

ORDINANCE NO. 2722

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF GARDNER, KANSAS BY AMENDING THE SECTIONS OF TITLE 17 OF THE GARDNER MUNICIPAL CODE.

WHEREAS, the City of Gardner, Kansas initiated changes to Sections of Title 17 entitled "Land Development Code", by direction of the Governing Body as presented by staff to the Planning Commission on the 27th day of September, 2021 and the 25th day of October 2021, and action of the Planning Commission on the 25th day of October, 2021; and

WHEREAS, a public hearing on the herein changes to the Land Development Code was properly noticed and held before the Planning Commission of the City of Gardner, Kansas, on the 27th day of September, 2021 and on the 25th day of October, 2021; and

WHEREAS, said Planning Commission has recommended that the herein amendments to the Land Development Code of the City of Gardner, Kansas be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

Section 1: Title 17 of the Code of the City of Gardner Kansas, 2016, Section 17.05.030, Subsection A. Table 5-2 shall be amended to read as follows:

Table 5-2: Use Table	Residential Districts							Nonresidential Districts							REC	
	A	RE	R-1	R-2	R-3	R-4	R-5	RM-P	C-O	C-A	C-1	C-2	C-3	M-1		M-2
RESIDENTIAL DWELLINGS																
Household Living	P	P	P	P	P	P	P	P								
Multi-Unit Household Living				P*	P	P	P		P	P	P					
Group Care Home (9 – 14 residents)	C*	C*			P*	P*	P*									
Congregate Living					P	P	P									
Manufactured/Mobile/Micro Home Community								P*								
Mixed Use (apartment over commercial/service)									P	P	P	P				
Live/Work						P	P		P	P	P					
Accessory Dwelling	A*	A*	A*	A*	A*	A*	A*									
Accessory Home Occupation	A*	A*	A*	A*	A*	A*	A*	A*								
Accessory In-Home Day Care	A*	A*	A*	A*	A*	A*	A*	A*								
CIVIC/INSTITUTIONAL																
Assembly – Small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*
Assembly – Large						C	C		C	C	C	P	P	P		P
Assembly – Event Venue												C	C	C		C
Cultural and Public Service	C					C	C		P	P	P	P	P			P
School – Neighborhood	P	P	P	P	P	P	P		P	P		P	P			P

School – Community		P	P	P	P	P	P		P	P		P	P			P
School – Regional											C	P	P	P		C
Cemetery/Mausoleum	P*	P*	P*	P*	P*	P*	P*					P*	P*	P*		P*
Open/Civic Space (see GMC 17.04.020, 17.08.020)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential Care – Limited					P*	P*	P*		C*	C*	C*	P	P			
Residential Care – General						P*	P*		C*	C*	C*	P	P			
Residential Care – Institutional							C*		C*			C	P			
Retail																
Retail – Micro (under 1K)	A	A							P	P	P	P	P	P		A
Retail – Neighborhood (1K – 3K)	A								P	P	P	P	P	P		A
Retail – Small (3K – 6K)										P	P	P	P	P		
Retail – General (6K – 20K)											P	P	P	P		
Retail – Large (20K – 100K)													P	P		
Retail – Warehouse (100K+)													P	P		
Grocery – Market (under 10K)										P	P	P	P			
Grocery – Store (10K – 45K)										C*	C*	P	P			
Grocery – Supermarket (45K+)												P	P			
Outdoor Sales – Limited	A*	A*									A*	A*	A*	A*		
Outdoor Sales – General												P*	P*	P*	P*	
Outdoor Sales – Heavy												C*	P*	P*	P*	
Convenience Store/Fuel Station – Limited (1-4 pumps)									P*	P*	C*	P*	P*	P*	P*	
Convenience Store/Fuel Station – General (5-12 pumps)										C*		P*	P*	P*	P*	
Convenience Store/Fuel Station – Heavy (13+ pumps)												C*	P*	P*	P*	
Service and Employment																
Animal Care – Kennel	P*												A*	A*	P*	
Animal Care – General	C								P	P	P	P	P	P		
Animal Care – Large	C*												C*	P		
Day Care Center			C*	C*	C*	C*	C*		P	P	P	P	P	P		
Food and Beverage – Accessory Drive-Through									A*		A*	A*	A*	A*		
Food and Beverage – Accessory Outdoor									A*	A*	A*	A*	A*	A*		A*
Food and Beverage – General									P	P*	P	P	P	P		A*
Food and Beverage – Heavy									P		C	P	P	P		

