-in theaters.
3. Bowling alleys and amusement arcades.
4. Drive-in and drive-through establishments, except as otherwise prohibited herein.
5. Food storage lockers.
6. Hotels, motels, and motor hotels.
7. Lawn and garden supply sales and service, including storage yards.
8. Membership clubs, including private clubs as defined by K.S.A. 41-2601 et seq, and subsequent amendments.
9. Printing, publishing, and engraving firms, including newspaper publishing; provided said operations are principally retail businesses.
10. Reupholstering.

11. All other commercial or retail stores and activities not otherwise prohibited or restricted by this code, including but not limited to, the following:

Antique shop  
Appliance store and/or repair shops  
Art school, gallery or museum  
Auto supply store  
Building materials sales  
Car wash  
Catering establishment  
Clothing and apparel store  
Curio or gift shop  
Department store  
Drinking establishment  
Dry goods store  
Dyeing and cleaning works  
Furniture store  
General service and repair establishment  
Grocery store or supermarket  
Hardware store  
Lumber yard  
Meat market, including processing facilities  
Motor vehicle sales, service and/or repair  
Painting and/or decorating shop  
Parking lots operated as a business  
Plumbing and heating shop  
Radio and television sales and/or service  
Restaurant  
Sewing machines sales, service and/or instruction  
Sporting goods sales  
Taverns  
Tire sales and service including vulcanizing, but not manufacture  
Toy store  
Used car sales  
Variety store

**12-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**12-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**12-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**12-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**12-107 Height, Area and Bulk Regulations:** In the “C-2” General Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 45 feet and/or 3 stories in height.
2. **Front Yard:** None.
3. **Side Yard:** None.
4. **Rear Yard:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**12-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**12-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 13**  
**“C-3” HIGHWAY SERVICE COMMERCIAL DISTRICT REGULATIONS**

**Sections:**

**13-101 Application**

**13-102 Use Regulations**

**13-103 Performance Standards**

**13-104 Parking Regulations**

**13-105 Off-Street Loading Regulations**

**13-106 Sign Regulations**

**13-107 Height, Area and Bulk Regulations**

**13-108 Supplementary Height, Area and Bulk Regulations**

**13-109 Supplementary Use Regulations**

**13-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “C-3” Highway Service Commercial District. The purpose of this District is to provide space in appropriate locations in the unincorporated portion of Reno County only, particularly along the existing major highways, for those uses of a more intensive nature that are clearly commercial in nature, which do not necessarily demand public utility services such as water and sewers, and which often require more land area to function efficiently.

**13-102 Use Regulations:** In District “C-3,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses or similar uses requiring supporting services:

1. New and/or used motor vehicle sales and service, including associated repair services; but not motor vehicle repair services exclusively.
2. Boat sales and service, including storage yard.
3. Farm machinery sales and service, including storage yard.
4. Manufactured home and trailer sales and service, including display yard.

**13-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**13-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**13-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**13-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**13-107 Height, Area and Bulk Regulations:** In the “C-3” Highway Service Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 45 feet and/or 3 stories in height.
2. **Front Yard:** None.
3. **Side Yard:** None.
4. **Rear Yard:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**13-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**13-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 14**  
**“C-4” CENTRAL BUSINESS DISTRICT REGULATIONS**

**Sections:**

- 14-101 Application**
- 14-102 Use Regulations**
- 14-103 Performance Standards**
- 14-104 Parking Regulations**
- 14-105 Off-Street Loading Regulations**
- 14-106 Sign Regulations**
- 14-107 Height, Area and Bulk Regulations**
- 14-108 Supplementary Height, Area and Bulk Regulations**
- 14-109 Supplementary Use Regulations**

**14-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “C-4” Central Business District. This District encompasses the shopping and office core of the central business district of the City only. Appropriate uses are the same as for the “C-2” General Commercial District, but with altered off-street parking and off street loading requirements in recognition of the practical difficulty of providing off-street parking and loading spaces in the core district, and in recognition of the collective responsibility to provide other parking and loading for the district.

**14-102 Use Regulations:** In District “C-4,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the “C-2” General Commercial District.
2. Residential uses.

**14-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**14-104 Parking Regulations:** None Required.

**14-105 Off-Street Loading Regulations:** None Required.

**14-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**14-107 Height, Area and Bulk Regulations:** In the “C-4” Central Business District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** None.
2. **Front Yard:** None.

3. **Side Yard:** None.

4. **Rear Yard:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**14-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**14-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 15**  
**“I-1” LIGHT INDUSTRIAL DISTRICT REGULATIONS**

**Sections:**

**15-101 Application**

**15-102 Use Regulations**

**15-103 Performance Standards**

**15-104 Parking Regulations**

**15-105 Off-Street Loading Regulations**

**15-106 Sign Regulations**

**15-107 Height, Area and Bulk Regulations**

**15-108 Supplementary Height, Area and Bulk Regulations**

**15-109 Supplementary Use Regulations**

**15-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “I-1” Light Industrial District. This District is for locations intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees, and with access by major streets and/or railroads. This district is intended to be established mainly as an Industrial Park and not for use on individual lots or tracts.

**15-102 Use Regulations:** In District “I-1,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Manufacturing, processing, fabrication and assembling of any commodity except junk or salvage and except the uses enumerated as permitted in District “I-2” and “I-3”.
2. Warehousing, wholesaling and storage of any commodity except junk or salvage and except the uses enumerated as permitted in District “I-2” and “I-3”.
3. Dwellings for resident night watchmen and caretakers employed on the premises.
4. Laboratories, research, experimental, or testing.
5. Offices and office buildings.
6. Restaurants and automatic food and beverage vending machines.
7. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

**15-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**15-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**15-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**15-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**15-107 Height, Area and Bulk Regulations:** In the “I-1” Light Industrial District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings and structures shall not exceed 45 feet and/or 3 stories in height.
2. **Front Yard:** None.
3. **Side Yard:** None.
4. **Rear Yard:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**15-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**15-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 16**  
**“I-2” MEDIUM INDUSTRIAL DISTRICT REGULATIONS**

**Sections:**

**16-101 Application**

**16-102 Use Regulations**

**16-103 Performance Standards**

**16-104 Parking Regulations**

**16-105 Off-Street Loading Regulations**

**16-106 Sign Regulations**

**16-107 Height, Area and Bulk Regulations**

**16-108 Supplementary Height, Area and Bulk Regulations**

**16-109 Supplementary Use Regulations**

**16-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “I-2” Medium Industrial District. This District provides for industrial operations that are more intensive in nature and, as a result, require more consideration in siting, and greater access to major facilities and services such as highways, railroads, utilities, etc.

**16-102 Use Regulations:** In District “I-2,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in “I-1” Light Industrial District.
2. Book or publishing plants.
3. Bus barns or lots.
4. Cold storage and ice plants.
5. Creameries and dairy product processing.
6. Food and beverage products, canning and preserving, processing and packaging of products.
7. Furniture refinishing.
8. Industrial machinery sales and service.
9. Machine shops.
10. Metal fabrication.
11. Physical processing of chemicals, (i.e., mixing), but not including processing involving chemical reactions.

12. Plastic extrusion.

**16-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**16-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**16-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**16-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**16-107 Height, Area and Bulk Regulations:** In the “I-2” Medium Industrial District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings and structures shall not exceed 45 feet and/or 3 stories in height.
2. **Front Yard:** None.
3. **Side Yard:** None.
4. **Rear Yard:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**16-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**16-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 17**  
**“I-3” HEAVY INDUSTRIAL DISTRICT REGULATIONS**

**Sections:**

- 17-101 Application**
- 17-102 Use Regulations**
- 17-103 Performance Standards**
- 17-104 Parking Regulations**
- 17-105 Off-Street Loading Regulations**
- 17-106 Sign Regulations**
- 17-107 Height, Area and Bulk Regulations**
- 17-108 Supplementary Height, Area and Bulk Regulations**
- 17-109 Supplementary Use Regulations**

**17-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “I-3” Heavy Industrial District. This District provides for industrial operations that have certain potentially hazardous characteristics and are allowed only after special consideration to assure protection of public interest and surrounding property and persons.

**17-102 Use Regulations:** In District “I-3,” no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in “I-2” Medium Industrial District.
2. The manufacture, compounding, processing, packaging or treatment of the following uses:

Chemical, Petroleum, Coal or Allied Products:

- Acids and derivatives
- Acetylene, generation or storage
- Alcohol, industrial
- Ammonia
- Caustic soda
- Cellulose and cellulose storage
- Chlorine
- Coke oven products (including fuel gas) and coke oven products storage
- Creosote
- Distillation, manufacture, or refining of coal, tar or bones
- Fertilizer (organic or non-organic)
- Fish oils or meal
- Fuel briquettes
- Glue, gelatin, or size
- Hydrogen and oxygen
- Nylon

Petroleum, gasoline, and lubricating oil refining, and wholesale storage  
Plastic materials and synthetic resins  
Potash  
Pyroxylin  
Rayon  
Rendering and storage of dead animals, offal, garbage, or waste products

Food and Beverage:

Casin  
Cider and vinegar  
Distilleries, breweries and alcoholic spirits (non-industrial)  
Fat rendering  
Fish curing  
Slaughtering of animals  
Starch manufacture

Metals and Metal Products:

Aircraft and aircraft parts  
Automobile, truck trailer, mobile home, motorcycle and bicycle assembly  
Blast furnace, cupolas  
Blooming mill  
Metal and metal ores, reduction, refining, smelting and alloying  
Scrap metal reduction  
Steel works and rolling mill (ferrous)

Wood and Paper Products:

Match manufacture  
Wood preserving treatment  
Wood pulp and fiber, reduction and processing

Unclassified Industries and Uses:

Bag cleaning  
Cotton seed oil refining  
Hair, hide, and raw fur curing, tanning, dressing, dyeing and storage  
Leather tanning and curing  
Natural or synthetic rubber, gutta perchas, and balata processing  
Rubber tire and tube  
Storage battery (wet cell)

**17-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 21 of this code.

**17-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 22 of this code.

**17-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 23 of this code.

**17-106 Sign Regulations:** The Sign Regulations are contained in Chapter IV, Article 7 of the Code of the City of South Hutchinson, Kansas.

**17-107 Height, Area and Bulk Regulations:** In the “I-3” Heavy Industrial District, the height of buildings, the minimum dimensions of lots and yards, shall be as follows:

1. **Height:** Buildings and structures shall not exceed 45 feet and/or 3 stories in height.
2. **Front Yard:** None.
3. **Side Yard:** None.
4. **Rear Yard:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 25. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**17-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 26 of this code.

**17-109 Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 27 of this code.

**ARTICLE 18**  
**“PUD” PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS**

**Sections:**

- 18-101 Application**
- 18-102 Use Regulations**
- 18-103 Plan Approval Guidelines**
- 18-104 Performance Standards**
- 18-105 Parking Regulations**
- 18-106 Off-Street Loading Regulations**
- 18-107 Sign Regulations**
- 18-108 Height, Area and Bulk Regulations**

**18-101 Application:** The regulations set forth in this Article, or set forth elsewhere in this code when referred to in this Article, are the regulations in the “PUD” Planned Unit Development District. This “PUD” Planned Unit Development District is a special purpose zoning district that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots.
2. Allowing greater freedom in selecting the means to provide access, light, open space and design amenities.
3. Promoting quality urban design and environmental sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.
4. Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this code.

**18-102 Use Regulations:** Any use may be permitted within the “PUD” Planned Unit Development District, provided that it is consistent with the purposes of this code and consistent with the approved Development Plan of the “PUD”.

**18-103 Plan Approval Guidelines:** The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 20 of this code.

**18-104 Performance Standards:** The Performance Standards are contained in Article 21 of this code.

**18-105 Parking Regulations:** The parking requirements shall follow the Development Plan approved as part of the establishment of the “PUD” as specified within this code.

**18-106 Off-Street Loading Regulations:** The Off-street loading requirements shall follow the Development Plan approved as part of the establishment of the “PUD” as specified within this code.

**18-107 Sign Regulations:** The sign requirements shall follow the Development Plan approved as part of the establishment of the “PUD” as specified within this code.

**18-108 Height, Area and Bulk Regulations:** In the “PUD” Planned Unit Development District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall follow the Development Plan approved as part of the establishment of the “PUD” as specified within this code.

