

ORDINANCE NO. 2550

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 action of the Planning Commission on the 25th day of October, 2016, and on the 20th day of December, 2016, and on the 23rd day of May, 2017; 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 23rd day of May, 2017, and the 27th day of June, 2017, and the 25th day of July, 2017; 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 to read as follows:

CHAPTER 17.05 ZONING DISTRICTS & USE STANDARDS

Section 17.05.020 GENERAL ZONING STANDARDS, Subsection A. General Requirements.

A. **General Requirements.** The following general requirements apply to all zoning districts, except where specifically noted otherwise in these regulations:

1. All buildings, structures or land shall be used, constructed and occupied in conformance with the zoning district standards. This Code does not apply to any private agreement or covenant, except where the standards of this Code are more restrictive than any agreement or covenant.
2. All required yards, setback areas or other open space shall remain unenclosed and open to the sky, except where specifically stated otherwise.
3. Except as specifically provided in this Code, no lot may have more than one principal building. Specific exceptions include:
 - a. Garden apartment complexes;
 - b. Groupings of buildings permitted subject to the Building Type and Civic Space standards, such as permitted courtyard configurations; or
 - c. Retail, service and employment, communications and utilities, transportation, or industrial buildings integrated into a complex under a single approved site plan or development plan.
4. The use of land, buildings and structures within the City shall be subject to all other applicable provisions of the City of Gardner Municipal Code, and all other applicable local, state and federal regulations pertinent to the activity pursued, whether or not such provisions are specifically cross referenced in this Code. Proof of compliance with other applicable regulations may be required prior to a determination of approval under this Code.

CHAPTER 17.05 ZONING DISTRICTS & USE STANDARDS

Section 17.05.030 GENERAL USE STANDARDS, Subsection A. Permitted Uses.

A portion of Table 5-2: Use Table. Delete in entirety the retail use Outdoor Sales – Seasonal (shown as ~~strikethrough~~ below), and revise these specific retail and industrial uses to read as follows:

Table 5-2: Use Table																
	Residential Districts								Non-Residential Districts							
	A	RE	R-1	R-2	R-3	R-4	R-5	RM-P	C-O	CO-A	C-1	C-2	C-3	M-1	M-2	REC
RETAIL																
Outdoor Sales – Limited	A*	A*								A*	A*	A*	A*			
Outdoor Sales – Seasonal	A									A	A	A	A	A		
Outdoor Sales – General												P*	P*	P*	P*	
Outdoor Sales – Heavy												C*	P*	P*	P*	
INDUSTRIAL																
Commercial Storage – Outdoor Minor														P*	P*	P*
Commercial Storage – Outdoor Major															P*	P*

A portion of Table 5-2: Use Table. Three additional Communications and Utilities uses pertaining to public utility facilities and aviation facilities. The entire section to read as follows:

Table 5-2: Use Table																
	Residential Districts								Non-Residential Districts							
	A	RE	R-1	R-2	R-3	R-4	R-5	RM-P	C-O	CO-A	C-1	C-2	C-3	M-1	M-2	REC
COMMUNICATIONS AND UTILITIES																
<i>Small cell and distributed antenna systems mounted or collocated on monopoles, utility poles, or street lights in the public rights-of-way</i>	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
<i>Communication facilities designed as an architecturally compatible element mounted or collocated on non-residential buildings</i>	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
<i>Communication facilities designed as an architecturally compatible element mounted or collocated on mixed use or live/work buildings</i>						A*	A*		A*	A*	A*					
<i>New tower (not in the public rights-of-way)</i>	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*
<i>Modification of an existing tower or base station that does not incur a substantial change to the tower or base station or that otherwise qualifies as an eligible facilities request</i>	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
<i>Wind Energy Conversion System – Small</i>	C*	C*				C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*
<i>Wind Energy Conversion System – Large</i>	C*														C*	C*
<i>Solar Collector – Roof Mounted</i>	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
<i>Solar Collector – Ground Mounted</i>	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*
<i>Public Utility Facility - Minor</i>	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	
<i>Public Utility Facility - Major</i>									C*	C*	C*	C*	C*	C*	C*	
<i>Aviation Facilities</i>	C*															

CHAPTER 17.05 ZONING DISTRICTS & USE STANDARDS

Section 17.05.030 GENERAL USE STANDARDS, Subsection B. Description of Uses.