Food and Beverage – Mobile	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*
Funeral Home and Interment										P	P	P					
Health Care – Small										P	P	P	P	P	P		
Health Care – General										P	P	P	P	P	P		
Health Care – Large												P	P				
Lodging – Bed and Breakfast (up to 5 rooms)	C*	C*	C*	C*	C*	C*	C*				P	P					
Lodging – Short Term Rental of Detached House		C*	C*	C*													
Lodging – Inn (up to 20 rooms)										P	P	P	P	P			
Lodging – Small (up to 100 rooms)										P		P	P	P			
Lodging – Large (more than 100 rooms)													P	P			
Office – Limited (under 10K)										P	P	P	P	P	P		
Office – General (10K – 40K)										P	C	C	P	P	P		
Office – Large/Complex (40K+)													P	P	P		
Pawn Shops/Short-Term Loan and Check Cashing											P	P	P	P	P		
Personal Services – Limited (under 3K)										P	P	P	P	P	P		
Personal Services – General (3K – 10K)											P	P	P	P	P		
Personal Services – Heavy/Business Services (10K+)													P	P	P	P	
Personal Storage – Indoor										C			P	P	P		
Personal Storage – Outdoor													P	P			
Recreation/Entertainment – Indoor Minor (under 10K)										P	P	P	P	P	P		P
Recreation/Entertainment – Indoor Major (10K+)										P		C	P	P	P		P
Recreation/Entertainment – Outdoor Minor										P		C	P	P	P		P
Recreation/Entertainment – Outdoor Major												C	C	P			P
Recreation – RV Park/Campground	C												P*	P*			P*
Temporary Use (See GMC 17.05.050(Y))	T*									T*	T*	T*	T*	T*	T*	T*	T*
Vehicle/Equipment Service and Repair – Limited										P	P	P	P	P	P	P	
Vehicle/Equipment Service and Repair – General													C	P	P	P	
Vehicle/Equipment Service and Repair – Heavy														C	P	P	
INDUSTRIAL																	
Manufacturing – Limited/Artisan											P	P	P	P	P	P	
Manufacturing – Light													C	P	P	P	

Aviation Facilities	C*																
Signs, Ancillary (See Sign Standards)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Signs, Principal Use (See Sign Standards)														P	P	P	

The remainder of Section 17.05.030, Subsection A. shall remain unchanged.

Section 2: Title 17 of the Code of the City of Gardner Kansas, 2016, Section 17.05.030, Subsection B. shall be amended to read as follows:

B. Description of Uses. This subsection contains general descriptions associated with the use of land and buildings organized by categories and types, and enabled by zoning districts in Table 5-2. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most relatively equivalent described use considering (1) the similarity of the use in terms of scale, impact and operations to other described uses; (2) the typical building formats and site designs associated with the use from existing examples; and (3) the potential contribution of the use and typical formats to the intent of the zoning district. Any use that may not be interpreted as relatively equivalent to a use described in this section or the use table are not anticipated by these regulations and may only be allowed by a text amendment.

RESIDENTIAL DWELLINGS

The Residential Dwelling category is the principal use of land and buildings for dwelling units. The arrangement and extent of dwelling units depends on the zoning district, lot sizes and building types, arranged in the following types:

Household Living. Detached dwelling units in buildings designed and used for one household in a single, principal structure. For the purpose of this use, “household” includes up to eight disabled individuals with up to two resident care givers living as a group in a single dwelling, as defined by Kansas Statutes 12-736.

Multi-Unit Household Living. Buildings with two or more dwelling units, dependent on specific building types permitted in each district, where each is designed for occupancy by one household.

Group Care Home (Nine to 14 Residents). A single-unit residential building designed as a detached house but occupied by nine to 14 disabled residents as defined by Kansas Statutes 12-736, or other residents with common special needs, and up to two resident caregivers living as a group in a single home.

Congregate Living. Congregate Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of “one household,” but often share a common situation or facilities. Does not include residential care facilities or correctional facilities.

Manufactured/Mobile/Micro Home Community. A parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. Home sites may either be located on a single lot, owned through appropriate condominium procedures, or platted for individual ownership of each site under certain conditions.

Mixed Use (Apartment over Commercial/Service). A residential use in a building designed primarily for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Accessory Dwelling. A dwelling unit, either in a detached accessory structure, or included within a principal structure, that is located on the same lot as a detached house and is incidental to the principal

use of the lot for a principal dwelling. Examples include a garage apartment, basement apartment or second level/attic apartment.

Accessory Home Occupation. A business, profession, service, or trade conducted for gain or support entirely within an owner occupied residential dwelling and/or its accessory structures, when such activities are clearly incidental or subordinate in use to the dwelling and may involve limited on-premises interaction with customers.

Live/Work. A residential building type designed with a single dwelling unit, but where an additional component of the structure is designed for a small-scale business function run by the occupant. Live/work units can either be detached structures or attached with common party walls with other live/work units similar to the row house configuration.

CIVIC/INSTITUTIONAL

The Civic/Institutional category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation needs for residents and neighborhoods, whether by way of open and public citizenship, by property ownership or residency, or by membership affiliation. It includes the following types:

Assembly – Small. Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s) with regular or periodic organized services or events, and typically designed for no more than 600 people at maximum occupancy. Examples include a neighborhood association club house, meeting hall, or small religious facility.

Assembly – Large. Places of public assembly designed and located to serve community or civic needs of a broad vicinity with regular or periodic organized services or events, and typically designed for 600 to 1,200 people. Examples include a community center, small event hall or large religious facility.

Assembly – Event Venue. Places of public assembly designed and located to serve community or civic needs of the City or region and typically designed for 1,200 or more. Examples include an auditorium, large event hall or major worship hall.

Cultural and Public Service. A civic use offering education, arts and cultural materials or attractions for the general public, including exhibits and events; or offering administrative, social, tourism, or charitable services to the general public. Examples include museums, libraries, charitable or philanthropic centers, tourist information centers, and similar uses.

School – Neighborhood. A small public or private institution for primary or secondary education and typically serving up to 600 students, primarily targeted to neighborhoods within one mile. Special purpose schools that have a larger target area but are designed and scaled to perform similarly to a neighborhood school may be included in this type.

School – Community. A large public or private institution for primary or secondary education and typically serving more than 600 students and targeted to the broad vicinity, including neighborhoods beyond one mile.

School – Regional. A public or private institution for post-secondary education, skills and trade instruction or job training, targeted to the region. Examples include colleges, universities, and vocational/technical schools.