**ARTICLE 19**  
**“FP” FLOODPLAIN DISTRICT REGULATIONS**

**Sections:**

**19-101 Purpose**

**19-102 Findings of Fact**

**19-103 General Provisions**

**19-104 Building or Land Use Permit**

**19-105 Establishment of Zoning Districts**

**19-106 Standards for the Floodplain Overlay Districts**

**19-107 Floodway Overlay District**

**19-108 Floodway Fringe Overlay District**

**19-109 Certification of Floodproofing**

**19-110 Nonconforming Use and Restoration**

**19-111 Variances and Variance Procedures**

**19-112 Penalties for Violation**

**19-113 Definitions**

**19-101 Purpose:** It is the purpose of this Article to promote the public health, safety and general welfare and to minimize those losses described in Section 19-102 by applying provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause increased flood height beyond 1 foot rise in the 100-year surface evaluation or cause increases in water velocities.
2. Require that uses vulnerable to floods, including public facilities which service such uses, be provided with flood protection at the time of initial construction.
3. Provide public information for evaluating land purchases of flood prone ground within the City of South Hutchinson, Kansas, and its extraterritorial jurisdiction.
4. Assure that eligibility is maintained for property owners in the City of South Hutchinson, Kansas, and its extraterritorial jurisdiction to purchase flood insurance in the Federal Flood Insurance Program.

**19-102 Findings of Fact:**

The flood hazard areas of the City of South Hutchinson, Kansas, and its extraterritorial jurisdiction are subject to inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by:

1. The cumulative effect of obstruction in floodways, causing increases in flood heights and velocities.
2. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others and which are inadequately elevated or otherwise protected from flood damages.

This Article uses a reasonable method of analyzing flood hazards which consists of a series of inter-related steps, as follows:

1. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this Code is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Code. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials, which are dated September 28, 1990, as amended.
2. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
5. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

**19-103 General Provisions:**

1. **Land to which Regulations Apply:** This Article shall apply to all lands within the corporate limits of the City of South Hutchinson, Kansas, and that portion of unincorporated Reno County, Kansas, described in Article 1 of this Code as the extraterritorial jurisdiction and that are identified on the Flood Insurance Rate Maps (FIRM) as numbered and unnumbered A Zones, and within the Zoning Overlay Districts "FW" and "FF" established in Section 19-105 herein. In all areas covered by this Article, no development shall be permitted except upon a permit granted by the Zoning Administrator under the provisions established in Section 19-106 of this Article.

2. **The Enforcement Officer:** The Zoning Administrator of the City of South Hutchinson, Kansas, is designated as the enforcement officer.
3. **Rules for Interpretation of District Boundaries:** The boundaries of the Floodway and Floodway Fringe Overlay Districts shall be determined by scaling distances on the floodplain maps. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the floodplain maps, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Administrator and/or Board of Zoning Appeals and to submit his own technical evidence, if he so desires.
4. **Compliance:** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations, except as established under section 19-109.
5. **Abrogation and Greater Restrictions:** It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other regulations inconsistent with this Article are hereby repealed to the extent of the inconsistency only, except as established under Section 19-109.
6. **Interpretation:** The provisions of this Article shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute.
7. **Warning and Disclaimer of Liability:** The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of the City of South Hutchinson or any officer or employee thereof for any flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.
8. **Adoption of Studies:** The Flood Insurance Study dated September 28, 1990, and the accompanying Flood Boundary and Floodway Maps, and the Flood Insurance Rate Maps are hereby adopted and are incorporated by reference in this Article.

**19-104 Building or Land Use Permit:**

1. **Permit Required:** No person, firm or corporation shall initiate any development or cause the same to be done without first obtaining a separate permit as required in this Article.
2. **Application for a Permit:** To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every application shall:
  - A. Identify and describe the work to be covered by the permit for which application is made.
  - B. Describe the land on which the proposed work is to be done by legal description and house address, or similar description that will readily identify and definitely locate the proposed building or work.
  - C. Indicate the use or occupancy for which the proposed work is intended.
  - D. Be accompanied by plans and specifications for the proposed construction.
  - E. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
  - F. Within designated floodprone areas, be accompanied by elevations of the lowest floor including basement or, in the case of floodproofed nonresidential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.
  - G. Give such additional information as may be required by the Zoning Administrator, such as:
    1. Typical valley cross-sections and profile showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be affected by the proposed development, and the elevation of the 100-year flood.
    2. Plans depicting:
      - a. surface view, showing elevations or contours of the ground;
      - b. pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site;
      - c. location and elevations of streets, water supply, sanitary facilities, and other data that will assist the Zoning Administrator to make a determination of flooding.

The Zoning Administrator shall review all permit applications to determine if the site of the proposed development meets the provisions of this Article and that all necessary permits have been received as required by federal or state law.

**19-105 Establishment of Zoning Districts:** The mapped floodplain areas within the jurisdiction of this Article are hereby divided into the two following districts: a Floodway Overlay District “FW”, and a Floodway Fringe Overlay District “FF” identified in the Flood Insurance Study (Flood Boundary and Floodway Maps). Within these districts all uses not meeting the standards of this Article and those standards of underlying zoning districts shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

**19-106 Standards for the Floodplain Overlay Districts:**

1. **Compliance Required:** No permit shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within all numbered and unnumbered A Zones unless the conditions of this Article are satisfied.
2. **Undesignated Areas Comply:** All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this Article. If flood Insurance Study data is not available, the City shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
3. **Standards:** New construction, substantial improvements, subdivision proposals, prefabricated buildings, placement of manufactured homes and other developments shall require:
  - A. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - B. New or replacement water supply systems and/or sanitary sewage systems be designed to eliminate or minimize infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.
  - C. Construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize flood damage, consistent with economic practicability.

- D. All utility and sanitary facilities shall be floodproofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight, with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- E. That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than 1 foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference in Section 19-103.
- F. Any grading changes within the area estimated to be inundated by the 100-year frequency flood, or alterations, modifications or relocations of a watercourse within the jurisdiction of the Division of Water Resources, State Board of Agriculture rules and regulations, as authorized by K.S.A. 74-2611, and any subsequent revisions thereof, shall ensure that the water carrying capacity is maintained. The plans for such changes, modifications, alterations or relocations shall be submitted to and approved by the Division of Water Resources, State Board of Agriculture, concurrent with City approval. In addition, the City shall notify, in riverine situations, adjacent communities prior to the performance of the work and submit copies of such notification to the local office of the Administrator of the Federal Insurance Administration.
- G. Storage of Material and Equipment.
- H. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- I. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- J. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that:
  - 1. All such proposals are consistent with the need to minimize flood damage.
  - 2. All public utilities and facilities, such as sewer, gas, electrical, telephone and water systems are located, elevated and constructed to minimize or eliminate flood damage.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. All proposals for development, including new subdivisions, manufactured home parks and subdivisions, include within such proposals the regulatory flood elevation.

**19-107 Floodway overlay District “FW”:**

1. **Permitted Uses:** Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodway Overlay District to the extent they are not prohibited by any other provision of this Code, and provided they do not require structures or storage of materials or equipment. No use shall increase the flood level of the regulatory flood protection elevation. Permitted uses shall meet the standards established in Section 19-106. Subject to the requirements of this Code, the following uses are permitted:
  - A. Agricultural uses.
  - B. Nonbuilding residential accessory uses such as lawns, gardens, parking, play and yard areas.
  - C. Nonresidential uses such as loading areas, parking, landing strips.
  - D. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
  - E. Placement of manufactured homes is prohibited in the floodway, except in existing manufactured home parks and existing manufactured home subdivisions. Placement of mobile homes is prohibited by this Code.

**19-108 Floodway Fringe Overlay District “FF”:**

1. **Permitted Uses:** Any use permitted in Section 19-107 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 19-106 are met.
2. **Standards for the Floodway Fringe Overlay District:**
  - A. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation.
  - B. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below such a level

the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator.

- C. Require for all new construction or substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area.
  2. The bottom of all openings shall be no higher than one (1) foot above grade.
  3. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
  4. Within AH zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

### **3. Manufactured Homes:**

- A. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with manufacturers recommended anchoring requirements, local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.
  2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.
  3. All components of the anchoring system be capable of carrying a force of 4,800 pounds.

4. Any additions to the manufactured home be similarly anchored.

**19-109 Certification of Floodproofing:** For the floodproofing of nonresidential structures, applicants shall provide certification by a licensed professional engineer or architect that the floodproofing plans are adequate to be watertight, with walls impermeable to the passage of water and can withstand the hydrostatic and hydrodynamic forces associated with the 100-year flood. In addition, the applicant shall provide information identifying the specific elevation in relation to mean sea level to which such structures are floodproofed. This information shall be submitted to the Zoning Administrator at the time a permit is requested and shall be maintained by that official.

**19-110 Nonconforming Use and Restoration:** In addition to the requirements established in Article 30, the following requirements shall apply:

1. A structure or use of a structure or premises which was lawful before the passage of this Code, but which is not in conformity with the provisions of this Code, may be continued subject to the following conditions:
  - A. No such use or substantial improvement of that use shall be expanded, changed, enlarged or altered in any way which increases its nonconformity.
  - B. If such use is discontinued for six months or more, any future use of the building, structure or premises shall conform to the provisions established in this Code, provided this regulation shall not prevent the occupancy of a residential unit following a period of vacancy.
  - C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of its fair market value before the damage occurred, unless it is reconstructed in conformity with the provisions and standards established in this Code. This limitation does not include the cost of any alteration to comply with existing state or local health codes, sanitary, building or safety codes or regulations, or the costs of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**19-111 Variances and Variance Procedures:** The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Article. All requests for appeals and variances shall follow the procedures established in Article 31.

1. **Variances for Historic Places:** Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
2. **Additional Conditions for Variances:** In addition to the conditions established in Article 30 the Board of Zoning Appeals, in passing upon variance applications,

shall consider all technical evaluations, all relevant factors, standards specified in the sections of this Article, and:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The necessity to the facility of a waterfront location, where applicable.
- F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- L. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- M. Variances shall only be issued upon:
  - 1. A showing of good and sufficient cause, and that the need for the variance is not self-created.
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

3. A determination that the granting of a variance will not result in increased flood heights, additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or regulations.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Upon consideration of the factors listed above and the purpose of this Article, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Article.

**3. Reporting of Variances:**

- A. Any applicant to whom a variance is granted shall be given a written notice containing the following information: That the structure will be permitted to be built with a lowest floor elevation \_\_\_\_\_ feet below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- B. The Zoning Administrator shall maintain the records of all appeal actions and report all variances to the Federal Insurance Administration at the time the annual report is submitted.

**19-112 Penalties for Violation:** Penalties shall be as established in Article 35 of this Code.

**19-113 Definitions:** Unless specifically defined below, or defined elsewhere in this Code, words or phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application.

1. **Actuarial or Risk Premium Rates:** Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act, and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
2. **Appeal:** A request for a review of the Zoning Administrator's interpretation of any provision of this Article or a request for a variance.
3. **Area of Shallow Flooding:** A designated AO or AH zone on a community's Flood Insurance Rate Maps (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

4. **Area of Special Flood Hazard:** The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
5. **Base Flood:** The flood having one percent chance of being equaled or exceeded in any given year.
6. **Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.
7. **Development:** Any man-made change to improved or unimproved real estate, including but limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage or equipment or materials.
8. **Existing Construction:** (For the purposes of determining rates) structures for which the “start construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRM’s effective before that date. “Existing construction” may also be referred to as “existing structures”.
9. **Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactures homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Code.
10. **Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
11. **Flood or Flooding:** A general and temporary rise in stream flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff of surface waters from any source.
12. **Flood Elevation Determination:** A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one percent chance of occurrence in any given year.
13. **Flood Insurance Rate Maps (Firm):** Official maps of the City of South Hutchinson, Kansas, and its extraterritorial jurisdiction on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the City of South Hutchinson, Kansas, and its extraterritorial jurisdiction.

14. **Flood Insurance Study (FIS):** The Official report provided by the Federal Insurance Administration that contains flood profiles and water surface elevations for various flood frequencies, as well as the boundaries and water surface elevations of the 100-year flood.
15. **Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
16. **Flood Protection System:** Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard.” Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.
17. **Floodproofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
18. **Floodway or Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
19. **Floodway Fringe:** That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e, that has a one percent chance of flood occurrence in any one year).
20. **Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
21. **Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. **Historic Structure:** Any structure that is:
  - A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been either:
    - 1. by an approved state program as determined by the Secretary of the interior, or
    - 2. directly by the Secretary of the interior in states without approved programs.
23. **Lowest Floor:** The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable only for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.
24. **Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. This definition shall apply to the requirements of this Article only and shall not have a bearing on any other requirements of this Code.
25. **Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
26. **New Construction:** For purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the FIRM and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of this Code and includes any subsequent improvements to such structures.
27. **New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of this Code.

