

## Chapter 18.46

### M-3 GENERAL INDUSTRIAL DISTRICT and MP-3 PLANNED GENERAL INDUSTRIAL DISTRICT

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#### **18.46.010 Statement of Intent**

The zoning of property as M-3, General Industrial, is intended to manage the development of heavy and intensive industrial uses, including asphalt plants, feed lots and scrap and waste materials. Most activities will consist of manufacturing or outdoor storage yards.

The zoning of property as MP-3, Planned General Industrial District, is intended to encourage development of industrial buildings grouped around major transportation systems. The buildings would accommodate businesses engaged in intensive manufacturing, with limited light manufacturing uses. (Ord. 02-54 § 2, 2002)

#### **18.46.020 Permitted Uses**

No building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, moved or altered, except for one (1) or more of the uses set forth herein, or similar uses in accordance with the Use Matrix in Chapter 18.76, subject to all applicable development and performance standards.

#### A. Uses permitted by right:

1. The following uses shall be permitted in the M-3 district subject to the performance standards in Section 18.46.040:
  - a. All uses permitted by right in Districts M-1 and M-2 subject to the applicable development and performance standards.
  - b. Adult business establishments.
  - c. Asphalt plants.
  - d. Chemical and allied products -- manufacturing.
  - e. Eating places, not including drive-through or drive-in service, or outdoor service area.
  - f. Feedlots and stockyards.
  - g. Grain mill products -- manufacturing.
  - h. Meat products -- manufacturing.
  - i. Primary metal industries -- manufacturing.
  - j. Rail terminals or railroad yards.
  - k. Stone, clay, glass and concrete products -- manufacturing.
2. The following uses shall be permitted in the MP-3 district subject to the performance standards in Section 18.46.060:

- a. All uses permitted in District M-3, subject to applicable development and performance standards.
  - b. Assembly halls, convention centers and conference facilities.
  - c. Automobile parking lots and structures (freestanding).
  - d. Barber and beauty shops.
  - e. Child day-care services.
  - f. Colleges, universities, professional schools and junior colleges (public or private).
  - g. Eating places, including drive-through or drive-in service, and outdoor service area.
  - h. Farm and garden machinery and equipment with outdoor storage and display
  - i. Junkyards and salvage yards.
  - j. Miscellaneous equipment rental and leasing with outdoor storage.
  - k. Newsdealers and newsstands.
  - l. Physical fitness facilities.
  - m. Scrap and waste materials, wholesale trade.
  - n. Storage lots for recreation vehicles, trailers, boats, etc.
  - o. Wind generation towers.
- B. Conditionally permitted uses: The following uses shall be permitted subject to compliance with applicable conditions:
- 1. Accessory uses, subject to the provisions of Chapter 18.56, Accessory Uses and Structures.
  - 2. Outdoor play areas for child day-care services, subject to site plan approval by the City Planner.
  - 3. Temporary sales and events subject to the provisions of Section 18.54.040.
- C. Special uses: As specified in the Use Matrix, Chapter 18.76, or Chapter 18.54, Special Uses, may be permitted with a special use permit obtained pursuant to the provisions of Chapter 18.12, Applications and Procedures.
- D. Junkyard or Salvage Yard: No person shall establish, operate, or maintain a junkyard or salvage yard, any portion of which is within the City limits of Olathe, except those junkyards or salvage yards located within areas which are zoned MP-3. Storage, parking or dismantling of any inoperable, wrecked, scrapped, ruined, or dismantled motor vehicle and parts thereof shall not be permitted in any area or storage area or lot within the City, except in the storage area or lot zoned MP-3 and duly licensed by the Kansas Department of Transportation (KDOT). No such vehicle or parts shall be stored for scrap in any area, unless such area is zoned MP-3. This section shall not apply to any inoperable or wrecked vehicle being repaired or restored by a body or repair facility, and such vehicle is owned by a customer, not the establishment, and awaiting to be repaired or restored within ninety (90) days after first being brought to the facility. (Ord. 02-54 § 2, 2002)

### **18.46.030 Height and Area Regulations for M-3 Development**

The maximum height of buildings and structures, the minimum district size, setbacks for buildings and parking/paving, maximum floor area ratio and minimum landscaped open space ratio shall be as follows, except as provided in Chapter 18.58, Height and Area Exceptions:

- A. Minimum district size -- ten (10) net acres.
- B. Maximum height:
  - 1. Buildings -- not exceeding fifty-five (55) feet from finished grade.
  - 2. Structures other than buildings and signs -- one hundred (100) feet from finished grade, provided such structure is set back from all property lines a distance equal to or greater than its height.
- C. Minimum setbacks:
  - 1. Buildings:
    - a. Thirty (30) feet from street right-of-way.
    - b. A minimum of fifty (50) feet from property lines adjoining land zoned AG through TN, inclusive, depending upon existing topography and vegetation, the size of development, building size and land uses. Additional setback may be required in accordance with adopted buffer design guidelines.
    - c. Properties in the "Original Town" adjacent to land zoned AG through TN, inclusive, shall be determined as part of site and development plan review and approval in accordance with the provisions of Chapter 18.12, Applications and Procedures.
    - d. Ten (10) feet from property lines adjoining land zoned C-O through M-3, inclusive.
  - 2. Parking/Paving:
    - a. Thirty (30) feet from street right-of-way.
    - b. A minimum of thirty (30) feet from property lines adjoining land zoned AG through TN, inclusive, depending upon existing topography and vegetation, the size of development, building size and land uses. Additional setback may be required in accordance with adopted buffer design guidelines.
    - c. Properties in the "Original Town" adjacent to land zoned AG through TN, inclusive shall be determined as part of site and development plan review and approval in accordance with the provisions of Chapter 18.12, Applications and Procedures.
    - d. Ten (10) feet from property lines adjoining land zoned C-O through M-3, inclusive.
  - 3. The Planning Commission may allow a ten (10) foot setback for buildings less than forty (40) feet in height or parking when the proposed development is adjacent to property zoned AG but shown as commercial or industrial on the Future Land Use Plan.
- D. Landscape open space ratio -- fifteen (15) percent of net site area. (Ord. 02-54 § 2, 2002)

### **18.46.040 Development and Performance Standards for M-3 Developments**

- A. Parking and Loading -- see Chapter 18.60.

- B. Signage -- see Chapter 18.64.
- C. Landscaping and Screening -- see Chapter 18.62. Additional landscaping or other buffering treatments shall be provided in accordance with adopted buffer design guidelines where adjacent to property zoned AG through TN, inclusive.
- D. Storage -- all storage of motorized vehicles, motorized machinery and equipment, materials, products or equipment shall be within a fully enclosed building or in a storage area or yard screened in accordance with the provisions of Chapter 18.62, Landscaping and Screening, and paved or surfaced with an approved seal coat per approval by the City Engineer, provided the use of a storage lot with a gravel surface shall only be permitted if it is approved by the Planning Commission. Storage of any such items for junkyard or salvage yard purposes is not permitted, except in an area zoned MP-3.
- E. Environmental Performance Standards -- see Chapter 18.42, M-1 and MP-1, Section 18.42.040.E.
- F. Unless a waiver is approved by the Planning Commission or Governing Body for a solar design or improved site design, buildings should be oriented so that fronts of buildings face the street frontage of the property.
- G. The provisions of Chapter 18.12, Applications and Procedures, relating to site plans are applicable to District M-3.
- H. Display:
  - 1. No merchandise or equipment may be displayed outside a building unless located within an outdoor display confinement area not to exceed twenty (20) percent of the ground floor area of the building or tenant space. However, daily sidewalk sales and temporary displays, not to exceed one hundred fifty (150) square feet in area or twenty (20) percent of the ground floor area of the building or tenant space, whichever is less, shall be permitted on sidewalk areas immediately adjacent to the business during business hours. All such merchandise and display shall be temporary in nature and shall be moved inside the business after business hours.
  - 2. Outdoor display of landscape plantings, materials and supplies, and lawn and garden supplies (as accessory sales for businesses with other commercial activities) are subject to the following:
    - a. Seasonal landscape plantings may be displayed outside of an outdoor display confinement area on a seasonal basis upon approval of a temporary sales and events permit. Plantings shall be kept off the public sidewalks and streets, shall not be placed within a required parking/paving setback area, shall not reduce the capacity of a parking lot below that required by Chapter 18.60, Parking and Loading, and shall not hinder the movement of pedestrians on any sidewalk around the building.
    - b. Landscape materials and lawn and garden supplies are required to be located within an outdoor display confinement area. However, such materials and supplies may be displayed outside of an outdoor display confinement area on a seasonal basis upon approval of a temporary sales and events permit. Materials and supplies shall be kept off the public sidewalks and streets, shall not be placed within a required parking/paving setback area, shall not reduce the capacity of a parking lot below that required by Chapter 18.60, Parking and Loading, and shall not hinder the movement of pedestrians on any sidewalk around the building.