Cemetery/Mausoleum. Land or building used for the burial of the deceased and dedicated for interment purposes, including both human and animals.

Open/Civic Space. Areas preserved as primarily open land, except for accessory structures, and designed to serve a specific urban design function for natural, ecological, aesthetic, recreational or formal

gathering purposes. (See GMC 17.04.020 and 17.08.020 for more specific types.)

Residential Care – Limited. A facility providing residential living, social programs and limited health care services for residents, where the social and healthcare services are accessory to the building(s) and site design emphasizing household living, where the social programs and health care services are limited accessory elements in terms of the function and extent, and where dedicated staff are present primarily during normal business hours. Examples include retirement village, independent living or assisted living communities.

Residential Care – General. A facility providing long term care, health services and residency, that admits residents on medical referral, and where medical, behavioral and rehabilitative care is necessary beyond normal business hours. Examples include nursing homes, hospice homes, or other similar care facilities.

Residential Care – Institutional. A facility offering short or long-term care for individuals residing on the site that need a high degree of services or monitoring, and where full time staff are present on the premises at all times, and where the building(s) and site design emphasize the institutional function, secondary to the residential accommodations. Examples include treatment centers, homeless shelters, or other facilities with a high intensity of care or supervision.

RETAIL

The Retail category is the use of land and buildings for the sale, lease or rental of products to the general public with frequent interaction of patrons or consumers on premises. The types of uses in this category are dependent on the size of gross leasable area per tenancy, where the smaller formats (Micro, Neighborhood and Small) are typically dependent on a target market of consumers within the neighborhood or one mile area, and where the larger formats (General, Large and Warehouse) are typically dependent on a target market beyond the one mile area.

Retail – Micro (under 1K). A small-scale retail use under 1,000 square feet.

Retail – Neighborhood (1K – 3K). A small-scale retail use at least 1,000 but less than 3,000 square feet.

Retail – Small (3K – 6K). A small-scale retail use at least 3,000 but less than 6,000 square feet.

Retail – General (6K – 20K). A retail use at least 6,000 but less than 20,000 square feet.

Retail – Large (20K – 100K). A large-scale retail use at least 20,000 but less than 100,000 square feet.

Retail – Warehouse (100K+). A large-scale retail use at least 100,000 square feet.

Grocery – Market (under 10K). A retail use selling food and produce or specialty food products for household consumption in a small-scale format under 10,000 square feet. Examples include a corner market, butcher shop, produce stand or similar food store.

Grocery – Store (10K – 45K). A retail use selling food, produce and other household products for household consumption in a small-scale format at least 10,000 but less than 45,000 square feet. Examples include a small grocery store that may serve as the anchor to a small-scale walkable center.

Grocery – Supermarket (45K+). A retail use selling food, produce and household products for household consumption in a large-scale format, at least 45,000 square feet. Examples include a large format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

Outdoor Sales – Limited. A retail use involving the limited accessory display of merchandise on a sidewalk adjacent to an otherwise permitted nonresidential use. Examples include an ice machine, propane tank rentals, movie rentals, newspaper dispensers, etc.

Outdoor Sales – General. A retail use where the primary business is associated with merchandise that can only be displayed permanently and year round out of doors, or where the primary business maintains a permanent outdoor display area for rotations of seasonal merchandise to be displayed outdoors. Examples include a small-scale nursery, a lumber yard, farm store, or small machine or equipment sales or rental.

Outdoor Sales – Heavy. A retail use where the primary business is associated with large-scale equipment and merchandise that can only be displayed permanently and year round out of doors. Examples include a lot or yard for sales or rentals of motor vehicles, large equipment, boats or recreational vehicles, large machines or farm implements.

Convenience Store/Fuel Station – Limited (One to Four Fueling Stations). A retail use engaged in the sale of fuel and other convenience goods to the general public, and may include accessory repair or maintenance services. The use is limited to no more than four fueling stations and no more than three garage service bays. Examples include a small, neighborhood gas and service station.

Convenience Store/Fuel Station – General (Five to 12 Fueling Stations). A retail use engaged in the sale of fuel and other convenience goods to the general public, and may include accessory repair or maintenance services. The use is limited to no more than 12 fueling stations and no more than four garage service bays. Examples include a small convenience center or large gas station.

Convenience Store/Fuel Station – Heavy (13+ Fueling Stations). A retail use engaged in the sale of fuel and other convenience goods to the general public, and may include accessory repair or maintenance services. The use may include 13 or more fueling stations. Examples include large convenience stores, gas stations or truck stops and travel centers.

SERVICE AND EMPLOYMENT

The Service and Employment category is the use of land and buildings for businesses engaged in the exchange of professional and individual services. It includes the following types:

Animal Care – Kennel. A service use for the boarding of animals, where there are outside areas or facilities where more than four dogs are kept for purposes of breeding, boarding, or care.

Animal Care – General. A service use offering basic care for animals in an indoor setting, and which may include services offered outside of normal business hours. Examples include a small veterinary office, grooming service, animal hospital or rehabilitation facility.

Animal Care – Large. A service use offering full care for animals with activities taking place in large-scale indoor and/or outdoor facilities, and which may include services offered outside of normal business hours. Examples include large animal hospitals, kennels, animal adoption agencies or other similar facilities.

Day Care Center. A service use providing recreation, education and supervisory services for children or adults on a regular basis away from their primary residence, not including schools, in-home day care, or residential care facilities.