28. **One Hundred (100) Year Flood:** The base flood having a 1 percent chance of annual occurrence.
29. **Overlay District:** A district which acts in conjunction with the underlying zoning district or districts. The original zoning district designation does not change.
30. **Regulatory Flood Elevation:** An elevation 1 foot higher than the water surface elevation of the regulatory flood.
31. **Start of Construction (Including Substantial Improvements):** The date the building permit, or other authorization granted by the City, was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 90 days of the permit or authorization date. The actual start means the first placement of permanent construction of a structure on a site such as the pouring of the slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages, sheds or agricultural accessory buildings not occupied as dwelling units or not part of the main building or structure.
32. **Structure:** A walled and roofed structure, including a gas or liquid storage tank, that is principally above the ground, including but not limited to, buildings, factories, sheds, cabins, manufactured homes, and other similar uses.
33. **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
34. **Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
  - A. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
  - B. any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- 35. Variance:** A grant of relief to a person from the requirements of this Article which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in unnecessary hardship.

**ARTICLE 20  
PLAN APPROVAL GUIDELINES**

**Sections:**

**20-101 Purpose**

**20-102 Application, Review, Approval Procedure**

**20-103 Development Plan**

**20-104 Development Plan – Phasing, Time Restrictions**

**20-105 Appeals of Planning Commission Action on Development Plan**

**20-106 Remedies for Noncompliance**

**20-101 Purpose:** The procedures and requirements set for in this Article, or the requirements set forth elsewhere in this Code when referred to in this Article, are for the development plans required for Conditional Use Permits designated elsewhere in this Code. These requirements are specifically intended to accommodate:

1. The fully planned, coordinated, and orderly development of relatively large tracts of land into a “PUD” Planned Unit Development.
2. The consideration of an application for a Conditional Use under the provisions of this Code.

The requirements and regulations herein prescribed pertaining to height, open space, setbacks, parking, loading, and signs may be adjusted or modified so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to the public welfare and the interests of the community, but in keeping with the general intent and spirit of this Code. Such adjustments or modifications may be made as a part of the rezoning or Conditional Use process, or may be allowed after approval by the Planning Commission upon request of the applicant.

**20-102 Application, Review, Approval Procedure:** In order to assure that proposed rezonings to a “PUD” Planned Unit Development and proposed uses requiring Conditional Use permits meet the requirements of this Code and will be compatible with surrounding properties and uses, it is hereby required that all applications for a “PUD” or a Conditional Use Permit include a development plan which must be approved as specified within this Article prior to any construction on the property.

The procedure for approval of a development plan shall consist of the following:

1. Application for a “PUD” designating which land uses are to be utilized, or for a Conditional Use permit; and,
2. Submission of a development plan.

The development plan shall be submitted at the time the application is submitted and no application shall be deemed complete nor set for public hearing until said development plan is submitted. No building permit shall be issued in a “PUD” Planned Unit Development or for a Conditional Use Permit until the property has been zoned and the development plan for the entire property and/or each phase of development has been approved in accordance with the provisions of this Code.

**20-103 Development Plan:** Application for a “PUD” Planned Unit Development or a Conditional Use and development plan approval shall be made in accordance with the procedures outlined in Article 34 of this Code. The application shall include a development plan which describes the applicant’s intentions for the use and development of the property. The development plan shall include and/or display the following information:

1. A topographic survey at no more than 2 foot contour intervals, drawn to a scale of 1” = 100’ or greater, indicating the legal description, property boundary, existing contours, existing utilities and easements, and natural and manmade features of the property.
2. A development plan, drawn to the same scale as the topographic survey, indicating:
  - A. existing contours (shown as dashed lines);
  - B. proposed contours (shown as solid lines);
  - C. location and orientation of all existing and proposed buildings;
  - D. areas to be used for parking, including the number and arrangement of stalls;
  - E. areas to be developed for screening, including the location of plant materials, and screening structures and features;
  - F. pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way;
  - G. points of ingress and egress;
  - H. location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines and electrical power lines);
  - I. drainage controls (retention or detention ponds);
  - J. location, size and characteristics of identification and business signs;
  - K. lighting layout, appurtenances, and intensity of illumination;

- L. proposed finished floor elevations of all buildings and structures.
- 3. A statement of intent shall accompany the preliminary development plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures.

The Planning Commission shall review the application along with the development plan and shall approve or deny the development plan, or may request modifications to the development plan as deemed necessary to carry out the spirit and intent of this Code. Approval by the Planning Commission shall constitute approval and permanency of the development plan, thereby establishing the criteria for construction of the proposed development.

In the process of reviewing any development plan, the Planning Commission may provide approval of the development plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest and surrounding properties, including, if any, the following:

- 1. Limitations on the type, illumination and appearance of any signs or advertising structures.
- 2. Direction and location of outdoor lighting.
- 3. Arrangement and location of off-street parking and off-street loading spaces.
- 4. The type of paving, landscaping, fencing, screening and other such features.
- 5. Limitations on structural alterations to existing buildings.
- 6. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
- 7. Waiver of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.
- 8. Such other conditions and/or limitations that are deemed necessary.

**20-104 Development Plan – Phasing, Time Restrictions:** The applicant may proceed with construction based on the entire development plan, or may elect to develop the property in phases. The applicant may submit the development plan separately for the first and each successive phase of construction, or for all of the project with a depiction of the phasing sequence; however, all “PUD’S” and Conditional Uses approved with a development plan shall have construction begun with one (1) year of said approval by the Planning Commission. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Planning commission stating the

reasons construction has not begun and at what time construction is expected to begin. If the Planning Commission agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

The Planning Commission shall review the development plan and shall act on said plan in a reasonable time period. Upon approval by the Planning Commission, the development plan shall be filed for record in the office of the Zoning Administrator.

After the development plan has been approved, and when in the course of carrying out the development plan, minor adjustments are requested by the applicant and such adjustments conform to the minimum standards established by the approved development plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks and/or other requirements, such adjustments may be made by the Zoning Administrator. If the requested adjustments are deemed by the Zoning Administrator to exceed the minimum standards established by the approved development plan, the revised development plan must be submitted and approved by the Planning Commission before any further work can proceed. Said revised development plan shall not require another public hearing unless the Planning Commission determines that the revisions requested are so significant that the public interest will be protected only by conducting a public hearing on said revised development plan. Regardless of whether a public hearing is required or not, at no time shall the Conditional Use previously approved be subject to disapproval. The only issue in said review shall be the requested revisions to the previously approved development plan.

**20-105 Appeals of Planning Commission Action on Development Plan:** Any decision of the Planning Commission regarding development plans may be appealed to the Governing Body, whose decision shall be final. An appeal shall be filed in writing with the Zoning Administrator not later than fifteen (15) days following the date of the Planning Commission's final action. If no appeal is taken within that time, the decision of the Planning Commission shall be final. The appeal shall set forth the basis for the appeal and the relief sought by the applicant. The Zoning Administrator shall schedule the appeal before the Governing Body no later than thirty (30) days following the filing of the appeal. The Zoning Administrator shall notify all interested persons in writing of the time and place of the Governing Body's meeting at least ten (10) days prior to said meeting.

**20-106 Remedies for Noncompliance:** If the applicant fails to comply with the time requirements herein established, the approved development plan shall be declared null and void and no permit for construction shall be issued until a new development plan has been approved following the procedures previously cited. The "PUD" or Conditional Use permit shall remain in effect but shall do so without an approved development plan. If the approved development plan is voided, the Planning Commission or the Governing Body may initiate an action to have the zoning changed to the previous zoning classification, or to have the Conditional Use permit revoked, or may seek some other more restrictive zoning classification by following the procedures outlined in this Code.

**ARTICLE 21  
PERFORMANCE STANDARDS**

**Sections:**

**21-101 Purpose**

**21-102 Performance Standards – Districts “AG” and “SR”**

**21-103 Performance Standards – Districts “R-1A”, “R-1B”, “R-1C” and “R-2”**

**21-104 Performance Standards – Districts “R-3” and “R-4”**

**21-105 Performance Standards – Districts “C-O” and “C-1”**

**21-106 Performance Standards – Districts “C-2” and “C-3”**

**21-107 Performance Standards – District “C-4”**

**21-108 Performance Standards – District “I-1”**

**21-109 Performance Standards – Districts “I-2” and “I-3”**

**21-110 Performance Standards – Conditional Uses**

**21-111 Performance Standards – District “PUD” Planned Unit Development**

**21-101 Purpose:** The regulations set forth in this Article, or set forth elsewhere in this Code when referred to in this Article, are the performance standards for uses permitted within this code. The standards established herein are intended to provide guidance in the development or redevelopment of property in the area subject to this Code for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found elsewhere in the community. The standards stated within this Article are the minimum required or maximum permitted, whichever the case may be, for the uses permitted in this Code.

**21-102 Performance Standards – Districts “AG” and “SR”:** The following are the performance standards for the “AG” Agricultural District and the “SR” Suburban Residential District.

1. Where allowed by these Regulations (by right in the “AG” Agricultural District and by accessory use in other districts), agricultural uses are permitted with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions to the sale or marketing of products raised on the premises; provided, however, there shall be no disposal of garbage, rubbish or offal, other than regular removal, except in compliance with the Reno County Environmental/Sanitary Code.
2. No main or accessory building or structure shall project beyond the property line. On all major streets and highways within Reno County, no main or accessory building or structure shall project beyond the setback lines established within these Regulations. Nothing shall be allowed to be placed in any public right-of-way without the express permission of the appropriate Reno County officials.
3. Residential real estate sales offices in the “SR” Suburban Residential District are subject to the following standards:
  - A. There shall be only one residential sales office in any one subdivision.

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- B. All sales shall be limited to the sale of new properties located within that subdivision.
  - C. Any sales office within a subdivision shall be located within a permanent residential structure. Manufactured and/or mobile homes, and/or construction trailers shall not be permitted to be used as a residential real estate sales office.
  - D. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.
  - E. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.
4. In order for residential-design manufactured homes, when installed, to have substantially the appearance of an on-site, conventionally built, single-family dwelling in, the following criteria and standards shall apply:
- A. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 inches for each 12 inches of vertical run, and the roof is finished with a type of shingle that is commonly used in standard residential construction in the County.
  - B. All roof structures shall provide an eaves projection of no less than one (1) foot, which may include a gutter.
  - C. The exterior siding consists predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in residential construction.
  - D. The manufactured home is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1994" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, is installed under the perimeter of the manufactured home.
  - E. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed firmly to the primary structure and anchored securely to the ground.
  - F. The moving hitch, wheels and axles, and transporting lights shall be removed.

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**21-103 Performance Standards – Districts “R-1A”, “R-1B”, “R-1C” and “R-2”:** The following are the performance standards for the “R-1A” Single-Family Residential District, “R-1B” Single-Family Residential District, “R-1C” Single-Family Residential District, and the “R-2” Two-Family Residential District.

1. No main or accessory building or structure shall project beyond the property line. Nothing shall be allowed to be placed in any public right-of-way within the corporate limits of the City of South Hutchinson without the express permission of the City. Nothing shall be allowed to be placed in any public right-of-way in the unincorporated portion of Reno County subject to this Code without the express permission of Reno County.
2. Residential real estate sales offices are subject to the following standards:
  - A. There shall be only one residential sales office in any one subdivision.
  - B. All sales shall be limited to the sale of new properties located within that subdivision.
  - C. Any sales office within a subdivision shall be located within a permanent residential structure with a minimum dwelling size equal to or greater than that of the zoning district. Manufactured homes, mobile homes, and construction trailers shall not be permitted.
  - D. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.
  - E. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.
  - F. A model home complex operated in conjunction with a residential sales office may include a decorative fence in the front yard enclosing or defining the extent of the complex. To qualify as a decorative fence, the surface of the fence must be at least 50 percent open, the fence cannot be constructed of chain link or other wire materials, and the fence cannot exceed 4 feet in height. The front yard fence shall be removed upon the termination of the sales office.
3. In order for residential-design manufactured homes, when installed, to have substantially the appearance of an on-site, conventionally built, single-family dwelling in, the following criteria and standards shall apply:
  - A. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 inches for each 12 inches of vertical run, and the roof is finished with a type of shingle that is commonly used in standard residential construction in the City.
  - B. All roof structures shall provide an eave projection of no less than one (1) foot,

which may include a gutter.