3. Outdoor display and storage of landscape plantings, materials and supplies, and lawn and garden supplies associated with retail nurseries and/or lawn and garden supply stores (stand alone developments not associated with other commercial activities) and not located within an outdoor display confinement area may be permitted on a permanent basis with a special use permit obtained pursuant to the provisions of Chapter 18.12, Applications and Procedures.
- I. Sale of merchandise from a vehicle or temporary structure is prohibited, except as provided for by a temporary sales and events permit. (Ord. 02-54 § 2, 2002)

#### **18.46.050 Height and Area Regulations for MP-3 Developments**

Unless specifically stated, M-3 height and area regulations in Section 18.46.030 shall govern.

- A. Minimum district size -- ten (10) net acres.
- B. Maximum height: Buildings -- twelve (12) stories, not exceeding one hundred forty-four (144) feet from finished grade.
- C. Minimum setbacks:
  1. Buildings -- may be reduced to twenty (20) feet from street right-of-way.
  2. Parking/Paving:
    - a. May be reduced to twenty (20) feet from street right-of-way.
    - b. May be reduced to seven and one-half (7½) feet from property lines adjoining land zoned C-O through M-3, inclusive.
  3. Minimum setbacks from properties zoned AG through TN, inclusive, may be modified if the applicant demonstrates one (1) or more of the following, and provided that the area proposed for modification is illustrated on the site development plan:
    - a. An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.
    - b. Development restrictions imposed on the property to ensure low impact land uses, low scale buildings, and a site design arrangement in which adjoining residential properties will not be negatively impacted by any such reductions.
    - c. Existing topography, hedgerows, or natural features provide significant screening and an appropriate buffer for adjoining properties.
    - d. Significant buffers are provided on adjoining residential properties and such properties will not be negatively impacted by any such reductions.
    - e. The setback requirements impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design and building arrangements are not possible. In such instances, findings shall be prepared that the conditions of Section 18.12.350.B have been met. (Ord. 02-54 § 2, 2002)

#### **18.46.060 Development and Performance Standards for MP-3 Developments**

- A. Planned district projects shall emphasize orderly development at a quality level exceeding that found in projects developed under conventional zoning in accordance with Chapter 18.14. Planned district zoning is reserved for those

areas that are sensitive due to natural features, adjoining land uses, or high visibility. Planned districts shall not be used to reduce standards and requirements, but shall be used as a means to improve development quality.

- B. Development plans as specified in Chapter 18.12, Applications and Procedures, are required for developments zoned MP-3.
- C. Parking and Loading -- see Chapter 18.60.
- D. Signage -- see Chapter 18.64.
- E. Landscaping and Screening -- see Chapter 18.62. Additional landscaping or other buffering treatments shall be provided in accordance with adopted buffer design guidelines where adjacent to property zoned AG through TN, inclusive.
- F. Storage -- all storage of motorized vehicles, motorized machinery and equipment, materials, products or equipment shall be within a fully enclosed building or in a storage yard screened in accordance with the provisions of Chapter 18.62, Landscaping and Screening, and paved or surfaced with an approved seal coat per approval by the City Engineer, provided the use of a storage lot with a gravel surface shall only be permitted if it is approved by the Planning Commission.
- G. Environmental Performance Standards -- see Chapter 18.42, M-1 and MP-1, Section 18.42.040.E.
- H. Unless a waiver is approved by the Planning Commission or Governing Body for a solar design or improved site design, buildings should be oriented so that fronts of buildings face the street frontage of the property.
- I. Display: see Section 18.46.040.H.
- J. Upon approval of a development plan, boats, trailers, motorized machinery and other miscellaneous equipment, all types, for sale, lease or rent may be displayed outside a building provided that the display area or lot is paved. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by Chapter 18.60, Parking and Loading.
- K. The Planning Commission may permit farm machinery, construction equipment and other similar items to be displayed on unpaved display areas or lots. The display area shall not be placed within a required parking/paving setback area.
- L. Sale of merchandise from a vehicle or temporary structure is prohibited, except as provided for by a temporary sales and events permit. (Ord. 02-54 § 2, 2002)

(Pages 247 and 248 reserved.)