Food and Beverage – Accessory Drive-Through. A portion of a facility that relates to dispensing products or services to patrons who remain in vehicles. May include a window, driving lane, outside menu boards, and other interior or exterior features and equipment dedicated for this purpose.

Food and Beverage – Accessory Outdoor. A porch, patio, deck or other area of land used for seated dining which is not within the interior building walls of a restaurant or eatery.

Food and Beverage – General. A service use that prepares and sells food and beverages for on-premises consumption, and may include accessory off-premises consumption through carry-out or drive-through services, and may also include on-premises consumption of alcoholic beverages and/or accessory indoor

entertainment.

Food and Beverage – Heavy. A service use that prepares and sells food and beverages for on-premises consumption, but where alcohol sales are a majority of the sales and food services are subordinate to this function, or where entertainment events by tickets or cover charge, or other significant attractions are held during nighttime or evening business.

Food and Beverage – Mobile. A service use that utilizes any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground, for preparing and selling food and beverages for on- or off-premises consumption.

Funeral Home and Interment. A service use accommodating preparation and ceremony for the burial of the deceased.

Health Care – Small. A facility where a small group of physicians, dentists or other health care professionals offer limited medical services in an office setting during normal business hours.

Health Care – General. A facility where multiple groups of physicians, dentists or other health care professionals offer a range of services in a shared office setting primarily during normal business hours.

Health Care – Large. A large institution offering full-service, 24-hour, in-patient, out-patient and emergency health care services, including a wide range of accessory office, cafeteria and other uses that support the institutional setting.

Lodging. A service use by a licensed (where applicable) business providing accommodations for short-term overnight occupancy. This use type is broken into the following sub-classes based on scale and intensity:

Lodging – Bed and Breakfast (up to Five Rooms). A lodging use in a residential building type that has up to five guest rooms and a resident manager for accessory meals, operations and cleaning services.

Lodging – Short-Term Rental of Detached House. A lodging use in a residential building type where the dwelling is rented or sold for any term less than 30 consecutive days.

Lodging – Inn (up to 20 Rooms). A lodging use in a small commercial building that accommodates up to 20 rooms which may include limited accessory services such as a small restaurant or lounge.

Lodging – Small (up to 100 Rooms). A lodging use in a large commercial building or complex that accommodates up to 100 guest rooms, and may include accessory restaurant, lounge, or meeting room facilities.

Lodging – Large (More Than 100 Rooms). A lodging use in a large commercial building or complex designed for more than 100 guest rooms, as well as associated restaurant, event and conference services.

Office. An employment use focusing on the administrative and management aspects of business or professional services, typically do not have a high rate of exchange with general public, consumers, or patrons, but may involve regular interaction with clients or other business activities. This use type is broken into the following sub-classes based on scale and intensity:

Office – Limited (under 10K). An office use where the total gross leasable area is less than 10,000 square feet.

Office – General (10K – 40K). An office use where the total gross leasable area is at least 10,000 but less than 40,000 square feet, and may include more than one building.

Office – Large/Complex (40K+). An office use where the total gross leasable area is at least 40,000 square feet, or involves more than one building in a complex.

Pawn Shops/Short-Term Loan and Check Cashing. A service use engaged in the business of lending money on the security of pledged goods, purchasing goods on the condition that they may be repurchased, or offering loans for periods of 30 days or less intended to coincide with a period of one or more paydays of the borrower.

Personal Services. A service use providing professional or individual services and where frequent interaction with the general public, consumers or patrons occurs on the premises. This use type is broken into the following sub-classes based on scale and intensity:

Personal Services – Limited (under 3K). A personal service use where the gross leasable area is under 3,000 square feet. Examples include a neighborhood barber shop or hair salon, a small professional office (lawyer, accountant, or travel agent), small bank, dry cleaners or tailor.

Personal Services – General (3K – 10K). A service use where the gross leasable area is at least 3,000 and less than 10,000 square feet. Examples include a large spa or beauty complex, tattoo shop, a copy center, large post office or mail center, or laundromat.

Personal Services – Heavy/Business Services (10K+). A service use where the gross leasable area is 10,000 square feet or more. Examples include a large bank, equipment repair shop, or other service for consumers or other businesses that requires larger spaces.

Personal Storage – Indoor. A service use where individual units accessed from inside of a building are offered for rent or lease for the storage of personal property.

Personal Storage – Outdoor. A service use where individual units accessed from outside of a building are offered for rent or lease for the storage of personal property.

Recreation/Entertainment – Indoor. A service use providing daily or regularly scheduled activities for entertainment, instruction or exercise inside a building and open to the general public or through membership. This use type is broken into the following sub-classes based on scale and intensity:

Recreation/Entertainment – Indoor Minor (under 10K). Indoor recreation that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, martial arts center, yoga studio, or dance studio.

Recreation/Entertainment – Indoor Major (10K+). Indoor recreation that involves a building 10,000 square feet or more. Examples include a large bowling alley, sports and recreation center, theater complex, large health club, or shooting range.

Recreation/Entertainment – Outdoor. A service use providing daily or regularly scheduled activities for entertainment, recreation or exercise outside and open to the general public or through membership. This use includes accessory buildings for the transaction of business and accessory indoor services. This type is broken into Major and Minor based on the scale and intensity of the use.

Recreation/Entertainment – Outdoor Minor. Examples include driving range, miniature golf, golf course, swimming pool, tennis, batting cage, small band shell or amphitheater.