**21-3**

- C. The exterior siding consists predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in residential construction.
- D. The manufactured home is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1994" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, is installed under the perimeter of the manufactured home.
- E. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed firmly to the primary structure and anchored securely to the ground.
- F. The moving hitch, wheels and axles, and transporting lights shall be removed.

**21-104 Performance Standards – Districts "R-3" and "R-4":** The following are the performance standards for uses in the "R-3" Medium Density Residential District and the "R-4" Apartment House District.

1. Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide separation from automobile traffic along all public and private streets, drives and parking areas.
2. Site drainage patterns shall be designed, graded and constructed to prevent surface drainage from collecting on or flowing across pedestrian paths, walks and sidewalks.
3. The maximum lot coverage shall be sixty percent (60%) for properties zoned "R-3" and sixty-nine percent (69%) for properties zoned "R-4".
4. A minimum of ten percent (10%) of landscaped open space shall be provided on each site as common or semi-common areas open for use and available to all persons who may reside on the premises.

**21-105 Performance Standards – Districts "C-O and "C-1":** The following are the performance standards for uses in the "C-O" Commercial Office District and the "C-1" Neighborhood Commercial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.

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2. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

**21-106 Performance Standards – Districts “C-2 “ and “C-3”:** The following are the performance standards for uses in the “C-2” General Commercial District and the “C-3” Highway Service Commercial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
3. Merchandise which may be appropriately displayed or stored outside a building shall be kept off public property or right-of-way. Merchandise for sale may be stored or displayed outside a building, but must maintain a setback of at least 6 feet from a street right-of-way, or 6 feet from a side or rear lot line.
4. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.

**21-107 Performance Standards – District “C-4”:** The following are the performance standards in the “C-4” Central Business District.

1. Only that property which is designated “C-4” on the official zoning map shall be subject to the requirements of the “C-4” Zoning District.
2. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
3. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
4. Merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, except during special promotional activities and sales approved by the Governing Body with a special event permit.

**21-108 Performance Standards – District “I-1”:** The following are the performance standards in the “I-1” Light Industrial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
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2. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.
  3. No activity shall be permitted that creates any off-site electrical disturbance.
  4. Areas devoted to retail sales of commodities manufactured, processed, fabricated, assembled, warehoused, or stored on the premises shall not exceed ten percent (10%) of the gross floor area of the main use, and in no event shall such areas exceed 5,000 square feet.

**21-109 Performance Standards – Districts “I-2” and “I-3”:** The following are the performance standards in the “I-2” Medium Industrial District and the “I-3” Heavy Industrial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.
3. No activity shall be permitted that creates any off-site electrical disturbance.
4. Areas devoted to retail sales of commodities manufactured, processed, fabricated, assembled, warehoused, or stored on the premises shall not exceed ten percent (10%) of the gross floor area of the main use, and in no event shall such areas exceed 5,000 square.

**21-110 Performance Standards – Conditional Uses:** The following are the performance standards for Conditional Uses authorized by this code.

1. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
  2. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.
  3. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.
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4. No activity shall be permitted that creates any off-site electrical disturbance.
  5. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.

**21-111 Performance Standards – District “PUD” Planned Unit Development:** The total number of dwelling units and level of nonresidential development allowed within a “PUD” shall not exceed the level that can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving a “PUD”, Zoning Administrator, Planning Commission and/or Governing Body may require the applicant to conduct a traffic impact study or other infrastructure capacity analyses to provide information on the proposed development’s expected impacts on existing and planned facilities.

ARTICLE 22  
PARKING REGULATIONS

Sections:

- 22-101 Parking Requirements
- 22-102 Interpretation of the Chart
- 22-103 Joint Use and Off-Site Facilities
- 22-104 Design Standards
- 22-105 Performance Standards

**22-101 Parking Requirements:** When any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 50 percent or more, or a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, or any building or structure hereafter erected is converted for the uses listed in Column 1 of the chart below in any zoning district, accessory off-street parking spaces shall be provided as required in column 2 or column 3 or as required in subsequent sections of this Article or this Code.

Column 1 USE OR USE CATEGORY	Column 2 SPACES REQUIRED PER BASIC MEASURING UNIT	Column 3 ADDITIONAL REQUIREMENTS
One-family and two-family dwellings	2 per dwelling unit 9 ft. x 19 ft.	
Apartments	2 per dwelling unit or 1.5 per efficiency unit	
Church, temple or similar place of assembly	1per 5 seats or bench seat spaces (Seats in main auditorium only)	
College or high school	1per 5 seats in main auditorium or 8 per classroom whichever is greater	
Elementary or nursery school	1 per 10 seats – main assembly room or 1 per classroom whichever is greater	

<b>Column 1 USE OR USE CATEGORY</b>	<b>Column 2 SPACES REQUIRED PER BASIC MEASURING UNIT</b>	<b>Column 3 ADDITIONAL REQUIREMENTS</b>
Country club or golf club	To be determined by the Planning Commission and Governing Body	
Public library, museum art gallery, or community center	5 per building	Plus 1 additional each 300 sq. ft. of floor area in excess of 1,000 square feet
Private clubs- fraternities, sororities	2 per 3 beds or 1 per active member, whichever is greater	
Sanitarium – nursing or convalescent home – home for the aged or similar institution	1 per 5 patient beds	
Hotel	1 per guest room or suite	1 per 2 employees or staff members per shift
Tourist court - motel - motor hotel – motor lodge	1 per sleeping room or suite	1 per 2 employees or staff members per shift
Rooming, boarding, lodging house or group home	2 per 3 beds	
Hospital	1 per 3 patient beds	1 per 2 employees or staff members per shift
Office or office building studio, or clinic	1 per 300 square feet of floor area	3 spaces minimum
Funeral home	1 per 5 seats in auditorium or chapel	

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<b>Column 1 USE OR USE CATEGORY</b>	<b>Column 2 SPACES REQUIRED PER BASIC MEASURING UNIT</b>	<b>Column 3 ADDITIONAL REQUIREMENTS</b>
Restaurant, tavern, drinking establishment or other establishment for consumption of food or beverage on the premises	1 per 3 seats or seating capacity	
Retail store or personal service establishment and banks	1 per 200 square feet of floor area	Retail stores over 4,000 sq. ft., 1 per 150 sq. ft. of floor area
Furniture or appliance store, machinery, equipment, and auto and/or boat sales and service	1 per 300 square feet feet of floor area	2 spaces minimum Auto and/or boat sales & service – 10 minimum
Auditorium, theater, gymnasium, stadium, arena or convention hall	1 per 4 seats or seating spaces	
Bowling Alley	5 per 1,000 sq. ft. of gross floor area	
Food storage locker	1 per 200 sq. ft. customer service area	
Amusement place, dance hall, skating rink, swimming pool, auditorium, or exhibition hall without fixed seats	1 per 100 sq. ft. of floor area uses	Does not apply to accessory
General service or repair establishment, printing, publishing, plumbing, heating	1 per 300 sq. ft. of floor area	
Manufacturing or industrial establishment, research or testing lab, wholesale warehouse or similar establishment	2 per 1,000 square feet of floor area	

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**22-102 Interpretation of the Chart:**

1. The use regulations for each District are not affected by arrangement of uses in the chart.
2. The parking requirements in this Article do not limit other requirements in this Code for parking contained in the district regulations.
3. The parking requirements in this Article do not limit special requirements which may be imposed in connection with Conditional Uses, Article 27.
4. Floor area, as used in the chart, shall be as defined in Article 1, Definitions.
5. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
6. The parking spaces required for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics with similar demands for parking as determined by the Zoning Administrator.
7. In the case of mixed uses (uses with different parking requirements occupying the same building or premises) or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

**22-103 Joint Use and Off-Site Facilities:** All parking spaces required herein shall be located on the same lot with the building or use served, except that where and increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from the building served.

1. Up to 50 percent of the parking spaces required for (a) theaters, night clubs or cafes, and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that a written agreement is properly executed and filed as specified below.
  2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the Zoning Administrator.
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**22-104 Design Standards:**

1. An off-street parking space is an area not in a street or alley, being a minimum of 9 feet by 19 feet, exclusive of driveways or access drives, permanently reserved for the temporary storage of one motor vehicle and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for motor vehicles.
2. Entrances or exits for all parking facilities shall comply with the requirements of the City Engineer.
3. Screening shall be erected along any property line adjacent to or adjoining any single-family residence, two-family residence or multi-family residence to eliminate the passage of light from vehicles. Screening along side yards shall not extend nearer to the street than the front yard setback line.

**22-105 Performance Standards:**

1. All off-street parking spaces, and their access drives required for all commercial and industrial uses shall be paved with an asphalt or concrete surface and shall be maintained in good condition and free of all weeds, dust, trash and other debris. Said paving shall be completed before the activity or use can commence. The Planning Commission may waive this requirement in an industrial district at the applicant's request, provided that the applicant can provide sufficient reasons and can show that such action would be in the community's best interest and would be keeping with the spirit and intent of this Code.
  2. All off-street parking spaces, and their access drives, shall be planned and engineered to assure proper drainage of surface water. If a public storm sewer is available, drainage from such lot or parcel of land shall be conveyed to such sewer in a manner approved by the City. If a storm sewer is not available, positive drainage shall be provided for on such lot or parcel and discharge the same through defined drainage courses. No drainage shall be directed over adjoining lands unless approved by the City Engineer.
  3. The Planning Commission or the Governing Body may require plans to be prepared and presented to assure proper design and construction of any off-street parking spaces and their access drives, if conditions of the site are such that compliance with these requirements may be difficult or may pose a potential problem with adjacent properties, or if the proposed use will include parking needs for buses, tractor-trailer semis, or other such large vehicles. Additional spaces may be required or reserved to accommodate such vehicles and the Planning Commission or Governing Body may require that the site plan show the location of such spaces.
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**ARTICLE 23  
OFF-STREET LOADING REGULATIONS**

**Sections:**

**23-101 Requirements**

**23-102 Interpretation of the Chart**

**23-103 Mixed Uses of one Building**

**23-104 Design Standards**

**23-101 Requirements:** Except as otherwise provided in this Code, when any building or structure is hereafter erected or structurally altered to the extent of increasing floor area by 50 percent or more, or any building is hereafter converted for the uses listed in Column 1 of the chart below, when such buildings contain the floor areas specified in Column 2, accessory off-street loading spaces shall be provided as required in Column 3, or as required in subsequent sections of this Article.

<b>Column 1 Use or Use Category</b>	<b>Column 2 Floor Area as Defined in Article 1</b>	<b>Column 3 Loading Spaces Required in Square Feet</b>
Retail Store, Department Store, Restaurant, Wholesale House, Warehouse	2,000 – 10,000 10,000 – 20,000 20,000 – 40,000	One Two Three
Repair, General Service, Manufacturing Or Industrial Establishment	40,000 – 60,000 Each 50,000 over 60,000	Four One Additional
Apartment Building, Motel, Offices or Office Building, Hospital or Similar Institution, Places Of Public Assembly	5,000 – 10,000 10,000 – 100,000 100,000 – 200,000 Each 100,000 over 200,000	One Two Three One Additional
Funeral Home or Mortuary	2,500 – 4,000 4,000 – 6,000 Each 10,000 over 6,000	One Two One Additional

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**23-102 Interpretation of the Chart:**

1. The loading space requirements apply to all Districts.
2. The loading space requirements in this Article do not limit special requirements which may be imposed in connection with Conditional Uses, Article 27.

**23-103 Mixed Use of One Building:**

1. Where a building is used for more than one use or for different uses and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces, but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required.

