

ORDINANCE NO. 2584

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 28th day of February, 2017, and on the 29th day of January, 2018, and on the 24th day of April, 2018; 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 24th day of April, 2018, and the 26th day of June, 2018; 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 in part to read as follows:

CHAPTER 17.05 ZONING DISTRICTS & USE STANDARDS
Section 17.05.010 ZONING DISTRICTS AND INTENT

Subsection B. Relationship to Comprehensive Plan.
Table 5-1: Comprehensive Plan and Zoning Districts

Table 5-1: Comprehensive Plan and Zoning Districts

Future Land Use Category	Typically Applicable Zoning Districts
Agriculture/Rural Residential	A; RE; or application of "P" districts to these and other residential districts to promote open space and rural preservation.
Low Density Residential	RE; R-1; R-2; or application of "P" districts to these and other residential districts to promote open space and rural preservation; OR to develop more walkable neighborhoods with a mix of housing types and connection to walkable neighborhood centers.
Medium Density Residential	R-2, R-3, R-4; or small scale communities in RM-P; or application of "P" districts to these and other districts to develop more walkable neighborhoods with a mix of housing types and connection to walkable community centers.
High Density Residential	R-3, R-4, R-5, RM-P; or application of "P" districts to these and other districts to develop more walkable neighborhoods with a mix of housing types and connection to walkable community or regional centers.
Core Mixed Use	C-1, R-4; or application of "P" districts to make an integrated plan for a compact walkable downtown and surrounding neighborhoods.
Community Mixed Use	C-O, CO-A, C-2; or application of "P" districts to allow commercial in more walkable center.
Community Commercial	C-O, CO-A; or application of "P" districts to allow commercial in more walkable center.
Regional Commercial	C-2, C-3, M-1; or application of "P" district to these districts to allow larger-scale master development or campus-type environments for large commercial or employment uses.

Table 5-1: Comprehensive Plan and Zoning Districts

Future Land Use Category	Typically Applicable Zoning Districts
Commercial & Light Industrial	C-O, C-3, M-1; or application of "P" district to these districts to allow campus-type environments or better integration of industrial uses into surrounding patterns.
Heavy Commercial & Industrial	M-2; or application of "P" district to these districts to allow campus-type environments or better integration of industrial uses into surrounding patterns.
Open Space	REC; or designation as part of the Open and Civic Space System allowed in any other district.
Parks & Recreation	REC; or designation as part of the Open and Civic Space System allowed in any other district.
Public/Semi-Public	Any district that promotes the special purpose land uses that provide for broader community benefits.
Utility	Any district that promotes the special purpose land uses that provide for broader community benefits.

Nothing in this table or the plan would preclude the finding that a different application of the zoning districts is also consistent with the Land Use and Development element of the plan if the context of a specific application, and the goals, policies and strategies of the plan, support that finding.

CHAPTER 17.05 ZONING DISTRICTS & USE STANDARDS
Section 17.05.030 GENERAL USE STANDARDS

Subsection A. Permitted Uses.
Table 5-2: Use Table

Table 5-2: Use Table	Residential Districts								Nonresidential 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
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								C*								
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

Table 5-2: Use Table

	Residential Districts								Nonresidential 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
	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	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																

Table 5-2: Use Table

	Residential Districts								Nonresidential 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
Wind Energy Conversion System – Large	C*														C*	C*
Solar Collector – Roof Mounted	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
Solar Collector – Ground Mounted	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*
Public Utility Facility – Minor	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	
Public Utility Facility – Major									C*	C*	C*	C*	C*	C*	C*	
Aviation Facilities	C*															

CHAPTER 17.05 ZONING DISTRICTS & USE STANDARDS

Section 17.05.050 SPECIFIC USE STANDARDS

Subsection T. Extractive Industry/Natural Resource Processing.

T. **Extractive Industry/Natural Resource Processing.** Where extractive industry or natural resource processing is a conditional use subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:

1. Oil and gas drilling operations shall meet the requirements of Chapter 15.55 GMC.
2. Access and parking for operation, maintenance and public safety shall be paved and provide sufficient access to all equipment.
3. Landscaping and buffers shall be designed according to Chapter 17.08 GMC to screen all facilities from adjacent streets, civic and open spaces or abutting property.
4. Fencing is provided for safety and security of all equipment.
5. Any other technical specifications and reports that demonstrate emergency management, operation and hazard mitigation, and compliance with all applicable state or federal laws and regulations.

Subsection DD. Multi-Unit Household Living

DD. **Multi-Unit Household Living.** Where multi-unit household living is permitted subject to additional standards (as indicated in Table 5-2), all of the following standards shall be met:

1. A maximum of three units is allowed per lot.
2. The Detached House – Suburban, Detached House – Neighborhood, Duplex, and Garden Apartment building types may be utilized to accommodate three primary dwelling units provided all applicable building design standards, specific building type standards, and frontage standards are met. Such dwellings shall be subject to site plan review.