Recreation/Entertainment – Outdoor Major. Examples include theme park, water park, fairground, zoo, drive-in theater, shooting range, skeet and trap range, racetrack.

Recreation – RV Park/Campground. A service use providing overnight accommodations within a large open area for recreational purposes.

Temporary Use. A use established for a limited and fixed period of time, and upon its discontinuance no structures, facilities or other impacts on the site remain and the site is otherwise restored to its preuse condition. Examples include short-term events such as festivals, carnivals, or art exhibits; seasonal sales such as farm produce, Christmas tree stands, or pumpkin sales; general merchandise outdoor sales stands such as flower stands, arts and crafts sales, or other general merchandise.

Vehicle/Equipment Service and Repair – Limited. A service use engaged in motor vehicle maintenance and repair services, and accessory retail sale of supplies and accessories, but limited to small-scale operations that involve no more than three vehicle service bays, and where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited to no more than eight cars on the lot. Examples include a small neighborhood mechanic shop, lubricant center, tire store, auto glass installation or audio or alarm installation.

Vehicle/Equipment Service and Repair – General. A service use engaged in equipment and motor vehicle maintenance and repair services, and accessory retail sale of supplies and accessories, which involves four or more vehicle service bays, where all work and storage of equipment and supplies occurs indoors, but where on-site or overnight storage of vehicles may involve nine or more cars on the lot. Examples include large mechanic shop, lubricant center, tire store, auto glass installation or audio or alarm installation or an auto body shop where the likelihood of overnight storage, outdoor storage and overnight or multiday drop off is more likely.

Vehicle/Equipment Service and Repair – Heavy. A service use engaged in the maintenance and repair of motor vehicles, commercial vehicles or heavy equipment, and accessory retail sale of supplies and accessories, that is likely to involve larger outdoor storage areas for vehicles and supplies, and where larger multi-bay garages or warehouses are needed to conduct services.

INDUSTRIAL

The Industrial category is the use of land and buildings engaged in the production, processing, storage or distribution of goods with potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations, and which in typical formats and operations may not be compatible with other business uses. It includes the following types:

Manufacturing – Limited/Artisan. A small-scale industrial use where activities produce little or no byproducts such as smoke, odor, dust or noise discernable from outside of the building, where deliveries and distributions are made by general consumer delivery services requiring no special large truck access, and where products are made available to the general public. Uses typically occupy buildings or spaces under 10,000 square feet of gross leasable area. Examples include an artists' studio, small wood or metal shop, craft manufacturing, small bakery or microbrewery, or other similar small-scale assembly of finished products.

Manufacturing – Light. An industrial use where little or no byproducts such as smoke, odor, dust or noise are discernable from outside of the building, and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, nonretail laundry services, or similar businesses that provide products for support of other businesses.

Manufacturing – General. An industrial use where byproducts such as noise, dust, smoke or odor are produced, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, food production and manufacturing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

Manufacturing – Heavy. An industrial use capable of producing significant byproducts such as noise,

dust, smoke or odor beyond the building or site, or where hazardous materials may be stored, used or produced as a typical part of the business, and distribution involves heavy truck, freight and machinery access. Examples include chemical, wood or metal storage and production, pressing and dyeing plants, asphalt or cement production, animal processing or other heavy or hazardous manufacturing operations.

Freight and Distribution – Light. An industrial logistics use involved in the storage, order processing and distribution of consumer products where all operations occur indoors, and where delivery and distribution occur through commercial truck access. Examples include distribution centers, warehouses, moving and storage operations, cold storage, parcel services and similar uses.

Freight and Distribution – Heavy. An industrial logistics use involved in the storage, order processing and distribution of business products or raw materials where operations may involve outdoor activities, and where delivery and distribution occur through large truck, freight or heavy equipment access. Examples include freight terminals, fleet vehicle terminals, bulk material storage and distribution, cargo container facilities, and similar uses.

Commercial Storage – Indoor. Storage of consumer products or small-scale commercial products inside a building. Examples include mini-warehouses where all storage areas including those leased or rented to individual customers are accessed from inside the principal building.

Commercial Storage – Outdoor Minor. Storage of consumer products or small-scale commercial equipment which may be associated with a wholesale, service or industrial use on an outdoor lot. Examples include a contractor's yard or similar small-scale storage lot or facility.

Commercial Storage – Outdoor Major. Storage of commercial products or large-scale machinery which may be associated with a wholesale, service or industrial use on an outdoor lot. Examples include boat or RV storage, towing service storage yard, or similar large-scale storage lot or facility.

Extractive Industry/Natural Resource Processing. The growth, harvesting, and preparation of byproducts of land (other than agriculture) for distribution and sale as a raw material in some other manufacturing process, where the growth and harvesting involves outdoor machinery operation or outdoor storage. Examples include a quarry, mining operation, oil or gas well, or wood storage yard.

Landfill and Waste Processing Facility. An area dedicated to the storage, processing, treatment and distribution of waste products. Examples include scrap or salvage yards, transfer stations, and other similar uses.

AGRICULTURE

The Agriculture category is for the use of land and buildings in the production of food, fiber or raw materials raised and harvested on large land areas in a rural or open setting.

Agri-Tourism. The accessory use of a commercial farm for special events or retail activities in typical agricultural structures or settings.

Agriculture – Light Processing. The storage, processing and distribution of farm products produced on-site where only small-scale facilities are necessary.