**23-104 Design Standards:**

1. Loading spaces shall have minimum dimensions of 12 feet by 35 feet and vertical clearance of at least 14 feet.
  2. Loading spaces for a funeral home or mortuary may be reduced in size to 10 feet by 25 feet and vertical clearance reduced to 8 feet.
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**ARTICLE 24  
DISTRICT SIGN REGULATIONS**

**(Reserved for Future Use)**

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**ARTICLE 25  
DISTRICT HEIGHT, AREA AND BULK REGULATIONS**

<b>DISTRICT</b>	<b>Maximum Height of Building</b>		<b>Minimum Yard Requirement in Feet</b>		
	<b>Feet</b>	<b>Stories</b>	<b>Front Yard</b>	<b>Side Yard (B)</b>	<b>Rear Yard</b>
"AG" Agricultural	-	-	30	6	10
"SR" Suburban Residential	35	2 ½	30	6	10
"R-1A" Single-Family Residential	35	2 ½	30	6	10
"R-1B" Single-Family Residential	35	2 ½	30	6	10
"R-1C" Single-Family Residential	35	2 ½	30	6	10
"R-2" Two-Family Residential	35	2 ½	30	6	10
"R-3" Medium Density Residential	45	3	30	10	20
"R-4" Apartment House	45	3	30	10	20
"C-0" Commercial Office	35	3	-	-	-
"C-1" Neighborhood Commercial	35	3	-	-	-
"C-2" General Business	45	3	-	-	-
"C-3" Highway Service Commercial	45	3	-	-	-
"C-4" Central Business	-	-	-	-	-
"I-1" Light Industrial	45	3	-	-	-
"I-2" Medium Industrial	45	3	-	-	-
"I-3" Heavy Industrial	45	3	-	-	-

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**ARTICLE 26**  
**SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS**

**Sections:**

**26-101 Application**

**26-102 Modification of Height Regulations**

**26-103 Modification of Area Regulations**

**26-101 Application:** The regulations set forth in this Article qualify or supplement the district regulations appearing elsewhere in this Code.

**26-102 Modification of Height Regulations:**

1. The height regulations as prescribed in this Code shall not apply to the following:

- Belfries
- Chimneys
- Church Spires
- Conveyors
- Cooling Towers
- Elevator Penthouses
- Fire Towers
- Flag Poles
- Grain Elevators
- Monuments
- Ornamental Towers and Spires
- Smoke Stacks
- Stage Towers or Scenery Lofts
- Tanks
- Water Towers
- Lighting Poles or Standards

2. Public or semi-public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding 75 feet, when the required side and rear yards are increased by at least 1 foot for each 1 foot of additional building height above the height regulations for the district in which the building is located.

**26-103 Modification of Area Regulations:**

1. **Yards, generally:**

A. Except as herein provided for accessory buildings and structures, whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.

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- B. Every part of a required yard shall be open to the sky, except as authorized by this Article. Ordinary projections of sills, awnings, canopies, belt courses, air conditioning units, chimneys, cornices, and ornamental features may project to a distance not to exceed 24 inches into a required yard setback.
  - C. Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.

**2. Accessory Buildings and Structures:**

- A. Except as herein provided, no accessory building shall project into a required yard setback along any street.
- B. In Districts “R-1B”, “R-1C” and “R-2”, accessory buildings may be located in a required side or rear yard; however, no accessory building may be located closer than 10 feet from a rear lot line, nor less than 6 feet from a side lot 1 line. No alley may be used in meeting this requirement.
- C. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the property line, and further provided that canopy’s and other similar coverings over the pumps and pump islands shall have at least 14 feet of clearance and shall not project beyond the property line.
- D. Accessory, open and uncovered swimming pools and permanent barbecue grills may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.
- E. Accessory storm caves which are not a part of the main building may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.
- F. Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed under the requirements of Section 26-103(2)(b).
- G. Parabolic or satellite dish-type antennas may be placed in any district.

**3. Front Yards:**

- A. When an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

B. Front yard shall be provided by the address of the parcel.

4. **Corner Visibility:**

A. No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of 3 feet above the established street grade measured from the crown of the street, shall be erected, planted, or maintained within the visibility triangle area of a corner lot.

5. **Easements:**

A. No building, either a main or an accessory building, shall be constructed, moved, or altered so as to encroach onto or within a platted or recorded easement.

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**ARTICLE 27**  
**SUPPLEMENTARY USE REGULATIONS**  
**CONDITIONAL USES**  
**ACCESSORY USES**  
**PROHIBITED USES**

**Sections:**

- 27-101 Application of Conditional Uses**
- 27-102 Qualification of Existing Special Use Exceptions**
- 27-103 Additions and Changes to Conditional Uses**
- 27-104 Conditional Uses Enumerated**
- 27-105 Continuance of a Conditional Use**
- 27-106 Accessory Uses**
- 27-107 Eligibility for Accessory Use**
- 27-108 Accessory Uses Allowed**
- 27-109 Specialty Accessory Uses**
- 27-110 Accessory Building or Structure Use**
- 27-111 Prohibited Uses**

**27-101 Application of Conditional Uses:** Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain Conditional Uses listed herein, when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted, except as otherwise specified, in any district from which they are prohibited.

Before the location or establishment thereof, or before any change or use of the premises existing at the time of the effective date of this Code or permitted as herein provided is made, a development plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission as specified in Article 20 of this Code. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 34 of this Code and shall review such development plan and statements and shall, after a careful study of the effect that such buildings, structures, or uses will have upon the surrounding property, submit a recommendation to the Governing Body.

Following receipt of the Planning Commission's recommendation, the Governing Body may, within the specifications herein provided, permit such buildings, structures, or uses where requested, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. In this regard, the Governing Body may impose reasonable conditions on the approval of a Conditional Use Permit including, but not limited to those items identified in Article 20 of this Code.

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**27-102 Qualifications of Existing Special Use Exceptions:** Uses operating under an existing Special Use Exception approved prior to the adoption of this Code shall continue as if approved under this Code. Changes in operations of uses that are listed herein as a requiring a Conditional Use Permit that would have required an amendment to the existing Special Use Exception shall be considered as a Conditional Use and considered as provided herein.

**27-103 Additions and Changes to Conditional Uses:** All requests for additions and structural alterations to Conditional Uses previously approved by the Governing Body shall be considered in the same procedure as outlined in Section 27-101 herein.

**27-104 Conditional Uses Enumerated:** The following Conditional Uses may be approved by the Governing Body as provided in this Article:

1. Airports, aviation fields, helio-ports, and/or landing fields, either publicly or privately held.
  2. Bed and breakfast facility.
  3. Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, electric transmission lines, reservoirs, and utility maintenance shops and yards.
  4. Cemeteries, mausoleums or crematories for the disposal of the dead.
  5. Churches and church-related facilities including camps, schools, retreat centers and similar facilities; publicly-owned and operated community buildings, art gallery, museums and libraries.
  6. Commercial parking lots.
  7. Commercial stockyard or feedlot.
  8. Contractor's shop and/or yard, including construction equipment and/or material storage areas.
  9. Drive-in theaters.
  10. Exposition centers and/or buildings.
  11. Explosives, fireworks, ammunition, black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.
  12. Fairgrounds.
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13. Fire stations.
  14. Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.
  15. Greenhouses, nurseries and/or hydroponic farms operated as a retail business.
  16. Group Boarding Home, Group Day Care Home, Child Care Center, Day Care Center, Detention Center, Family Day Care Home, or Residential Center, provided:
    - A. The applicant shall submit, as a part of the application, the plans for the proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed and other information that will help in determining the extent of services to be provided.
    - B. A letter from the Reno County Health Officer shall be submitted by the applicant, giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet to be met in order for the proposed facility to be granted authorization to begin its operation.
    - C. Off-street parking at a rate of one space per employee plus two additional spaces for guests.
    - D. When operated out of an existing or proposed residential structure, the following standards shall be met:
      1. That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
      2. Outside play areas shall be fenced.
  17. Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.
  18. Hospital or clinic for large or small animals, provided:
    - A. That such hospital or clinic and treatment rooms be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.
  19. Judicial centers, jails, penal or correctional institutions.
  20. Keeping of exotic birds or animals in the unincorporated portion of Reno County, Kansas.
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21. Kennels, either boarding or breeding, provided:
    - A. Pens or open kennels shall be located at least 50 feet from the front lot line and at least 30 feet from any side or rear lot line.
    - B. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not support adequate percolation.
  22. Mortuaries and attendant accessory activities and facilities.
  23. Parks and playgrounds.
  24. Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned, provided:
    - A. The location of every tower must be such that it is at least an equal distance from all property lines as it is in height. A plot plan shall be submitted with the application.
  25. Recreational or sports-related activity or facility, whether publicly or privately owned.
  26. Riding academies, stables and/or show arenas, rodeo arenas and/or facilities.
  27. Salvage yards.
  28. Sanitary landfills, hazardous waste disposal facilities, construction/demolition landfills, industrial landfills, or other such similar areas not prohibited by law.
  29. Schools, preschools or kindergartens, either publicly or privately owned or operated.
  30. Truck stops and/or truck terminals.
  31. Zoos, commercial aquariums, or aviaries.
  32. Any other use not specifically listed as a permitted and/or accessory use in any district in this Code, or as a prohibited use.

**27-105 Continuance of a Conditional Use:** A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of authorization, as long as all conditions placed on it are met; however, if that particular use ceases to exist for a period of six months, it will forfeit its Conditional Use Permit and will not be allowed to exist again unless a new application is made, a public hearing held and a new Conditional Use Permit approved.

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**27-106 Accessory Uses:** Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

**27-107 Eligibility for Accessory Use:** The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

**27-108 Accessory Uses Allowed:** Accessory uses shall be allowed; provided, said accessory uses shall be limited to those specified herein for the various zoning classifications:

1. In District “R-1A” Single-Family Residential, “R-1B” Single-Family Residential, “R-1C” Single-Family Residential, and “R-2” Two-Family Residential District, only the following accessory uses are allowed:

A. Accessory buildings and uses commonly associated with multi-family residential activity, including, but not limited to, the following:

- Accessory off-street parking and loading spaces
- Fences or walls
- Flag poles
- Gates or guard houses for subdivisions
- Guest houses
- Home barbeque grills
- Parabolic and satellite dish-type antennas
- Play equipment
- Private garages and carports
- Servants quarters
- Small storage sheds
- Solar collectors
- Swimming pools
- Television and radio receiving antennas less than 50 feet in height

No accessory building or use shall occupy a required front yard (except basketball goals, flag poles and fences as permitted).

A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.

B. Home occupations such as, but not limited to, the following:

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Accountant  
Architect  
Artist  
Attorney  
Author or writer  
Chiropractor  
Clergyman  
Cosmetologist  
Counselor  
Dentist  
Engineer  
Home crafts  
Insurance Agent  
Osteopath  
Photographer  
Physician  
Planner  
Real Estate Agent  
Salesman  
Seamstress/Dressmaker  
Secretary/Typist

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

The following conditions and restrictions shall apply to such customary home occupations:

1. That the home occupations shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
2. That no person other than members of the household living on the premises and one (1) outside person shall be employed.
3. That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
4. That no display or storage of equipment or materials outside of a building or structure shall be permitted.
5. That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
6. That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand

shall be permitted.

**27-6**

2. In Districts “R-3” Medium Density Residential and “R-4” Apartment House, only the following accessory uses are allowed:

A. Where single-family and two-family dwellings are permitted, the accessory uses permitted for said single-family and two-family dwellings are those permitted in Section 27-108 (1), above.

B. Accessory buildings and uses commonly associated with multi-family residential activity, including, but not limited to, the following:

Accessory off-street parking and loading spaces

Fences and walls

Flag poles

Gates or guard houses

Maintenance building for the complex

Parabolic and satellite dish-type antennas

Play equipment

Power generators

Recreation areas and buildings, clubhouses

Swimming pools

Television and radio receiving antennas less than 50 feet in height

Trash collection centers

Vending machines, mail rooms and laundry facilities in common areas

No accessory building or use shall occupy a required front yard (except flag poles and fences as permitted).

