

ORDINANCE NO. 2533

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 the changes to Section of Title 17 entitled "Land Development Code", by action of the Planning Commission on the 25th day of October, 2016; 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 15th day of November, 2016; 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, shall be amended as follows:

Title 17.03.010 General – All Applications, Table 3-1 Procedures Summary shall be amended in the column under the header "**Notice – Posted**", by removing check mark box to indicate that no posted notice is required for an Appeal of Administrative Decision.

Title 17.07.030 Building Design Standards, Section D. Materials. 4. Color. shall be amended to read as follows:

4. *Color.*

a. For all building types, primary façade colors shall be low-reflecting and subtle. Intense, bright, or fluorescent colors are prohibited as primary façade colors. For new detached house and duplex building types, a color palette shall be submitted before issuance of a certificate of occupancy. For all other new building types, a color palette shall be approved per subsection 4.b.

b. For all building types except detached houses or duplexes, a color palette shall be provided with all site plan, final development plan, and building permit applications. No building permit shall be issued until a color palette has been approved by the Planning Commission or Director.

(1) The color palette shall include all primary and accent colors that will be used throughout the development, including roofs and awnings. The number of colors is not limited, provided that all of the proposed colors are part of a coordinated color scheme.

(2) Color palettes shall tie building elements together, relate separate (freestanding) buildings within the same development, and enhance the architectural form of a building.

(3) All building accessories, including, but not limited to, meters, flues, vents, gutters, and utilities shall match or complement in color the permanent color of the surface from which they project.

Title 17.07.020 Zoning Districts – Building Type and Development Standards, Section A. Residential Districts, Table 7-2: Residential District Building Type & Development Standards shall be amended for the Detached House – Suburban building type under **Development Standards – Minimum Setbacks – Interior Side** to read "7".

Title 17.07.040 Specific Building Type Standards, Detached House – Suburban building type shall be amended under **Building Placement**, adjacent to "C Side", to read "7' min."

Title 17.07.020 Zoning Districts – Building Type and Development Standards, Section B. **Nonresidential Districts, Table 7-3: Nonresidential District Development Standards** shall be amended under **Development Standards – Building Height** as follows:

- For the **Live/Work** building type, to read “45’ 3 stories”.
- For the **Small Commercial/Storefront** building type, to read “45’ 3 stories”.
- For the **Small Commercial/Pad Site** building type, to read “35’ 2 stories”.
- For the **Mixed-Use** building type, to read “65’ 5 stories”.
- For the **General Commercial** building type, to read “35’ 2 stories”.
- For the **Large Commercial** building type, to read “65’ 5 stories”.
- For the **Small Civic** building type, to read “35’ 2 stories”.
- For the **Prominent Civic** building type, to read “55’ 4 stories”.
- For the **Small Industrial/Workshop** building type, to read “35’ 2 stories”.

Title 17.07.040 Specific Building Type Standards shall be amended under **Building Scale and Mass**, adjacent to “F Height” as follows:

- For the **Live/Work** building type, to read “45’ max./3 stories”.
- For the **Small Commercial/Storefront** building type, to read “45’ max./3 stories”.
- For the **Small Commercial/Pad Site** building type, to read “35’ max./2 stories”.
- For the **Mixed-Use** building type, to read “65’ max./5 stories”.
- For the **General Commercial** building type, to read “35’ max./2 stories”.
- For the **Large Commercial** building type, to read “65’ max./5 stories”.
- For the **Small Civic** building type, to read “35’ max./2 stories”.
- For the **Prominent Civic** building type, to read “55’ max./4 stories”.
- For the **Small Industrial/Workshop** building type, to read “35’ max./2 stories”.

Title 17.07.050 Frontage Design, Section C. **Design Standards**, for the **Suburban Yard** frontage type under **Access Width Limits** shall be amended to read “30%; 24’ max. per access point, applicable to the area within the right-of-way”.

Title 17.07.050 Frontage Design, Section C. **Design Standards**, for the **Suburban Yard** frontage type under **Design and Performance Standards** shall be amended to read “Allocation of space shall be: 0% - 40% hardscape, with the remainder either landscape or turf.”

Section 2: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

Section 3: This ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED by the City Council this 5th day of December, 2016.

APPROVED by the Mayor this 5th day of December, 2016.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz
Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk
Ryan B. Denk, City Attorney