Agriculture – Heavy Processing. The aggregation, storage, processing and distribution of farm products. Examples include grain elevators, livestock auction yard, stockyard or rendering plant.

Farming – Light. The primary use of land for small-scale production of field crops or horticulture for food, where only small-scale accessory storage facilities and light machinery are necessary. Examples include a community garden, greenhouse, or other small productive edible landscape area.

Farming – Commercial. The primary use of land for commercial production of field crops for food or raw

materials in other agriculture operations; the raising or breeding of livestock, poultry, fish or other animals for food or use of their byproducts in agriculture operations; plant production such as nursery, orchard, vineyard.

Farming – Homestead. The accessory use of residential property for the production of crops or horticulture for food, and which may include the limited keeping of animals, where the principal residence of the owner or operator is on the premises and where the activities and equipment used results in impacts similar to typical residential activities.

Riding Stables. A facility for the boarding and riding of horses, including either general commercial and recreational purposes, or private purposes for horse owners.

COMMUNICATIONS AND UTILITIES

The Communications and Utilities category is for buildings, structures, or other physical improvements that provide essential public services or support the communication / distribution of information.

Communication Facilities for Wireless Services. Any structure or device used to collect or transmit electromagnetic waves for the provision of commercial wireless services, including all accessory equipment, facilities and support structures, and including all buildings used as a support structure. Such services include specialized mobile radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial wireless service not licensed by the Federal Communications Commission. For more specific definitions and applicable site, development, building and design standards, see Chapter 17.11 GMC.

Wind Energy Conversion System – Small. Any structure or mechanical equipment used to collect, store and transmit energy from wind that is comparable in height and generally accessory to the buildings and site, including all accessory equipment.

Wind Energy Conversion System – Large. Any structure or mechanical equipment used to collect, store and transmit energy from wind that is large-scale and intended for production and use of energy other than on the specific site, including all accessory equipment.

Solar Collector. Any structure, mechanical equipment, or building material used to collect, store or transmit energy from sunlight, including all accessory equipment.

Public Utility Facility – Minor. Utility services of a local nature, including electrical switching facilities and substations, water tanks, and similar facilities to provide the local area with electricity, water, and other utility services. May include Office – Limited in districts where that use is permitted as indicated in Table 5-2.

Public Utility Facility – Major. Utility services of a regional nature, including generating plants, electrical switching facilities and primary substations, water and wastewater treatment plants, and similar facilities to provide the general public with electricity, natural gas, steam, water, sewage collection, or other similar service. May include General Office or Large Office where those uses are permitted as indicated in Table 5-2.

Aviation Facilities. Any area of land or water designed, set aside, or used for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft or other accessory airport activities. (Ord. 2695 § 11; Ord. 2650 § 1; Ord. 2584 § 1; Ord. 2550 § 1; Ord. 2546 § 1; Ord. 2518 § 2 (LDC § 5.03))

Signs, Ancillary – Signs associated and supporting a principal or another accessory use located on the same property.

Signs, Principal Use - Signs that are not associated with another principal or accessory use located on the same property.

Section 3: Title 17 of the Code of the City of Gardner Kansas, 2016, Section 17.10.040, shall be amended to read as follows:

17.10.040 Sign Allowances

The following sign allowances apply to zoning districts or groups of zoning districts as the basic standard. Other restrictions in this section, or other regulations, may operate to further reduce the basic sign allowances within each zoning district.

A. Ancillary Signs. Signs supporting a principal or accessory use located on the same property are subject to the allowances in Table 10-2.

Table 10-2: Ancillary Sign Allowances

	Residential, Agriculture and REC Districts	C-O, CO-A and C-1	C-2, C-3, M-1 and M-2
Wall Signs	<p>For permitted principal nonresidential or multi-family uses:</p> <ul style="list-style-type: none"> • <i>Number</i> – 2 signs per facade • <i>Total Area Allowance</i> – 5% of facade area maximum • <i>Size</i> – 24 s.f. per sign maximum 	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per tenant with exterior entrance (multi-tenant building); otherwise 3 signs per facade maximum • <i>Total Area Allowance</i> – 1.5 s.f. per each 1 linear foot of building frontage • <i>Size</i> – 32 s.f. per sign maximum 	<ul style="list-style-type: none"> • <i>Number</i> – 2 signs per tenant with exterior entrance (multi-tenant building); otherwise 4 signs per facade maximum • <i>Total Area Allowance</i> – 10% of facade area maximum
Freestanding Signs	<p>For permitted nonresidential uses, or any residential project over 5 acres:</p> <ul style="list-style-type: none"> • <i>Number</i> – 1 monument sign per street frontage for nonresidential uses OR per entrance for residential projects over 5 acres • <i>Size</i> – 24 s.f. per sign maximum at the minimum of 10' from property line; additional 8 s.f. per each additional 10' setback, to maximum of 48 s.f. per sign • <i>Height</i> – Monument design required; 6' high maximum <p><i>Exception:</i> Any residential project more than 10 acres may allocate this allowance into multiple signs, 8 s.f. or less, provided it is part of a streetscape plan/public amenity program with signs integrated into streetscape structures in common areas at intersections throughout neighborhoods.</p>	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per lot • <i>Size</i> – 25 s.f. per sign maximum • <i>Height</i> – Monument design required; 6' high maximum • <i>Setback</i> – 10' minimum setback from all right-of-way and lot lines 	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each 200' of street frontage; maximum of 3 signs per lot • <i>Separation</i> – At least 100' between signs • <i>Total Area Allowance</i> – 1 s.f. per each 2 linear feet of street frontage • <i>Size</i> – 25 s.f. per sign maximum at the minimum of 10' from property line; additional 10 s.f. per each additional 5' setback, to maximum of 65 s.f. per sign • <i>Height</i> – Monument design required; 6' high maximum; and an additional 2' in height for each additional 5' setback up to 15' maximum height • <i>Setback</i> – 10' minimum setback from all right-of-way and lot lines