C. Home occupations such as, but not limited to, the following:

Accountant

Architect

Artist

Attorney

Author or writer

Chiropractor

Clergyman

Cosmetologist

Counselor

Dentist

Engineer

Home crafts

Insurance Agent

Osteopath

Photographer

Physician

Planner

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Real Estate Agent  
Salesman  
Seamstress/Dressmaker  
Secretary/Typist

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

The following conditions and restrictions shall apply to such customary home occupations:

1. That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
  2. That no person other than members of the household living on the premises and one (1) outside person shall be employed.
  3. That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
  4. That no display or storage of equipment or materials outside of a building or structure shall be permitted.
  5. That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
  6. That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.
- D. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.
3. In Districts “C-0” Commercial Office, “C-1” Neighborhood Commercial, “C-2” General Commercial, “C-3” Highway Service, and “C-4” Central Business District, only the following accessory uses are allowed.
- A. Awnings, subject to the restrictions in Section 27-105(2)(c).
  - B. Parking areas, loading areas, and/or private garages for motor vehicles.
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- C. Exterior lighting, including floodlighting.
  - D. Radio, television, and/or microwave antennas or towers, provided such shall not exceed 50 feet in height.
  - E. Fences or walls, including security or screen fences or walls.
  - F. Flagpoles, cooling towers and other similar uses.
  - G. Food service and vending machines for tenants.
  - H. Solar collectors.
  - I. Parabolic and satellite dish-type antennas.
  - J. Washing and other motor vehicle cleaning shall be permitted as an accessory use in service stations, provided such washing and cleaning shall not utilize more than two car stalls or more than 30 percent of the floor area in any one station, shall be a part of the main building, shall not be equipped to handle anything larger than a one ton truck, and shall not be open for use during hours when the service station is closed. Such washing and cleaning operation shall utilize the same entrance drives as the service station and may use coin-operated or attendant-operated equipment, but not continuous line or conveyor type washing equipment.
  - K. Material storage yards, in connection with retail sales of products sold on the premises, where storage is incidental to the approved occupancy of a building, provided all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall, fence or hedge no less than 6 feet in height. Storage of all materials and equipment shall not exceed the height of said wall or fence. Storage of motor vehicles used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment such as road-building or excavating equipment.
4. In Districts "I-1" Light industrial, "I-2" Medium Industrial, and "I-3" Heavy Industrial, only the following accessory uses are allowed:
- A. Awnings, subject to the restrictions in Section 27-105(2)(c).
  - B. Parking areas, loading areas and/or private garages for motor vehicles.
  - C. Exterior lighting, including floodlighting.
  - D. Fences or walls, including security or screen fences or walls.
  - E. Loading equipment.
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- F. Parabolic and satellite dish-type antennas.
  - G. Radio, television and/or microwave antennas or towers, provided such shall not exceed 50 feet in height.
  - H. Gate houses.
  - I. Employee recreation facilities.

**27-109 Specialty Accessory Uses:** The following uses, activities, or items shall be the accessory uses or restrictions allowable:

1. **Hotels, Motels, Motor Hotels:** The following are accessory uses within a hotel, motel or motor hotel:

- Restaurant
- Health clubs, spas and exercise rooms
- Clubs
- Drinking establishments
- Banquet rooms
- Notion counters
- Newspaper and magazine counters
- Vending machines
- Arcades
- Beauty and barber shops
- Flower and gift shops
- Swimming pools

Provided all except swimming pools are within the main building and designed to serve the occupants and patrons of the hotel, motel or motor hotel.

2. **Hospitals:** The following are accessory uses within a hospital:

- Residential quarter for staff and employees
- Nursing and convalescent quarters
- Storage and utility buildings
- Food service and vending machines
- Laundry and dry cleaning pickup and delivery
- Flower and gift shops
- Other similar services for hospital personnel, visitors and patients

3. **Construction Sites:**

- A. Construction and hauling trailers may be used as a temporary construction office on the site of a construction project, provided such construction or hauling trailer is removed upon completion of the project.
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4. **Recreational Vehicles and Trailers:**

- A. Recreational vehicles may be parked in a trailer park or a recreational vehicle campground. Recreational vehicles or equipment may also be stored within any “R-1A”, “R-1B”, “R-1C”, “R-2”, “R-3”, “R-4”, “C-0” and “C-1” District, provided; said recreational vehicle or recreational equipment, as defined in this Code, may be stored within an enclosed structure (which structure otherwise conforms to the requirements of this Code), or may be permanently parked upon the private property of the premise if said recreational vehicle or recreational equipment is not parked within 10 feet of any curb line or roadway and does not interfere or impede travel on any public sidewalk or thoroughfare.
- B. At no time shall a permanently or temporarily parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes, except; a recreational vehicle permanently parked in compliance with this Code may be occupied for sleeping purposes only, for a period not to exceed fourteen (14) consecutive calendar days in any three (3) month period. The Zoning Administrator may authorize an extension of time for extenuating circumstances upon receipt of a written request.
- C. A recreational vehicle or recreational equipment may be connected only to the electrical utility system. All other utilities and life support systems must be disconnected when said vehicle is permanently parked. Such connection must be in accordance with the National Electrical Code, and said connection must be available for inspection during regular business hours by the Zoning Administrator or his designated agent.
- D. The parking of recreational vehicles or recreational equipment shall be prohibited in the visibility triangle as defined in this Code, nor shall they be parked or stored so as to hinder visibility of traffic.
- E. Recreational vehicles or recreational equipment shall not be parked on any public street or right-of-way for a period longer than 24 consecutive hours; except, however, light vans, light trucks, and light trucks have a slide-in camper not extending over the top of or wider than the truck cab, may park upon those streets where vehicle parking is otherwise permitted.
- F. The provisions of this Code regarding recreational vehicles do not apply to those businesses displaying recreational vehicles or recreational equipment for sale or service when said business is located in the proper zoning district and licensed in accordance with City Codes.

5. **Fences or Walls:**

- A. Fences or walls may be constructed to a maximum height of eight (8) feet above the average grade subject to the restrictions of this Article. For all

fences or walls greater than six (6) feet in height, where a new fence or wall is constructed or an existing fence or wall is being extended, a permit shall be obtained from the City. A fence permit shall also be required for the replacement or reconstruction of 50 percent (50%) or more of the linear feet of the entire existing fence. Any such replacement or reconstruction shall comply with all the provisions of this Article except setbacks. In determining the height of a fence, the material used in the fence posts shall not be considered.

- B. Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained.
- C. All fences or walls constructed prior to the adoption of this Code which do not meet the standards of this Article may be replaced and maintained resulting in a fence the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in this Article.
- D. In all residential districts, the following restrictions and standards shall apply to all fences and walls:
  - 1. Location.
    - a. Front yard. A fence or wall not more than three (3) feet in height may project into or enclose any required front yard or side yard and may rise at a rate not to exceed one (1) foot rise in six (6) feet linear feet not to exceed maximum height of eight (8) feet.
    - b. Rear yard. A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. However, no fence shall be permitted in any platted easement.
    - c. Side yard. A fence or wall may be constructed on the side property line, except that no fence shall be closer than fifteen (15) feet to any collector or local street right-of-way. In addition, no fence shall be permitted in any platted easement.
    - d. Commercial, Industrial, Ag Zones or Suburban residential fence may be built to set back lines, but must not obstruct thirty (30) feet sight triangle and no more than eight (8) feet in height.
  - 2. Design Standards:

- a. Spikes and Barbed Wire Fences. No person shall place or permit to be placed or remain on any fence or wall, within five (5) feet of any public street or sidewalk or less than six (6) feet above grade. Except in Ag Zone where barbed wire fences are permitted.
- b. Electric Fences. No person shall erect a fence containing uninsulated electric conductors that may be exposed to human contact anywhere within the City.
- c. Swimming Pools. Private swimming pools having a water depth of two (2) feet or more shall be separated from the remainder of the yard by a protective fence or other permanent structure at least four (4) feet in height. The protective enclosure shall be maintained by locked gates or entrances when the pool is not tended by a qualified and responsible person.

**27-110 Accessory Building or Structure Use:** No accessory building or structure shall be constructed upon a lot until the construction of the main building or structure has been actually commenced. No accessory building or structure shall be used unless the main building or structure on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.

**27-111 Prohibited Uses:** After the effective date of this Code:

1. No mobile home, as defined in this Code, shall be moved, relocated, or otherwise placed on any property in South Hutchinson or its extraterritorial jurisdiction, including within any Manufactured Home Park or Manufactured Home Subdivision.
2. No manufactured home or mobile home shall be used for any purpose other than as a residential dwelling as permitted within this Code. At no time shall a manufactured home or mobile home be permitted to be converted to a storage unit, office or any other such use, except when used as a permitted accessory use in this Article.
3. No mobile home or manufactured home originally built to be a single-wide unit shall be attached or connected to any other mobile home or manufactured home, or to any other structure or building. This shall not prohibit reasonable, aesthetically designed stoops, porches, decks, carports or the like from being built onto or adjacent to an approved manufactured home.
4. No cellar or basement shall be used as a dwelling.
5. No property shall be used as junkyard, sanitary landfill, construction/demolition landfill, industrial landfill, hazardous or toxic waste storage facility, or other similar use or activity, including as an accessory use to another principal use, unless such use or activity has been approved by the issuance of a Conditional Use

Permit as provided within this Code.

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**ARTICLE 28**

**(Reserved for Future Use)**

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**ARTICLE 29**  
**MANUFACTURED HOME SUBDIVISION STANDARDS**  
**(Reserved for Future Use)**

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**ARTICLE 30  
NONCONFORMING USES**

**Sections:**

- 30-101 Nonconforming Lots of Record**
- 30-102 Nonconforming Use of Land**
- 30-103 Nonconforming Use of Structures**
- 30-104 Discontinuance of Nonconforming Uses**
- 30-105 Destruction of a Nonconforming Use**
- 30-106 Intermittent Use**
- 30-107 Existence of a Nonconforming Use**

**30-101 Nonconforming Lots of Record:**

**1. In Residential Districts:**

- A. In any residential district, notwithstanding the regulations imposed by any other provision, a single-family detached dwelling which complies with the restrictions in Section 30-101-1.b, below, may be erected on a lot that is not less than 25 feet in width and that consists entirely of a tract of land that:
    - 1. Has less than the prescribed minimum lot area, width or depth, or all three, and,
    - 2. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and,
    - 3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulation or regulations.
  - B. Construction permitted by Section 30-101-1.a., above, shall comply with all of the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located; provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:
    - 1. The dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling.
    - 2. The sum of the widths of the two side yards on each lot shall be not less than the smaller of:
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- a. Twenty-five percent of the width of the lot, or
  - b. The minimum total for both side yards prescribed by the bulk regulations of said zoning district, and,
  - c. No side yard shall be less than 10 percent of the width of the lot, and in no case less than 3 feet.
- C. In any residential district allowing a two-family dwelling, said two-family dwelling may be erected on a lot that is not less than 25 feet in width when the conditions specified in Section 30-101-1 (a) and (b) above are met.

**2. In Districts Other Than Residential Districts:**

- A. In any district other than a residential district, notwithstanding the regulations imposed by any other provision of this Code, a building designed for any permitted use may be erected on a lot of the type described in Section 30-101-1.a., previously cited.
- B. Construction permitted by Section 30-101-1.a., previously cited, shall comply with all the regulations (except lot area, width and depth) applicable in the zoning district in which the lot in question is located.

**30-102 Nonconforming Use of Land:** Where open land is being used as a nonconforming use at the time of the enactment of this Code, and such use is the principal use and not accessory to the main use conducted in a structure, such use may be continued; provided, such nonconforming use shall not be extended or enlarged, either on the same or adjoining property. The protection afforded to nonconforming use of land by this section applies only to such land held under ownership or lease agreement for said activity on or before the effective date of this Code, but shall not apply to new lands purchased or leased after said date. In addition, said protection shall not apply to any activities not legal under the terms of the regulations which this Code replace.

**30-103 Nonconforming Use of Structures:** Except as otherwise provided herein, the lawful use of a structure existing at the effective date of this Code may be continued although such use does not conform to the provisions hereof. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. The nonconforming use of a structure may be hereafter extended throughout those parts of a structure which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Code.

**30-104 Discontinuance of Nonconforming Uses:** No land or structure or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment, fixtures, improvements or facilities are removed, shall again be used except in conformity with the regulations of the district in which such land or structure is located.

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**30-105 Destruction of a Nonconforming Use:** No structure which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the structure, immediately prior to damage, shall be restored except in conformity with the provisions of this Code, and all rights as a nonconforming use are terminated. If a structure is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided, that such repairs or reconstruction be substantially completed within 12 months or the date of such damage.

**30-106 Intermittent Use:** The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use. The existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

**30-107 Existence of a Nonconforming Use:** Whether a nonconforming use exists shall be a question of fact and shall be decided by the Zoning Administrator, subject to appeal to the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board and of these Regulations.

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**ARTICLE 31  
THE BOARD OF ZONING APPEALS**

**Sections:**

- 31-101 Organization and Procedure**
- 31-102 Powers**
- 31-103 Variances**
- 31-104 Special Exceptions**
- 31-105 Special Yard and Height Exceptions**
- 31-106 Guidelines for Conditions**
- 31-107 Application**
- 31-108 Stay of Proceedings**
- 31-109 Public Hearing**
- 31-110 Findings and Records of Proceedings**
- 31-111 Lapse of Special Exception**
- 31-112 Decisions of the Board**

**31-101 Organization and Procedure:** The full membership of the South Hutchinson Planning Commission as established by the Governing Body, is hereby declared to be the South Hutchinson Board of Zoning Appeals and, as such, shall function with its full membership as the Board of Zoning Appeals as referred to herein. In all instances within this Article and/or this Code where reference is made to the Board of Zoning Appeals, said board shall be the South Hutchinson Planning Commission acting as the Board of Zoning Appeals.