Delete in entirety the retail use Outdoor Sales – Seasonal (shown as ~~strikethrough~~ below), and revise these specific retail uses to read as follows:

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 – Seasonal. The accessory display and sale of merchandise on a sidewalk or exterior private area of a site associated with an otherwise permitted nonresidential use, where merchandise may be kept outdoors or where a portion of the site or area is designed and dedicated to facilities to support the display and sale. The display is further limited by the following: (1) it is limited to no more than three-month time

periods with at least one month between events; and (2) it requires a portion of the site or grounds dedicated to display and sales; and (3) it is incidental and subordinate to the principal display of merchandise indoors on the premises; and (4) is entirely located on private property. Examples include a garden center, nursery, or holiday event sale associated with general retail uses.

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.

Revise these specific industrial uses to read as follows:

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.

Add the following new COMMUNICATIONS AND UTILITIES uses at the end of that section.

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.

CHAPTER 17.05 ZONING DISTRICTS AND USE STANDARDS

Section 17.05.040 ACCESSORY USES. Revise specific sub-sections to read as follows:

B. **Accessory In-Home Day Care.** Where in-home day care services for children are permitted as an accessory use to a residence subject to additional standards (as indicated in Table 5-2), the use shall be approved by the Business and Economic Development Director or designee after being found to be in accordance with the following standards:

1. The day care provider shall provide evidence of any applicable license, certification or registration required by a state or federal agency.
2. The primary day care provider shall reside on the premises.

3. Outdoor play areas shall be fenced. Outdoor play shall only occur between the hours of 8:00 a.m. and 9:00 p.m.
4. No traffic shall be generated by any day care operation in substantially greater volume than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation. If parking for a day care operation occurs in a manner or frequency causing disturbance to the normal traffic flow for the neighborhood, the operation shall be considered best permitted according to applicable regulations as a day care center.

C. **Accessory Home Occupation.** Where home occupations are permitted as an accessory use to a residence subject to additional standards (as indicated in Table 5-2), the use shall be approved by the Business and Economic Development Director or designee upon review of a plot plan, site plan and/or floor plan in accordance with the following standards:

1. Home occupations shall be entirely contained within the interior of a structure. A home occupation shall use no more than 20 percent of the total dwelling unit floor area.
2. No visible evidence of the business shall be apparent from the street or surrounding area. Signage shall be permitted per the requirements of Chapter 17.10 GMC. There shall be no outdoor storage or display of products, equipment, or merchandise other than of a type and quantity characteristically found at a single residential dwelling. The appearance of a dwelling shall not be altered to the extent that attention is drawn to the structure as a commercial or business operation.
3. The following uses are prohibited as home occupations in all districts:
 - a. Food and beverage service;
 - b. Retail operations (does not include mail order businesses);
 - c. Vehicle/equipment service and repair (including parts) or machine shop;
 - d. Gymnastics, dance, or recording studios and similar uses;
 - e. Mortuaries.
4. No traffic shall be generated by any home occupation in substantially greater volume than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation. If parking for a home occupation occurs in a manner or frequency causing disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best handled in a commercial district rather than as a home occupation.
5. No more than six clients or 2 employees shall visit per day, and only between 8:00 am and 8:00 pm.
6. A home occupation shall not create excessive noise, dust or dirt, heat, smoke, odors, vibration, glare or bright lighting which would be over and above that created by a single residential dwelling. The production, dumping, or storage of combustible or toxic substances shall not be permitted on-site; and no materials which are radioactive, poisonous, or corrosive shall be discharged into any sewer, drainage way, water body, or the ground. Additionally, a home occupation shall not cause electrical or communications interference. If any home occupation presents a safety hazard to the public or adjacent or nearby properties, it shall be rendered safe upon notice or terminated.
7. The application shall include a signed affidavit from the business owner/resident pledging continued compliance with all standards.
8. The owner/operator shall provide evidence of any applicable license, certification or registration required by a local, state, or federal agency.