Table 10-2: Ancillary Sign Allowances

Residential, Agriculture and REC Districts		C-O, CO-A and C-1	C-2, C-3, M-1 and M-2
			<i>Exception:</i> Signs within 1,000' of the interstate may be pole signs up to 75' high maximum, and up to 300 s.f., per sign maximum if used in lieu of one other wall or freestanding sign.
<i>Temporary Signs</i>	<ul style="list-style-type: none"> • <i>Freestanding:</i> <ul style="list-style-type: none"> ◦ <i>Total Area Allowance</i> – 1 s.f. per each 5 linear feet of street frontage ◦ <i>Size</i> – 9 s.f. per sign maximum; 24 s.f. for lots 5 acres or more ◦ <i>Height</i> – 6' high maximum ◦ <i>Separation</i> – At least 25' between signs • <i>Wall:</i> <ul style="list-style-type: none"> ◦ <i>Number</i> – 2 signs per facade ◦ <i>Total Area Allowance</i> – 5% of facade area maximum ◦ <i>Size</i> – 8 s.f. per sign maximum • Total combined display time 90 days per calendar year per lot <p><i>Exemption from permit:</i> 4 s.f. per sign maximum, but still counts to total area allowance and must meet all other temporary standards.</p>	<ul style="list-style-type: none"> • <i>Freestanding:</i> <ul style="list-style-type: none"> ◦ <i>Total Area Allowance</i> – 1 s.f. per each 5 linear feet of street frontage ◦ <i>Size</i> – 32 s.f. per sign maximum ◦ <i>Height</i> – 6' high maximum within the right-of-way and within 10' of the right-of-way; if setback is greater than 10' from the right-of-way, an additional 2' in height for each additional 5' setback up to 15' maximum height ◦ <i>Separation</i> – At least 70' between signs • <i>Wall:</i> <ul style="list-style-type: none"> ◦ <i>Number</i> – 2 signs per facade ◦ <i>Total Area Allowance</i> – 5% of facade area maximum ◦ <i>Size</i> – 32 s.f. per sign maximum • Total combined display time 90 days per calendar year per lot <p><i>Exemption from permit:</i> 4 s.f. per sign maximum, but still counts to total area allowance and must meet all other temporary standards.</p> <p><i>Exception:</i> Temporary signs may exceed these limits if it is in place of any other permitted sign to allow for a new business during an interim period not to exceed 90 days, and subject to all other limits of the substituted sign type.</p>	
<i>Pedestrian Sign</i>	<p>For permitted nonresidential use:</p> <ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each public entrance • <i>Height</i> – 6' high maximum and within 30' of entrance if mounted on the ground • <i>Size</i> – 6 s.f. per sign maximum 	<ul style="list-style-type: none"> • <i>Number and Size</i> – 1 sign per each public building entrance; 8 s.f. per sign maximum; and within 20 feet of entrance AND • <i>Number and Size</i> – 1 sign per each 25 linear feet of building frontage; 6 s.f. per sign maximum <p><i>Exemption:</i> Portable pedestrian signs or any pedestrian sign mounted on a building that projects into the right-of-way are exempt from right-of-way prohibition in C-1 district AND on any street designed to Activity Street specs per subdivision design standards. Portable pedestrian signs shall meet GMC <u>17.10.060(B)</u>.</p>	
<i>Internal Ground Sign</i>	Not applicable	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each 5,000 square feet of lot • <i>Size</i> – 4 s.f. per sign maximum; up to 12 s.f. per sign for lots or parcels over 5 acres and if set back at least 50' from public right-of-way or lot lines 	

Table 10-2: Ancillary Sign Allowances

Residential, Agriculture and REC Districts	C-O, CO-A and C-1	C-2, C-3, M-1 and M-2
		<ul style="list-style-type: none"> • <i>Height</i> – 3' high maximum; up to 5' high maximum for signs on lots or parcels over 5 acres and if set back at least 50' from the right-of-way or lot lines

(Ord. 2584 § 1; Ord. 2518 § 2 (LDC § 10.04))

B. Principal Use Signs. Signs are a principal use of property when the sign is not considered to be ancillary to another principal or accessory use on the same property and are subject to the allowances in Table 10-3 and the standards listed below.

Table 10-3: Principal Use Sign Allowances

Residential, Agriculture and REC Districts	C-O, CO-A, C-1 and C-2	C-3, M-1 and M-2
<p><i>Freestanding Signs</i></p>	<p>Not Allowed</p>	<p>Not Allowed</p> <ul style="list-style-type: none"> • <i>Location</i> – on parcels abutting the I-35 right-of-way only; not allowed adjacent to an I-35 on-ramp or off-ramp for the extended distance of 500 feet prior to the beginning of the deceleration lane or 500 feet beyond the end of the acceleration lane of I-35 on / off ramps • <i>Vehicular Access</i> – must be provided from the nearest public road right-of-way (other than I-35) and constructed with a dust free surface to a standard that accommodates emergency vehicle access to the sign location. • <i>Separation</i> – <ul style="list-style-type: none"> ○ For non-electronic / digital / LED signs 600 feet of separation distance from any other principal use sign located on either side of I-35 as measured along the centerline of the I-35 right-of-way from a point opposite any edge of a principal use sign and perpendicular to the centerline of I-35 ○ For electronic / digital / LED signs 1000 feet of separation distance from any other principal use sign located on either side of I-35 as measured along the centerline of the I-35 right-of-way from a point opposite any edge of a principal use sign and perpendicular to the centerline of I-35 • <i>Total Area Allowance</i> – 750 total square feet of sign display area facing the same direction • <i>Size</i> – Height of sign face 15 feet or less; Width of sign face 50 feet or less • <i>Height</i> – Overall height 30 feet or less; <p>Conditional Use Permit required for heights</p>