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 and 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.	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 Nonresidential Building Types in Table 7-3							
■	■	■	■	■	■	■	Small Civic	See Nonresidential Building Types in Table 7-3							
					■	■	Prominent Civic	See Nonresidential Building Types in Table 7-3							
■							General Industrial	See Nonresidential Building Types in Table 7-3							

*See Building Type standards in GMC 17.07.040 for applicable specifications.

Subsection B. Nonresidential Districts.

Table 7-3: Nonresidential District Development Standards

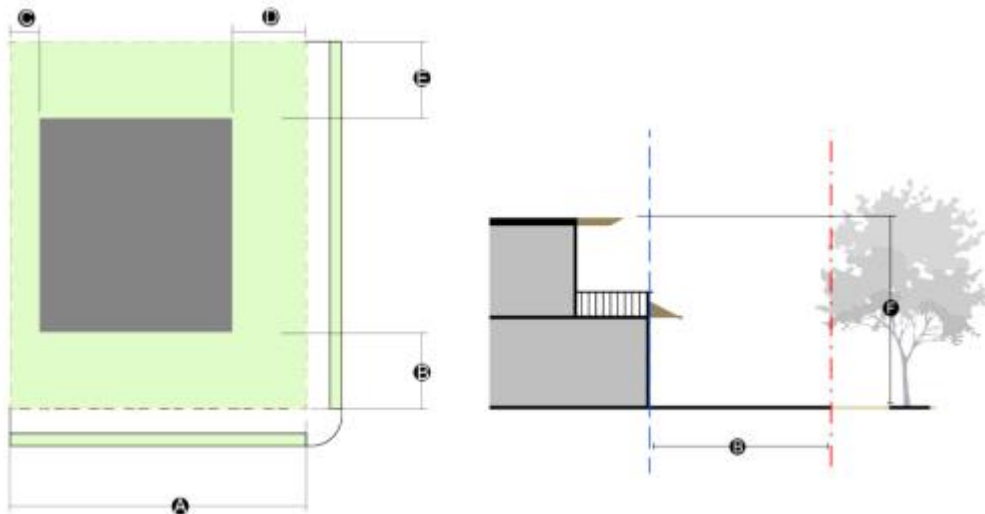
Eligible Zoning Districts								Building Types	Development Standards							
C-O	CO-A	C-1	C-2	C-3	M-1	M-2	REC		Lot Standards			Setbacks			Building Height	
									Min. Size	Min. Width	Max. Coverage	Front	Interior Side	Corner Side		Rear
■	■	■						Live/Work	2K – 4.5K s.f.	18' – 50'	80%	0' – 25'	5/0' if party wall	10'	20'	45' 3 stories
■	■	■	■	■				Small Commercial/Storefront	2K – 10K s.f.	25' – 100'	90%	0' – 10'	5/0' if party wall	10'	20' min./10' if alley*	45' 3 stories

Table 7-3: Nonresidential District Development Standards

Eligible Zoning Districts								Building Types	Development Standards							
C-O	CO-A	C-1	C-2	C-3	M-1	M-2	REC		Lot Standards			Setbacks				Building Height
									Min. Size	Min. Width	Max. Coverage	Front	Interior Side	Corner Side	Rear	
■	■	■	■	■	■	■	■	Small Commercial/ Pad Site	6K s.f.	50'	50%	25'	10'	25'	25'	35' 2 stories
■	■	■	■					Mixed-Use	2.5 – 30K s.f.	25' – 200'	90%	0' – 10'	5'/0' if party wall	0' – 10'*	20' min./ 10' if alley*	65' 5 stories
			■	■	■	■		General Commercial	10K – 50K s.f.	100'	50%	25'	10'/25' res.*	25'	25'	35' 2 stories
			■	■	■	■		Large Commercial	50K s.f.	200'	50%	25'	25'	25'	25'	65' 5 stories
■	■	■	■	■	■	■	■	Small Civic	5K s.f. – 2.5 ac.	50' – 300'	50%	20' – 50'	25'	25'	25'	35' 2 stories
■		■	■	■	■		■	Prominent Civic	2.5 – 5 acres	150'	50%	20' – 50'	25'	25'	25'	55' 4 stories
■	■	■	■	■	■	■		Small Industrial/ Workshop	2K – 10K s.f.	40'	70%	0' – 25'	5'/15' res.*	10'	25'/10' if alley*	35' 2 stories
				■	■	■		General Industrial	10K s.f.	100'	50%	50'	10'/50' res.*	20'/50' res.*	15'/50' res.*	75'/50' res.*
■	■	■						Row House	See Residential Building Types in Table 7-2							
■	■	■						Apartment – Walk-Up	See Residential Building Types in Table 7-2							

*See Building Type standards in GMC 17.07.040 for applicable specifications.

