

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

¹ The minimum setback shall be the greater of 30 feet from the property line or 63 feet from the centerline of a county road.

Sec. 27-426 I-3 Heavy Industrial District.

A. Intent.

The intent of the I-3 Heavy Industrial District is to provide land for industrial uses that may pose a serious threat to the health or safety of the general public and individuals either on or off the parcel. Certain uses may require special permission to locate in this district.

In the I-3 District, 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 use types permitted in the I-3 District by right, permitted pursuant to meeting design standards, permitted by conditional use permit or by special use permit, according to Sec. 27-406 of these regulations, and all uses shall be subject to the development and performance standards set forth in these regulations.

B. Height and Lot Requirements.

The height and lot requirements shall be as follows:

Uses/Structures	Min. Lot Area (Sq. Ft)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Minimum Setbacks			Max. Height (feet)	Max. Lot Coverage (%)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Principal uses	5,000	25	-	(1)	10	10 (3)	-	60
Accessory uses	-	-	-	(2)	5	10	-	10

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

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¹ The minimum setback shall be the greater of 30 feet from the property line or 63 feet from the centerline of a county road.

Sec. 27-427 PUD Planned Unit Development District.

A. Intent.

The intent of the PUD Planned Unit Development District is to encourage innovation in residential, commercial and industrial development by allowing a greater variety in type, design, and layout of buildings; to encourage the expansion of urban areas incorporating the best features of design while conserving the value

of land; to encourage the clustering of buildings and the preservation of open space; and to provide a procedure which relates to type, design and layout of development to the particular site. Certain amenities will be installed at the time of development to preserve property values within established neighborhoods. A development plan shall be submitted by each applicant for PUD zoning in accordance with the provisions and conditions of these regulations.

B. Recommendation and Finding of Facts.

The Planning Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

1. Said planned unit development shall be in general conformity with the provisions of the Comprehensive Plan.
2. Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.

C. Use Regulations.

In the PUD District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except as shown on the approved final development plan as specified in this section.

D. Standards and Conditions for Development.

A planned unit development shall be consistent with the following general standards for use of land, and the use, type, bulk and location of buildings, the density or intensity of use, open space and public facilities:

1. The applicant shall satisfy the Planning Commission that he or she has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 12 months following the approval of the final development plan by the City Council. A minimum of 50 percent of the total planned construction shown on the final development plan shall be completed within a period of five years following such approval or the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the City Council upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.
2. The developer shall provide and record easements and covenants, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the final development plan and to protect the public interest in the event of abandonment of said plan before completion.
3. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The

- streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
4. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
 5. The minimum area allowed for a PUD District shall be three acres.
 6. Height, bulk and setback requirements may be varied so as to promote an efficient and creative PUD District.
 7. The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two or more owners, the application for such planned unit development shall be filed jointly by all owners.
 8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
 9. Off-street parking and loading shall be provided in accordance with the parking and loading regulations.
 10. When a commercial or industrial use within a PUD District abuts a residential district, a solid or semi-solid fence or wall at least six feet high, but not more than eight feet high, and having a density of not less than 80 percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial or industrial use are separated by a street right-of-way.
 11. All residential, commercial and industrial buildings shall set back not less than 25 feet from the right-of-way of any street and 10 feet from any district boundary lines that do not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and City Council for the protection of health, safety and general welfare.
 12. Building coverage shall not exceed 40 percent of the net developable area of the planned unit development.
 13. A minimum of 30 percent of the area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Subsection 18 below. Common open space reserved for the leisure and recreation of PUD residents only shall be owned and maintained in common by them through a homeowner's association.
 14. The PUD District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to ensure its continuity, care, conservation, and maintenance, and to ensure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.
 15. No residential use shall have direct vehicular access onto an arterial street.

16. All commercial and industrial areas must have access via a collector or arterial street; however, no individual commercial or industrial use may have direct access onto collector or arterial streets.
17. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the planned unit development subject to approval by the Director of Parks and Facilities.
18. Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants in common by a homeowner's condominiums or resident's association.
19. When a developer intends to design a planned unit development, the Planning Commission and City Council may grant lesser front, side and rear yard setbacks, including zero lot line setbacks.

E. Application for Approval of Preliminary Development Plan.

1. An application for a PUD shall be handled in the same manner as prescribed for amending these regulations. The requirements for notice, advertisement of public hearing, protest petitions, and adoption shall be the same as is required for zoning amendments.
2. The applicant shall prepare and submit 30 folded copies of the preliminary development plan for review and approval by the planning commission. Said preliminary plan shall include a site plan showing:
 - a. Contours at intervals of two feet or spot elevations on a 100 foot grid shall be required on flat land;
 - b. Location, size, height and use of all proposed structures in conformance with the yard requirements;
 - c. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces and service areas;
 - d. All streets adjoining subject property and the width of the existing right-of-way;
 - e. Areas set aside for public and/or private open space with the type of recreational facilities planned for each are indicates;
 - f. Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - g. Designation of individual lots if such lots are proposed to be sold to individual owners;
 - h. Location of required screening;
 - i. Location of natural features such as ponds, tree clusters and rock outcroppings; and
 - j. Existing development on adjacent properties within 200 feet.
3. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when said items are applicable:

- a. Net area in square feet or acres. (*Note:* Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.);
 - b. Density of dwelling units per acre for the entire development;
 - c. Building coverage of the net area of the planned unit development by individual parcel or total development;
 - d. The percentage of the development plan provided for common open space as defined by this regulation;
 - e. If more than one parcel is proposed, a statement relating to the sequence of development shall be included;
 - f. Required number of off-street parking spaces;
 - g. Gross floor area proposed for commercial buildings; and
 - h. All proposed land uses shall be listed by parcel.
4. A statement and adequate drawings shall be included describing the manner and disposition of utility and stormwater run-off management.
 5. The full legal description of the boundaries of the property or properties shall be included in the preliminary development application.
 6. A vicinity map showing the general arrangement of streets within an area of 200 feet from the boundaries of the proposed planned unit development shall be included.
 7. A description, rendering or drawing of the general characteristics of the proposed buildings shall be included.
 8. When a planned unit development includes provisions for private common space or recreational facilities, the applicant shall submit the following to the City:
 - a. A statement describing the provisions that will be made for the care and maintenance for open space to be owned and/or maintained by any entity other than a governmental authority; and
 - b. Copies of the proposed articles of incorporation and bylaws of such entity.
 9. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned unit development shall be submitted.
 10. The applicant shall provide any other information determined necessary by the City.
 11. The Planning Commission shall hold a public hearing on the preliminary PUD after the PUD has been reviewed by City staff after giving notice as required by Kansas law for hearings for zoning amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the preliminary plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. The City Council may or may not

approve the preliminary development plan and may or may not authorize the submittal of the final development plan.

12. Substantial or significant changes in the preliminary PUD shall only be made after a public hearing on said changes has been held and said changes have been approved.

F. Approval of Final Development Plan.

1. After approval of a preliminary development plan and prior to the issuance of any building permit, the applicant shall submit to the zoning administrator an application for approval of the final development plan. Said application shall include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary development plan. The application shall include 30 folded copies of such drawings, specifications, covenants, easements, conditions, and form of performance bond as set forth in the approval of the preliminary development plan and in accordance with the conditions established in these regulations for a PUD District. The final development plan shall include the same information as the preliminary development plan, except the following shall also be provided:
 - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown;
 - b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
 - c. All easements and appropriate building setback lines;
 - d. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
 - e. Lot and/or parcel numbers;
 - f. Location, size, height, and use of all existing and proposed buildings;
 - g. Dedication of all streets, public highways or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property;
 - h. A final development plan submitted for approval shall be deemed to be in substantial compliance with the approved preliminary development plan, provided any modification of the final development plan by the applicant does not:
 - (i) Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area;
 - (ii) Increase by more than 10 percent the floor area proposed for non-residential use;
 - (iii) Increase by more than five percent the total ground area covered by buildings;
 - (iv) Increase substantially the height of a building; or
 - (v) Substantially change the design of the plan so as to significantly alter:
 - (a) Pedestrian or vehicular traffic flow;

- (b) The inter-relationship of different land uses;
 - (c) The relation of open space to residential development;
 - (d) The proposed phasing of construction; or
 - (e) The proposed use of one or more buildings to a more intensive use category as delineated in these regulations.
2. A public hearing need not be held for the approval of a final development plan if it is in substantial compliance with the approved preliminary development plan. The Planning Commission shall review the final development plan for compliance with the approved preliminary development plan. Upon approval, the final development plan shall be submitted to the City Council for final approval and acceptance.
 3. In the event that the final development plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit a new preliminary development plan. This preliminary development plan shall be processed in the same manner prescribed in this section as for original submittals
 4. The approved final development plan shall be filed and recorded with the Reno County Register of Deeds.

G. Enforcement of and Changes to the Final Development Plan.

The mutual benefit of the residents and owners of the planned unit development and the general public shall be considered with regard to preserving the integrity of the final development plan, as approved. Any changes to an approved final development plan:

1. Shall not impair the reasonable reliance of said residents and owners upon the provisions of the plan;
2. Shall not result in changes that would adversely affect the public interest or the enforcement of the provisions of the plan as approved, regardless if such provisions are recorded by plan, covenant, easement or otherwise; and
3. Shall be subject to the following provisions:
 - a. The provisions of the plan relating to:
 - (i) The use of land and the use, bulk, and location of buildings and structures;
 - (ii) The quality and location of common space; and
 - (iii) The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law.
 - b. All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly or through an organization designated in the plan to act on their behalf; provided,

however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

- c. If portions of an approved final development plan shall require a plat, an amended final development plan may include only that portion of the final development plan to be platted.

H. Amendments.

The PUD District ordinance or an approved preliminary or final development plan may be amended in the same manner as prescribed in this section for approval of a preliminary or final development plan. Application for amendment shall be made by the homeowners association or 51 percent of the owners of the property within the PUD District.

I. Platting.

PUD developments shall comply with all platting and subdivision requirements of the City.

J. Fees.

Fees for planned unit development applications shall be paid to the City according to the Master Fee Schedule.

Sec. 27-428 GATE Gateway Corridor Overlay District.

A. Intent and Purpose.

The intent of the Gateway Corridor Overlay District is to provide design criteria along the key entry corridors into and through the City of Hutchinson. The design criteria will promote creative solutions to help to develop high quality design and visual appeal through landscaping, signage, building material selection, lighting and interior street development. Guiding development in this manner will also aid in the protection of past and future investment in the corridor.

In the Gateway Corridor Overlay District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except in accordance with the regulations in this section, and all uses shall be subject to the regulations of the underlying zoning district and the development and performance standards set forth in these regulations.

The purpose of these regulations is to establish criteria for those items that affect the physical and visual environment of the City of Hutchinson. Pertinent to appearance is the design of the site and all elements which are visible to the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in