Table 10-3: Principal Use Sign Allowances

	<i>Residential, Agriculture and REC Districts</i>	<i>C-O, CO-A, C-1 and C-2</i>	<i>C-3, M-1 and M-2</i>
			greater than 30 feet up to 50 feet and for vertical stacking of signs • <i>Setback</i> - 15 feet from the I-35 right-of-way; For non-electronic / digital / LED signs 500 feet from any residentially zoned property; For electronic / digital / LED signs 1000 feet from any residentially zoned property

Standards Applicable to Principal Use Signs (in addition to other sections of the Gardner Land Development Code)

1. Sign Type –
 - a. Monument – subject to the standards identified in Section 17.10.060 A of the Gardner Land Development Code.
 - b. Pole - subject to the standards identified in Section 17.10.060 F of the Gardner Land Development Code.
2. Lighting –
 - a. No flashing, intermittent or moving lights
 - b. Direct / Indirect lighting sources shall be shielded in a manner that directs light to the sign face only, prevents the light source from being visible when looking at the sign and prevents glare.
 - c. Electronic / Digital / LED signs must display a static image for a minimum of 10 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur. Automatic dimming controls shall limit the illumination to no more than 500 nits at the sign surface at night or during low light times, and no more than 5,000 nits at the brightest daylight period.
3. Construction / Maintenance -
 - a. An initial building / sign permit is required and plans provided with applications for permitting such sign shall be certified by a licensed engineer registered in the State of Kansas.
 - b. Construction shall be in accordance with industry-wide standards and the adopted building regulations of the City of Gardner.
 - c. Maintenance activities shall ensure that the sign is structurally sound and in good condition and that the property is maintained in compliance with the adopted regulations of the City of Gardner.
 - d. Sign permits for such signs shall be renewed every 5 years though the filing of a sign permit renewal application and a certified inspection report provided by a licensed engineer registered in the State of Kansas verifying the sign is structurally sound and in good condition.
4. Conditional Use Permit (CUP) Required – principal use sign applications with the following characteristics are subject to the CUP review and approval process outlined in Section 17.03.050 of Title 17 Land Development Code of the Gardner Municipal Code:
 - a. Height – above 30 feet to 50 feet maximum
 - b. Vertical stacked signs
5. The sign shall be subject to meeting all other applicable state and federal regulations, including but not limited to the Kansas Highway Beautification Highway Advertising Control Act of 1972, K.S.A. 68-2231 *et seq.*, as amended, and the United States Highway Beautification Act of 1965, 23 U.S.C. 133, as amended. Each sign shall be permitted by the State of Kansas in accordance with K.S.A. 68-2236, as amended. In the event that an application for placement of a principal use sign is made prior to the applicant obtaining a permit from the State, any approval shall be conditioned upon the applicant subsequently obtaining a State permit.

Section 4: Title 17 of the Code of the City of Gardner Kansas, 2016, Section 17.10.050, shall be amended to read as follows:

17.10.050 Standards Applicable to All Signs

- A. No sign shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, except as permitted by the applicable road authority or where specifically exempt from the right-of-way prohibition by this chapter.
- B. No sign shall be erected without the property owner's permission.
- C. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
- D. No sign shall be placed in any sight triangle applicable to public streets, internal access streets, or driveway access points using the sight distance provisions of GMC 17.04.010(D).
- E. No sign shall be placed on any vehicle or trailer, when such vehicle or trailer is placed or parked visible from the right-of-way, and the primary purpose of the sign is to deviate from the standards or criteria of this chapter.
- F. No sign attached to any building shall extend vertically above the highest portion of the roof line or parapet, whichever is less.
- G. Any sign projecting over a walkway or other active area in front of a building or other active area where people may walk shall maintain at least eight-foot vertical clearance.
- H. No sign shall include balloons, streamers, pennants or other air-activated elements and animated elements, whether animated by mechanical, electrical, or environmental means, except as authorized through any temporary use or special event permit. This limit shall not apply to pedestrian signs, provided any animated element shall apply to the overall pedestrian sign allowances.
- I. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The light from an illuminated sign shall not flash or oscillate, or create a negative impact on residential uses in direct line-of-sight to the sign.
- J. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.

Section 8: All other provisions of Article 17 of the Gardner Municipal Code which are not specifically amended as provided for herein shall continue in force and effect.

Section 9: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

Section 10: This ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

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PASSED by the City Council this 15th day of November, 2021.

APPROVED by the Mayor this 15th day of November, 2021.

(SEAL)

CITY OF GARDNER, KANSAS

/s/

Steve Shute, Mayor

Attest:

/s/

Sharon Rose, City Clerk

Approved as to form:

/s/

Ryan B. Denk, City Attorney