The Board of Zoning Appeals shall administer the details of the application of this Code in accordance with the general rules set forth herein. The Board may adopt rules and regulations as it may deem necessary to effectuate the provisions of this Code.

**31-102 Powers:** The Board of Zoning appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code.
2. To hear and decide special exceptions to the terms of this Code upon which such Board is required to pass under this code.
3. In accordance with the specific provisions of this Article, to authorize upon appeal of specific cases such variance from the terms of this Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship, and so that the spirit of this Code shall be observed and substantial justice done.

**31-103 Variances:** The Board of Zoning Appeals shall have the power to grant the following variances:

1. A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the enactment of such regulations or restrictions, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of the zoning regulations, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice. Such variance shall be granted only when public safety and welfare are secured, and substantial justice done. 31-1

A request for a variance may be granted in such case, upon a finding by the board that **ALL** of the following conditions have been met:

- A. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner(s) or of the applicant;
- B. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- C. The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- D. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and;
- E. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

**31-104 Special Exceptions:** In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of this Code as an instrument for fact finding, interpretation, application, and adjustment, and to supply the necessary elasticity to its efficient operation, special exceptions are hereby permitted by the terms of this Article. The following buildings and uses are permitted as special exceptions if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property permitted by this Code:

1. A nonconforming commercial use to extend to the entire lot or a larger portion of the lot where there is now a commercial use on a portion of the lot.
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2. A nonconforming commercial use on a lot between two lots which are used commercially.
  3. A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building. In a building now occupied by a nonconforming commercial or industrial use, an additional use of the same classification in the remainder of the building.
  4. The extension of an existing nonconforming building and the existing use thereof, upon the lot occupied by such building at the time of the passage of this Code; or the erection of an additional building upon the lot owned at the time of the passage of this Code by a nonconforming commercial or industrial establishment and which additional building is a part of such establishment.
  5. Where a use district boundary line crosses a lot, a use of either classification on the whole lot within 100 feet of said district boundary line.
  6. In any residential district, a private garage(s) and/or storage building(s) as an accessory building(s) for more than four motor vehicles and/or covering more than 900 square feet.
  7. Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of this Code where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of this Code to relieve congestion in the streets would be best served by permitting such parking off the premises.

**31-105 Special Yard and Height Exceptions:** The following special yard exceptions, limited as to location and especially in locations described below in this section, are permitted by this Code if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property permitted by this Code and provided such exceptions are approved by the Board:

1. An exception in the yard regulations on a lot where, on the adjacent lot, there is a front, side or rear yard that does not conform with the yard regulations.
2. A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds.
3. An exception in the depth of the rear yard on a lot in a block where there are nonconforming rear yard conditions.
4. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

**31-106 Guidelines for Conditions:** Where, in this Code, special exceptions are permitted, provided they are approved by the Board of Zoning Appeals, where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including, if necessary, any of the following specifications:

1. No outside signs or advertising structures except professional or directional signs.
2. Limitations of signs as to size, type, color, location or illumination.
3. Amount, direction, and location of outdoor lighting.
4. Amount and location of off-street parking and loading space.
5. Maintenance requirements including cleaning and painting of buildings, structures or facilities.
6. Type of roof (i.e., gable, flat, etc.)
7. Construction design and type of construction materials to be used.
8. Whether the buildings, if multiple buildings are proposed, can be connected or not.
9. Exit, entrance, door and window locations.
10. The type and amount of paving, landscaping, fencing, screening and other such features.
11. Hours of operation, including limitations on nighttime hours.
12. Limitations on structural alterations to existing buildings.
13. Plans for the control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
14. Such other conditions and/or limitations that are deemed necessary.

**31-107 Written Application Required:** Written application for an appeal, a special exception, or a variance referred to in this Article shall be filed with the Board or its agent, upon forms and in a manner prescribed by the Board. Said application shall be submitted within 30 days of the action requiring said appeal, variance or special exception.

**31-108 Stay of Proceedings:** Upon the application for an appeal of an order, requirement, decision, or determination made by an administrative official in the enforcement of this Code, said appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the

application for appeal has been filed with him, that by reason of facts stated in the certificate the stay would, in his opinion, cause imminent peril to life or property.

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In such case the proceedings shall not be stayed except by a restraining order which may be granted by the Board, or by a court of competent jurisdiction on application, on notice to the Zoning Administrator and on due cause shown.

**31-109 Public Hearing Required:** The Board shall hold a public hearing on each application for an appeal, decision, variance or special exception. Applications for a variance or special exception must be accompanied with a certified list of property owners, and their addresses, within 200 feet of the property for which the variance or special exception is being sought. Notice of the time and place of the public hearing shall be published once in the official City paper not less than 20 days prior to the date of such public hearing. In addition, all property owners within 200 feet shall be notified by registered mail of such public hearing and be given an opportunity to attend and be heard regarding such application for a variance or special exception.

**31-110 Findings and Records of Proceedings:** The Board of Zoning Appeals shall hold the public hearing at such prescribed time and place and shall make its findings and determinations in writing within a reasonable time from the date of filing of the application, and shall forthwith transmit a copy thereof to the applicant. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, which shall be a public record.

**31-111 Lapse of Special Exceptions or Variances:** After the Board of Zoning Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, and the provisions of this Code shall thereafter govern.

**31-112 Decisions of the Board:** In exercising the foregoing powers, the Board of Zoning Appeals, in conformity with the provisions of this Article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of the Board of Zoning appeals may bring an action in the District Court of Reno County, Kansas, to determine the reasonableness of any such order or determination.

**ARTICLE 32  
ADMINISTRATION**

**Sections:**

- 32-101 Enforcement**
- 32-102 Building Permit**
- 32-103 Application for Building Permit**
- 32-104 Fees**
- 32-105 Issuance of Building Permit**
- 32-106 Revocation of Building Permit**
- 32-107 Stop Order**
- 32-108 Period of Validity**
- 32-109 Certificate of Occupancy**
- 32-110 Reports**
- 32-111 Administrative Permit**
- 32-112 Vesting of Development Rights**

**32-101 Enforcement:** It shall be the duty of the Zoning Administrator to enforce the provisions of this Code and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of this Code. It shall also be the duty of all officers and employees of South Hutchinson, Kansas, to assist the Zoning Administrator by reporting any seeming violation in new construction, reconstruction or land use. In case any building is erected, constructed, reconstructed, moved, altered, repaired or converted or any building or land is used in violation of this Code, the Zoning Administrator is hereby authorized and directed to institute any appropriate action to put an end to such violation.

**32-102 Building Permit:** No building, structure, or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of this Code shall be occupied or used for any purpose; and no land vacant on the effective date of this Code shall be used for any other purpose; and no use of any land or structure shall be changed to any other use, unless a building permit shall first be applied for and a Certificate of Occupancy be obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of this Code.

**32-103 Application for Building Permit:** The application for a building permit shall be made on forms provided by the Zoning Administrator and shall be accompanied by a site plan of the real estate upon which said application is made. Said site plan shall be drawn to scale showing the following items:

1. Legal description of the real estate involved.
2. Location and size of all buildings, structures, yards and open space.
3. Width and length of all entrances and exits to and from said real estate.
4. All adjacent and adjoining road or highways.

5. Sufficient grades and elevations to establish the proper placement of buildings, adequate sewage disposal systems, the proper drainage of the property, and the applicability of possible floodplains.
6. Location and specifications of all signs, lighting, fencing, screening, landscaping and other such site improvements.

Site plans so furnished shall be filed by the Zoning Administrator and shall become a permanent record. A record of all building permit applications shall be kept on file in the Office of the Zoning Administrator.

**32-104 Fees:** An application for a building permit shall be accompanied by such fee as shall be officially specified by resolution of the Governing Body from time to time.

**32-105 Issuance of Building Permit:** A building permit shall be either issued or refused by the Zoning Administrator within 10 working days after the receipt of the application for said building permit, or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to issue a building permit, the applicant shall be advised of the reasons for the refusal in writing.

**32-106 Revocation of Building Permit:** A building permit issued in accordance with the provisions of this Code may be revoked by the Zoning Administrator if he finds that prior to the completion of the structure for which the building permit was issued there is a departure from the approved plans, specifications and/or requirements or conditions required under the terms of the building permit, or the same was issued under false representation, or that any other provisions of this Code are being violated.

**32-107 Stop Order:** Failure, refusal or neglect of any property owner, or his authorized representative, to apply for and secure a valid building permit, including the payment of the prescribed fee, shall be reason for the issuance of a “stop order” by the Zoning Administrator; provided said owner or authorized representative shall have been notified in writing at least 48 hours prior to the issuance of said stop order that he is in violation of Codes of the City. Said stop order shall be posted on or near the property in question, in a conspicuous place and no further construction shall proceed. Where such construction has proceeded without filing for and receiving a valid permit, the fee for the issuance of a subsequent building permit shall be quadrupled.

**32-108 Period of Validity:** A building permit shall become null and void ninety (90) days after the date on which it is issued unless within such ninety (90) day period construction, building, moving, remodeling or reconstruction of a structure is commenced or a Certificate of Occupancy is issued. A building permit shall expire upon issuance of a Certificate of Occupancy as specified herein, or within one (1) year from the date of issuance of the building permit, regardless of the state of completion of the construction authorized by said building permit. Any construction not completed when a building permit expires shall cease and no new construction may commence until such time as a newly issued building permit is issued in conformance with this Article and this Code.

**32-109 Certificate of Occupancy:** No new or existing building or structure shall be occupied or used, and no change in the character or use of land or of a building shall occur, until a Certificate of Occupancy has been issued by the Zoning Administrator certifying that such building or use complies with all requirements of this Code and other applicable city rules and regulations.

**32-110 Reports:** The Zoning Administrator shall periodically report in writing to the Governing Body and Planning Commission a summary of all building permits and Certificates of Occupancy issued during the preceding period, giving details of any permitted variations, as well as the current status of all applications in process for amendments, conditional uses, appeals, and variances. Such report shall include comments on any problems encountered in the administration of this Code which may need correction by amendment to this Code.

**32-111 Administrative Permit:** A manufactured home on an individual lot may be authorized by the Zoning Administrator by issuance of an Administrative Permit on an emergency basis for a period not to exceed six (6) months, on any lot where the permanent dwelling unit has been destroyed by fire, storm or other such calamity and the dwelling unit has been rendered uninhabitable. If the authorization for the emergency placement of such mobile home unit lasts longer than six (6) months, a Special Exception may be granted by the Board of Zoning Appeals for an additional period of time, provided, the procedures for approval of Special Exceptions outlined in Article 31 herein are followed.

**32-112 Vesting of Development Rights:** In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for residential development shall be protected for use of said land for the intended residential purposes for a period of five (5) years from the time in which such property was first platted or subdivided, provided:
  - A. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be: signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded deeds conveying land; or recorded Affidavits of Equitable interest on contracts for deed for said tracts of land.
  - B. Within said five (5) year period actual sales occur resulting in separate owners on the tracts of land.
  - C. The division of land was legally done in conformance with the then South Hutchinson Zoning Code and Subdivision Regulations.

2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered an unplatted lot and subsequent divisions of said lot shall be in conformance with the South Hutchinson Subdivision Regulations then in effect.
  
3. Properties divided or platted for any use other than agricultural or residential purposes shall not be permitted to develop or further develop except in conformance with this Code and the South Hutchinson Subdivision Regulations. Persons who obtain a validly issued permit under the previous South Hutchinson Zoning Code shall be permitted to develop the property so long as the permit issued under the previous South Hutchinson Zoning Code does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of this Code or the South Hutchinson Subdivision Regulations then in effect.

**ARTICLE 33  
SPECIAL EVENTS**

**Sections:**

**33-101 Purpose and Intent**

**33-102 Special Event Defined**

**33-103 Special Events Not Requiring a Permit**

**33-104 Special Events Subject to an Administrative Permit**

**33-105 Special Events Subject to Governing Body Approval**

**33-106 Application and Fee**

**33-101 Purpose and Intent:** The purpose and intent of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Article to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Article to preserve the public health, safety and convenience.

**33-102 Special Event Defined:** The term “special event” shall mean a temporary, short term use of land or structures, not otherwise included as a permitted or accessory use by this Land Development Code, for one or more of the following types of activities:

1. **Type 1.** Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.
2. **Type 2.** Temporary banners attached to the wall of a building or placed across street rights-of-way.
3. **Type 3.** Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.
4. **Type 4.** Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, christmas tree sales, or product demonstration.
5. **Type 5.** Public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades.