- F. **Food and Beverage – Accessory Outdoor.** Where accessory outdoor food and beverage uses are permitted, the use shall be approved by the Business and Economic Development Director or designee upon review of a plot plan in accordance with the following standards:
1. Applicant shall submit a plan showing the layout and arrangement of the proposed outdoor eating/service area, including overall dimensions, aisle widths, access to the adjacent building, and the locations, dimensions and descriptions of related furniture or other objects to be included in the area. The plan shall also show the location of public infrastructure located within the area and within 20 feet of the area boundaries, such as streets, sidewalks, tree wells, benches, etc.
 2. Shall be located adjacent to a portion of a building occupied at street level by a food or beverage establishment having the same operator, and having all applicable permits.
 3. Shall contain appropriate waste receptacles on-site and all litter, debris, and other waste attributable to the use shall be removed on a daily basis.
 4. The owner/operator shall provide evidence of any applicable license, certification or registration required by a local, state, or federal agency.
 5. If the outdoor food and beverage service area is proposed to be located within the right-of-way, a right-of-way permit is required.
 6. Pedestrian passageways to exit the service area shall not be less than five feet in width, and shall be unobstructed by any objects.
 7. Any barriers, railings and furnishings shall complement the style, design, and color of the associated building and meet the intent of the applicable design standards.
 8. Signs shall be permitted according to Chapter 17.10 GMC.
 9. Televisions or other electronic audio or visual devices or means of producing amplified sound shall not be permitted within an outdoor food and beverage service area that is within 100 feet of a residential use or district.
 10. All moveable objects shall be removed from a public sidewalk daily at close of business.
- I. **Outdoor Sales – Limited.** Where Outdoor Sales – Limited is permitted as an accessory use subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:
1. The goods shall be displayed on a sidewalk abutting the principal building that meets the requirements of GMC 17.09.020(C), provided that a minimum of five feet of unobstructed sidewalk area shall be maintained for pedestrian passage at all times.
 2. Goods shall not be placed or located where they will interfere with pedestrian or building access, clear vision areas or required vehicle parking.
- J. **Outdoor Storage of Materials, Products, or Equipment.** All storage of materials, products, or equipment shall be contained within the principal building or other approved fully enclosed accessory structure, except miscellaneous storage and building materials as provided per Title 8 GMC Property Maintenance, or outdoor storage otherwise permitted in this Code, or customary building mechanical systems. Outdoor storage of building materials on the lot upon which such construction is taking place shall only be permitted during the period of active construction.
- K. **Food and Beverage – General.** Where general food and beverage is permitted as an accessory use subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:

1. Shall be a maximum of 3,000 square feet or 10 percent of the building or complex in which the use is located, whichever is smaller.
 2. Shall not include drive-through facilities.
- O. **Permanent Cargo Containers.** Permanent cargo containers may be permitted in the M-1 and M-2 districts provided that the use shall be approved by the Business and Economic Development Director or designee upon review of a plot plan in accordance with the following standards:
1. Lots shall be larger than one acre.
 2. No more than two cargo containers may be used.
 3. The cargo containers must be located within an outdoor storage area that is properly screened according to GMC 17.08.040.
 4. No cargo container may be located within 20 feet of any property line.
 5. All signage on the cargo container shall be removed and the cargo container shall be painted an earth tone color.
 6. Cargo containers shall be anchored to the ground, and must be maintained such that they are safe, structurally sound, stable, and in good repair. Any cargo container that becomes unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property to a location that can legally accept it.
 7. No cargo containers shall be modified for habitation, including windows and cooling, plumbing or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet the minimum codes and standards for lighting and air circulation for storage purposes.

CHAPTER 17.05 ZONING DISTRICTS AND USE STANDARDS

Section 17.05.050 SPECIFIC USE STANDARDS. Revise specific sub-sections to read as follows:

- H. **Outdoor Sales.** Where Outdoor Sales (General or Heavy) is indicated as a permitted or conditional use subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:
1. Outdoor display areas shall be located on the same lot as the principal use.
 2. Outdoor display of retail goods requires approval of a site plan showing the location, area, and dimensions of the display area, and specifications for all lighting and fencing or screening.
 3. The display area shall be located on the same lot as the principal structure, and shall not be located in a required parking space, drive lane, loading area, or the public right-of-way.
 4. Goods shall not be placed or located where they will interfere with pedestrian or building access or clear vision areas.
 5. No goods shall be displayed within the public right-of-way.
 6. All lighting shall be shielded and of a full cutoff design to illuminate only the outdoor display area. Lighting shall be of minimal brightness to illuminate the merchandise, but shall not be unduly bright as to create visual disturbance as compared to public space lighting.
 7. Lighting of the outdoor display area shall be dimmed to the minimum needed for security purposes during nonbusiness hours except lighting for building entrances and access drives.