CHAPTER 17.07 BUILDING STANDARDS
Section 17.07.040 SPECIFIC BUILDING TYPE STANDARDS



Small Commercial/Pad Site

Lot Size

A Width	50' min.
Area	6,000 s.f. min.

Building Placement

B Front	25' min.
C Side	10' min.
D Corner Side	25' min.
E Rear	25' min.

Building Scale and Mass

F Height	35' max./2 stories
Frontage Type	Buffer Edge; Enhanced Streetscape; Plaza; Terrace
Building Coverage	50% max.

Design and Performance Standards

The front setback may be reduced below 25' when designed with an Enhanced Streetscape, Plaza or Terrace frontage type.

0' – 25' front setback with Enhanced Streetscape, Plaza or Terrace frontage type required in the C-1 district.

Enhanced Streetscape or Terrace frontage type required on Activity streets.

Transparency = 50% – 80% at street level; 30% – 50% on upper story.

Primary Entrance Feature = 1 per building frontage on Activity streets; side entrances may be permitted on other street types provided there is a direct pedestrian connection to the entrance from the street frontage.

CHAPTER 17.08 SITE AND LANDSCAPE STANDARDS

Section 17.08.030 LANDSCAPE DESIGN

Subsection A. Planting Requirements.

Table 8-1: Landscape Requirements (*specifically the footnote*)

In general, species for meeting the landscape requirements shall be based on the *Great Trees for the Kansas City Region* incorporated as an Appendix C to this Code. Although Appendix C does not offer a list of medium trees, it should be understood that trees expected to mature to a range of 30 - 50 feet in height, and 30 - 50 feet spread based on anticipated growth patterns and planting context can be considered as medium trees. Examples may include *Quercus lyrata* (Overcup Oak), *Ostrya virginiana* (Hophornbeam) and *Koelreuteria paniculata* (Golden Raintree).

CHAPTER 17.09 ACCESS AND PARKING STANDARDS

Section 17.09.020 BLOCK AND LOT ACCESS

Subsection A. Driveways and Access.

Table 9-1: Access Location and Spacing

Table 9-1: Access Location and Spacing
Functional Class

	Arterial*	Collector	Local
<i>Residential</i>	100' min. separation**	75' min. separation**	No min. separation except as controlled by Frontage Types in Chapter 17.07 GMC
	200' + corner	125' + corner	75' + corner (not applicable to intersections of local/local streets, although access shall be placed to maximize separation from corner)
	250' + signalized intersection	250' + signalized intersection	250' + signalized intersection
<i>Nonresidential</i>	200' min. separation**	150' min. separation**	100' min. separation**
	200' + corner	125' + corner	75' from lot corner
	250' + signalized intersection	250' + signalized intersection	150' + signalized intersection

* Direct access to an arterial street shall be permitted only when the subject property has no other reasonable access to the street system, and only if the City Engineer determines that the proposed access point is safe and is subject to the limits of this table.

** The City Engineer may allow averaging of the separation of access points along any block face provided there are no adverse impacts on the transportation network, and the intent of this section is equally or better served

CHAPTER 17.10 SIGN STANDARDS
Section 17.10.040 SIGN ALLOWANCES

Table 10-2: Sign Allowances (specifically the portion pertaining to Temporary Signs)

	Residential, Agriculture and REC Districts	C-O, CO-A and C-1	C-2, C-3, M-1 and M-2	
<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>		

CHAPTER 17.10 SIGN STANDARDS

Section 17.10.060 STANDARDS APPLICABLE TO SPECIFIC SIGN TYPES

Subsection E. Temporary Signs.

E. **Temporary Signs.** Temporary signs are subject to the following additional limitations:

1. It shall be the responsibility of the person who causes the temporary sign to be erected to see that the temporary sign placed with the permission of the property owner is removed when the display time has exceeded the applicable regulatory time limit.
2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
3. Temporary signs shall be constructed of rigid material, and securely anchored so as not to pose a distraction or hazard to drivers. Non-rigid materials (such as banners) which are securely mounted on a wall, rigid backing material, or completely framed without sagging or flapping may be used as a temporary sign if set back at least 30 feet from the pavement edge of the fronting roadway.
4. The Director shall be authorized to extend the duration of display time for temporary signage pertaining to the sale of that property once per calendar year, until such time as the property is sold.
5. The Director shall be authorized to require the removal of any temporary sign that pertains to an expired event.

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 16th day of July, 2018.

APPROVED by the Mayor this 16th day of July, 2018.

CITY OF GARDNER, KANSAS

(SEAL)

/s/

Steve Shute, Mayor

Attest:

/s/

Amy Nasta, City Clerk

Approved as to form:

/s/

Ryan B. Denk, City Attorney