The term “special event” shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

**33-103 Special Events Not Requiring a Permit:** Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met:

1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
2. Any structure use in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid building permit, and shall be promptly removed upon cessation of the event.
3. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.

**33-104 Special Events Subject to an Administrative Permit:** Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Administrator. In administering the provisions of this section, the Zoning Administrator shall be guided by applicable City policies as adopted by the Governing Body. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Governing Body.

1. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Administrator, providing that all of the following performance standards are met:
  - A. An application is made and a fee paid in accordance with Section 33-106.
  - B. No more than one banner will be displayed when attached to the wall of a building.
  - C. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood
  - D. The banner will be displayed for a maximum duration of fifteen (15) days per permit.
2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Section 33-103, may be permitted administratively by the Zoning Administrator subject to the prior review and approval of special arrangements for traffic and crowd control by the Chief of Police and Fire Chief. No such administrative permit shall be issued unless all of the following performance standards are met:
  - A. An application is made and a fee paid in accordance with Section 33-106.
  - B. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

- C. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.
- D. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
- E. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.
- F. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.
- G. The special event shall be conducted on private property in a commercial or industrial zoning district, except that nonprofit organizations may conduct events on any property where the property owner has granted the appropriate permission.
- H. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

**33-105 Special Events Subject to Governing Body Approval:** Any special event not meeting the criteria of Sections 33-103 or 33-104 may be granted a Special Event Permit by the Governing Body. Such permit may be subject to such conditions and safeguards as the Governing Body may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:

1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.
2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Governing Body expectations.
3. The provision of traffic control or security personnel to increase the public safety and convenience.
4. Obtaining liability and personal injury insurance in such form and amount as the Governing Body may find necessary to protect the safety and general welfare of the community.

**33-106 Application and Fee:**

1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Administrator and the appropriate fee paid. The application shall be made on forms provided by the Zoning Administrator, and shall be accompanied by the following items as applicable:
  - A. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
  - B. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
  - C. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
2. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of Kansas as a nonprofit organization. The fee for Type 2 applications shall be \$10.00 and the fee for all other types of applications shall be \$25.00.
3. The Special Event Permit shall be posted on the site for the duration of the event.

**ARTICLE 34  
AMENDMENTS**

**Sections:**

**34-101 Who May Petition or Apply**

**34-102 Procedures for Consideration of Request for Amendments, Revisions or changes**

**34-103 Posting of Sign**

**34-104 Traffic Studies**

**34-105 Factors to be Considered**

**34-106 Limitations on Reapplication for Amendments**

**34-101 Who May Petition or Apply:** Applications for amendments, revisions or changes in the Zoning District Boundary Map in effect for South Hutchinson, Kansas, or for a Conditional Use Permit, may be made by any person who owns the land for which such an amendment, revision, change or conditional use permit is sought, or by the owner's agent as defined by this Code. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner and shall submit written authorization to act as agent for said owner prior to any public hearing.

Recommendations for amendments, revisions or changes to the Zoning Code or the Zoning District Boundary Map may also be made by the Planning Commission upon its own motion, for final determination by the Governing Body; likewise the Governing Body may amend the Zoning Code or the Zoning District Boundary Map upon its own motion; provided, however, such proposed amendments shall first be submitted to the Planning Commission for recommendation and report as provided herein.

**34-102 Procedures for Consideration of Request for Amendments, Revisions or Changes:** All applications or requests for amendments, revisions or changes to the Zoning Code or the Zoning District Boundary Map or for a Conditional Use Permit shall be made to the Zoning Administrator on such forms as provided and acceptable to the Zoning Administrator and the payment of the application fee established by the Governing Body. Immediately upon receipt of an application for rezoning or conditional use by the owner of a particular tract of land, or his agent, and the payment of the appropriate fee, the Zoning Administrator shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing not later than 60 days after receipt of a completed application. Notice of such hearing shall be published once in the official City newspaper at least 20 days prior to the date set for said hearing and a hearing shall be granted to any person at the time and place specified in such notice. In addition to such publication notice, notice of such proposed hearing shall be mailed to all the owners of land located within 200 feet of the area proposed to be altered at least 10 days prior to the hearing, thus providing an opportunity to all interested parties to be heard. Such notice shall be given by regular first class mail, and shall be in the form of a letter explaining the proposed change. Such mailed notices shall be addressed to the owners of land mentioned above and not to occupants of such lands.

The applicant shall provide a certified list of the owners of said lands at the time of the filing of the application. The applicant shall furnish proof that he is the owner, the owner's agent, or has an option to buy the land described in the application, in which case the present owner must consent in writing to the application prior to the public hearing.

In the case of an application to amend, revise or change the Zoning Code, whether by an individual, the Planning Commission or the Governing Body, all the above stated requirements shall be followed except:

1. No fee shall be required if the request is from the Planning Commission or the Governing Body.
2. Notice of the public hearing shall not be required to be mailed to all affected persons; therefore, a certified list of the owners of land shall not be required.

For action on zoning amendments, a quorum of the Planning Commission is more than one-half of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the Planning Commission; whereas a vote either for or against an amendment by less than a majority of all the members of the Planning Commission present constitutes a "failure to recommend". When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the Governing Body may either adopt such recommendation by ordinance or take no further action thereof, as appropriate. In the event the Planning Commission submits a "failure to recommend" to the Governing Body, the Governing Body may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the Governing Body disapproves, the Governing Body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval. The Planning Commission, after reconsidering the same, may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon receipt of such recommendations, the Governing Body may adopt or may revise or amend and adopt such recommendations by resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body within 10 days after receipt of the Governing Body's statement specifying disapproval, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The Planning Commission shall submit its first recommendation, in whatever form, no later than 3 months after the first public hearing.

If the zoning amendment shall affect the boundaries of any zone or district, the resolution of the Governing Body shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment and shall reincorporate such map as amended. Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or "fails to recommend," if a protest against an amendment, supplement or change is filed in the office of City Clerk within 14 days after the date of the conclusion of the public hearing duly signed and acknowledged by the owners of 20 percent

or more of any property proposed to be rezoned, or by the owners of 20 percent or more of the total area, excepting public streets and highways, which is located within 200 feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by three-fourths majority vote of the Governing Body.

**34-103 Posting of Sign:** Each applicant for a rezoning and each applicant for a Conditional Use Permit shall, within 48 hours of filing such application, place a sign upon the lot, tract or parcel of land for which the application was filed. Said sign shall be furnished by the Zoning Administrator to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame and place the sign as hereinafter set forth.

Said sign shall read as follows:

REZONING PENDING  
(or)  
CONDITIONAL USE PERMIT PENDING  
Application Number \_\_\_\_\_  
From \_\_\_\_\_ To \_\_\_\_\_  
PUBLIC HEARING BEFORE THE  
SOUTH HUTCHINSON PLANNING COMMISSION  
on  
(date) (time)  
\_\_\_\_\_ on \_\_\_\_\_

**NOTE:** Unauthorized Removal, Defacing, or Destruction of this Sign Punishable upon Conviction by Fine not exceeding \$100.00 and/or not more than thirty (30) days imprisonment.

Said sign shall be maintained and kept in place by the applicant until final disposition of such application, or until withdrawal of the application. The sign shall be removed by the applicant after final action on the application.

The bottom of said sign shall be a minimum of two (2) feet above the ground line. Said sign shall be placed within five (5) feet of the street right-of-way line, in a position on such lot, tract or parcel of land as to have no visual obstructions thereto and to be readily seen by passersby. If the lot, tract or parcel of land has more than one (1) street abutting thereto, signs shall be placed facing both streets. Failure to comply with this requirement shall not deprive the Planning Commission of its jurisdiction or affect any decision, but may be due cause for the Planning Commission to refuse to hear the application or to adjourn the hearing or to require further notice. Any such hearing may, for good cause at the request of the applicant, or in the discretion of the Planning Commission, be continued.

**34-104 Traffic Studies:** In the case of an application for rezoning of land or for a conditional use permit for a use which may, in the opinion of the Planning Commission or

Governing Body, substantially change traffic patterns, or create traffic congestion, either the Planning Commission or Governing Body may require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study. Such traffic study shall show the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner, that vehicular ingress and egress from the site onto public streets will function in an orderly and efficient manner and that no undue burden will be placed upon the existing public street system. The results of the traffic study shall be used in determining the impact of the proposed rezoning or conditional use permit and guide the development of a recommendation or decision regarding the same.

**34-105 Factors to be Considered:**

1. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:
  - A. Whether the change in classification would be consistent with the intent and purpose of this Code;
  - B. The character and condition of the surrounding neighborhood and its effect on the proposed change;
  - C. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
  - D. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
  - E. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
  - F. The suitability of the applicant's property for the uses to which it has been restricted;
  - G. The length of time the subject property has remained vacant or undeveloped as zoned;
  - H. Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

- I. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
  - J. The recommendations of permanent or professional staff;
  - K. Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan;
  - L. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification; and,
  - M. Such other factors as may be relevant from the facts and evidence presented in the application.
2. Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as Conditional Uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a Conditional Use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the Planning Commission or the approval of the Governing Body. The requirements may be made more stringent if there is potentially injurious effects which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

The Planning Commission may recommend approval of a Conditional Use, and the Governing Body may approve such Conditional Use, using the following factors as guidelines:

- A. Whether approval of the Conditional Use would be consistent with the intent and purpose of this Code;
- B. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
- C. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided;

- D. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
- E. The length of time the subject property has remained vacant or undeveloped as zoned;
- F. Whether the applicant's property is suitable for the proposed use;
- G. The recommendations of permanent or professional staff;
- H. Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan;
- I. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use; and,
- J. Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article 16 of this Code), will not adversely affect the property in the area affected.
- K. Such other factors as may be relevant from the facts and evidence presented in the application.

**34-106 Limitations on Reapplication for Amendments:** Whenever an application for amendment, supplement, change, rezoning or conditional use permit has been denied by the Governing Body, such application or one substantially similar shall not be reconsidered sooner than ninety (90) days after the said denial.

**ARTICLE 35**  
**INTERPRETATION, CONFLICT, REMEDIES AND PENALTY**

**Sections:**

**35-101 Interpretation and Conflict**

**35-102 Remedies Available**

**35-103 Penalty**

**35-101 Interpretation and Conflict:** In interpreting and applying the provisions of this code, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare. It is not intended by this Code to interfere with, or abrogate or annul any easements, covenants or other agreement between parties; provided, however, that where this Code impose a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other rules, regulations, or by easements, covenants, or agreements, the provisions of this Code shall govern. If any property is not given a zoning classification on the Zoning District Boundary Map because of error or omission, such property shall be classified "R-1A" Single-Family Residential until changed by amendment, unless authorized by this Code.

**35-102 Remedies Available:** In case any building or structure is or is proposed to be erected, constructed, reconstructed, moved, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of this Code, the Zoning Administrator, City Attorney, or other appropriate authority of South Hutchinson, Kansas, may in addition to all other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of a building, structure or land.

**35-103 Penalty:** Any person or corporation who shall violate any of the provisions of this Code or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine or not more than five hundred dollars (\$500.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of this Code shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the same fine as hereinbefore provided.

**ARTICLE 36  
MISCELLANEOUS**

**Sections:**

**36-101 Validity**

**36-102 Accrued Rights and Liabilities Saved**

**36-103 Severability**

**36-104 Effective Date**

**36-105 Repealing Clause**

**36-101 Validity:** If any section, paragraph, subdivision, clause, phrase, or provision of this Code shall be adjudged invalid or held unconstitutional the same shall not effect the validity of this Code as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby repealed.

**36-102 Accrued Rights and Liabilities Saved:** The repeal of the existing Land Development Code provided in Section 36-105 herein shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said Code or parts thereof. Said Code below repealed is hereby continued in force and effect, after the passage, approval and publication of this Code, for the purpose of such rights, fines, penalties, forfeitures, liabilities or actions thereof.

**36-103 Severability:** Each article, section and subdivision or a section of this Code are hereby declared to be independent of every other article, section, or subdivision or section, so far as inducement for the passage of this Code is concerned.

**36-104 Effective Date:** This Code, being designated as the “Land Development Code of South Hutchinson, Kansas,” shall be in full force and effect from and after its passage and publication in accordance with K.S.A. 12-3009 through 12-3012.

**36-105 Repealing Clause:** This Code repeals the existing Land Development Code of South Hutchinson, Kansas, in its entirety.