8. The display area shall be screened from view along any property line abutting a residential use or district according to GMC 17.08.040, or by the presence of other buildings blocking the view.
 9. Outdoor display areas shall be located on a hard surface such as cement or asphalt products. Gravel may only be approved through Planning Commission after review of containment and management strategies.
- N. **Day Care Center.** Where day care centers are noted as a conditional use subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:
1. The owner/operator shall provide evidence of any applicable license, certification or registration required by a local, state, or federal agency.
 2. Outdoor play areas shall be fenced with a six-foot-tall privacy fence. Outdoor play shall only occur between the hours of 8:00 a.m. and 9:00 p.m.
 3. Shall be located on a site with access from a collector or arterial street.
- Z. **Public Utility Facilities.** Where Public Utility Facilities are noted as a permitted or conditional use subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:
1. *Setback.* All buildings and structures shall have a minimum setback of 50 feet from residentially zoned property.
 2. *Height.* Public Utility Facilities may exceed the required height limit subject to the following conditions:
 - a. Building is setback one additional foot for each additional foot the building exceeds the height limit for the applicable building type.
 - b. Building is setback three additional feet for each additional foot the building exceeds the height limit for the applicable building type when adjacent to property residentially zoned or for residential districts as identified in the Comprehensive Plan.
 - c. The maximum building height shall not exceed 20 feet over the maximum building height for the applicable building type.
 3. *Buffering.* Buffering shall adhere to the following requirements, as provided in GMC 17.08.030(B):
 - a. Public Utility Facilities – Minor shall be subject to Level 3 buffering requirements.
 - b. Public Utility Facilities – Major shall be subject to Level 4 buffering requirements.
 4. *Fencing.* Fencing may be permitted provided all the following standards shall be met:
 - a. Fencing may be permitted around the perimeter of the facility as indicated on a site plan.
 - b. Perimeter fencing shall be a minimum of 6 feet in height.
 - c. *Materials:*
 - i. Fencing adjacent to the public right-of-way shall be wrought iron or aluminum simulating wrought iron.
 - ii. All other fencing shall be per approved materials established in GMC 17.08.040(B) and shall be designed to match the architecture of surrounding structures.
 - d. Razor wire and barbed wire shall not be permitted on perimeter fencing.
- AA. **Commercial Storage – Outdoor Minor.** Where Commercial Storage – Outdoor Minor is permitted subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:
1. The outdoor storage area shall be located behind the front building line of the principal building, or (if there is no principal building) shall meet the required minimum front setback for one of the permitted building types in that zoning district.

2. The outdoor storage area shall be set back at least 50 feet from all residential zoning districts and 15 feet from all other non-industrial zoning districts.
3. The outdoor storage area shall not be located closer than 15 feet to any street or right-of-way.
4. No portion of the outdoor storage area shall be allowed within any utility easements or floodplain.
5. The outdoor storage area shall be paved per the requirements for parking lots. Gravel can only be approved by the Planning Commission after review of containment and management strategies.
6. The outdoor storage area shall be screened according to GMC 17.08.040, and no materials shall be stacked higher than the screening.

BB. Commercial Storage – Outdoor Major. Where Commercial Storage – Outdoor Major is permitted subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:

1. The outdoor storage area shall be located behind the front building line of the principal building, or (if there is no principal building) shall meet the required minimum front setback for one of the permitted building types in that zoning district.
2. The outdoor storage area shall be set back at least 75 feet from all residential zoning districts and 15 feet from all other non-industrial zoning districts.
3. The outdoor storage area shall not be located closer than 15 feet to any street or right-of-way.
4. No portion of the outdoor storage area shall be allowed within any utility easements or floodplain.
5. The outdoor storage area shall be paved per the requirements for parking lots. Gravel can only be approved by the Planning Commission after review of containment and management strategies.
6. The outdoor storage area shall be screened according to GMC 17.08.040, and stacked materials shall not exceed 35 feet in height. Additional height may be approved for stacked materials by conditional use permit, provided that an additional foot shall be added to all setbacks for each additional foot of stacked height.

CC. Aviation Facilities. Where aviation facilities are noted as a conditional use (as indicated in Table 5-2), all of the following standards shall be met:

1. Aviation Facilities shall be constructed in accordance with the existing Airport Master Plan and Airport Layout plan as approved by the Federal Aviation Administration (FAA).
2. *Building Types.* Aviation facilities may be exempt from transparency requirements, primary entry feature requirements, and building ornamentation requirements if buildings are for the storage and maintenance of aircraft.
3. *Street Design.* Per GMC 17.04.010(C)(3), the City Engineer, Director of Business and Economic Development, or Planning Commission may modify typical street cross sections to include an exemption to the street tree requirement in designated zones defined in the FAA approved Airport Layout Plan outlined in the Gardner Airport Master Plan.
4. *Frontage Design.* Aviation facilities shall comply with frontage design standards, however, may be exempt from frontage tree requirements in designated zones defined in the FAA approved Airport Layout Plan outlined in the Gardner Airport Master Plan.
5. *Landscape Design.* Aviation facilities may be exempt from all requirements for parking lot trees and open space trees if such trees are in designated zones defined in the FAA approved Airport

Layout Plan outlined in the Gardner Airport Master Plan or in areas which impact airport operations as determined by the Airport Manager.

6. *Off-Street Parking.* Aviation facilities shall provide one parking space per enclosed aircraft space.
7. *Above Ground Storage Tanks.* Above ground storage tanks shall be permitted as an accessory use for aviation facilities provided all of the following standards shall be met:
 - a. Aviation facilities shall be permitted one above ground storage tank per lot or one above ground storage tank per 50 acres.
 - b. Above ground storage tanks shall not be permitted in the front yard setback.
 - c. Above ground storage tanks shall not exceed 1,000 gallons in size.
 - d. Above ground storage tanks shall comply with screening requirements as provided in GMC 17.08.040.
8. *Lighting.* All lighting shall comply with GMC 17.08.050, unless otherwise required by the FAA.
9. In the event of conflict between the GMC 17.05.050(CC) requirements and a specific federal regulation or standard, the more restrictive shall apply or the Gardner Land Development Code shall be applied to the greatest extent allowed under the conflicting federal requirement.

CHAPTER 17.07 BUILDING STANDARDS

Section 17.07.020 ZONING DISTRICTS – BUILDING TYPE AND DEVELOPMENT STANDARDS, Subsection A. Residential Districts. Table 7-2: Residential District Building Type and Development Standards.

Table 7-2: Residential District Building Type & Development Standards

Eligible Zoning Districts							Building Types	Development Standards							
A	RE	R-1	R-2	R-3	R-4	R-5		Lot Standards			Minimum Setbacks				Building Height
								Min. Size	Min. Width	Building Coverage	Front	Interior Side	Corner Side	Rear	
■	■	■					Detached House - Estate	1 ac. / 5 ac. A	125' / 200' A	10%	35'	25'	25'	50'	40' 3 stories
		■	■	■			Detached House - Suburban	8K s.f.	70'	30%	25' - 50'	9'	20'	25'	35' 2.5 stories
			■		■	■	Detached House - Neighborhood	6K s.f.	50'	40%	10' - 35'	5'	10'	25'	35' 2.5 stories
					■	■	Detached House - Compact	3.5K - 6K s.f.	35'	60%	10' - 35'	5'	10'	25'	30' 2 stories
			■	■	■	■	Duplex	10K s.f. / 5K s.f. per unit	70' / 35' per unit	30%	25' - 50'	7' / 0' party wall	20'	25'	35' 2.5 stories
					■	■	Duplex - Compact	6K - 10K s.f. / 3K s.f. per unit	50' / 25' per unit	60%	10' - 35'	5' / 0' party wall	10'	25'	35' 2.5 stories
				■	■	■	Row House	2K - 4.5K s.f. per unit	18' - 36' per unit	70%	10' - 25'	5' / 0' party wall	10'	20'	40' 3 stories
					■	■	Walk-up Apartment	6K - 10K s.f.	50' - 100'	70%	10' - 25'	5' / 10'	10'	20'	40' 3 stories
						■	Mid-rise Apartment	10K - 20K s.f.	80' - 200'	70%	10' - 25'	5' / 10'	10'	20'	60' 5 stories
				■			Garden Apartment	10K s.f. / 1.5K s.f. per unit	70'	40%	25' - 50'	7'	20'	25'	40' 3 stories
					■	■	Live / Work	See Non-residential Building Types in Table 7-3							
■	■	■	■	■	■	■	Small Civic	See Non-residential Building Types in Table 7-3							
■							General Industrial	See Non-residential Building Types in Table 7-3							

CHAPTER 17.08 SCREENS AND FENCING
Section 17.08.040 SCREENS AND FENCING

- A. **Screening.** All of the following shall be screened from streets or adjacent property with dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or architectural features of the building, or a combination of these:
1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas, whether ground, wall or roof mounted; provided however, that ground-mounted equipment associated with Detached House or Duplex building types does not require such screening from adjacent property.
 2. Permanent outdoor storage areas;
 3. Trash enclosures;
 4. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning;
 5. Nonresidential parking lots within 30 feet of residential lots.

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 21st day of August, 2017.

APPROVED by the Mayor this 21st day of August, 2017.

(SEAL)



CITY OF GARDNER, KANSAS

A handwritten signature in black ink, appearing to read "Chris Morrow", written over a horizontal line.

Chris Morrow, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Amy Waller", written over a horizontal line.

Amy Waller, City Clerk

Approved as to form:

A handwritten signature in blue ink, appearing to read "Ryan B. Denk", written over a horizontal line.

Ryan B. Denk, City Attorney