

EDGERTON PLANNING COMMISSION AGENDA
REGULAR SESSION
Edgerton City Hall
January 13, 2015
7:00 PM

1. Call meeting to order

2. Pledge of Allegiance

3. Roll Call:

A. Members:

Chuck Davis, Chair	Present / Absent
Ron Conus, Vice-Chair	Present / Absent
Maria O'Neill, Secretary	Present / Absent
Missy Drinkard	Present / Absent
Bob O'Neill	Present/ Absent
Andrea Lucero	Present/ Absent
Cliff Withrow	Present/ Absent
Randal Gifford	Present/ Absent
Bill Braun	Present/ Absent

4. Approval of Minutes:

A. November 4, 2014

B. December 9, 2014

5. Guests Present:

A.

B.

6. Communications from Staff:

7. Discussion Items

PRELIMINARY SITE PLAN

A. Preliminary Site Plan Case No. PS-10-08-2014 – LPKC Phase IV.

UNIFIED DEVELOPMENT CODE

A. Discussion of general duties of Zoning Administrator and Planning Commission.

B. Discussion of Article 5, Industrial Zoning Districts and Article 10, Site Plans and Design Standards.

C. Discussion of Article 4, Commercial Zoning Districts.

8. Future Meeting – Regular meeting – February 10, 2015

9. Adjournment:

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING
Special Session
November 4, 2014
Minutes

Prior to the meeting, Randal Gifford, was sworn in as Planning Commissioner.

The Edgerton Planning Commission met in special session with Chair Davis calling the meeting to order at 7:30 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Chuck Davis, Ron Conus, Maria O'Neill, Andrea Lucero, Cliff Withrow, and Randal Gifford. Absent were: Missy Drinkard and Bob O'Neill. Also present were City Administrator Beth Linn and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

MINUTES

Minutes of September 9, 2014 were considered.

Motion by Withrow, seconded by M. O'Neill, to approve the minutes. Motion was approved, 6-0.

COMMUNICATIONS

The City Administrator welcomed Randal Gifford to the Planning Commission. Mr. Gifford was appointed to the Commission for a three-year term. Mr. Gifford reviewed his background and expressed his interest in being part of the community.

Ms. Linn informed the Commission the City's newest position, Community Development Director, would be filled by Kenny Cook. They were told he would start on November 13, 2014. Mr. Cook's background was shared. Mr. Cook will oversee planning matters and will be serving as the contact for the Planning Commission.

Ms. Linn indicated each Commissioner had a roster placed at their location and asked for each member to review and make corrections. Ms. Linn also noted the notification for the planning agenda packet is sent through ande-mail from Constant Contact. She asked members to advise if they are not receiving the e-mail message.

NEW BUSINESS

PUBLIC HEARING – CONDITIONAL USE PERMIT

Public hearing for Conditional Use Permit, CU-10-08-2014, requesting consideration of a conditional use permit for installation and use of a billboard sign, located in the east one-third of the Northeast Quarter, excluding 1.66 acres in Highway, of Section 9, Township 15, Range 22 (20080 Homestead Lane) was opened. Applicant: Tim Gates, Agnes Gates Realty. Owners: Jeffrey and Jennifer Thorp.

The City Administrator informed the Commission this property is zoned C-2 and indicated the Unified Development Code allows billboards within this zoning. She noted the size of the billboard requires the approval of a conditional use permit. Ms. Linn also noted this application is identical to the 2013 application. It was reported this proposed sign would be 57' tall, with a two-sided face with each face illuminated. She indicated the proposed sign's face would be 14 foot by 48 foot. The height of the sign was recommended by the sign company to allow vehicles travelling south on I-35 to view the sign over the interchange. Ms. Linn reviewed the conditions for this matter.

Tim Gates, applicant, indicated this is identical to the same application presented in 2013. He stated that at last year's submittal, the interchange had not opened and all were uncertain how the area would operate. Mr. Gates stated a berm would be constructed for the Cole property which is the most impacted/exposed residence to this use.

Colleen Cole, 19911 Pepper Tree Lane, spoke with concern regarding the buffer. She stated the berm is to protect her property from the light of the billboard. She indicated the area is in the midst of change and she wants to be sure this use is the most fit.

Michelle Kreiser, 19905 Pepper Tree Lane, stated concern with the billboard as a "For Sale" sign.

Marshall Wolfe, 20090 Pepper Tree Lane, added his concern with the number of billboards. Mr. Wolfe questioned who is responsible for mowing around the poles of the billboards.

Ms. Linn stated the City's codes place the land maintenance responsibility on the property owner. She noted there are some exemptions for agriculture property. She added the unincorporated properties are not under the same requirements.

Mr. Wolfe stated he observed City staff mowing right-of-way within the area. Ms. Linn addressed. Mr. Wolfe questioned if the mower used could accommodate. Ms. Linn addressed the City's future goals in regards to this and similar issues.

Matt Stueck, PrairieTree Farms at 32350 W. 199th, stated this area is changing. He noted with the road and interchange open, land has sold and development is underway which adds to more of the concerns within this area. He stated billboards are an "old" technology and they do not enhance the area nor add to the land developments; he indicated they are not best for the community.

Mr. Kreiser, 19905 Pepper Tree Lane, stated there are too many billboards already.

Mr. Gates spoke about the uses and purpose of the billboard.

Ms. O'Neill asked about the comparison of billboards from the 20th to 21st Century. Mr. Gates addressed the needs of businesses and billboards. He stated that not all businesses seek property through electronic means, and noted there are some purposes in impulse decisions.

Ms. Lucero questioned what happens to the impacted homeowners if this use should be allowed.

Mr. Gates indicated the street lights from the interchange are very bright and stated he doubted if this proposed sign's lights would outshine. He noted the lighting falls off about 100 foot before the home.

Mr. Conus asked about the one year review with the five-year approval. Ms. Linn addressed this matter, adding that one year will indicate if the applicant is complying.

Mr. Withrow questioned what happens if the sign is in disarray. Ms. Linn indicated that in general, Unified Development Code Chapter 12.6 pertains to design, material, and sign construction. Part of the Code indicates ..."all signs shall be maintained in good visual order and safe structural condition and in compliance with all applicable provisions of the building codes of the City of Edgerton"...

Mr. Conus questioned if the applicant did not abide by the stipulations. Ms. Linn indicated if the use is out of compliance, the City has ability to rescind.

Motion by Conus, seconded by M. O'Neill, to close the hearing. Motion was approved, 6-0.

Ms. Lucero indicated five years is a long time for resolve if there is an issue.

Mr. Davis stated the matter is not totally out of the City's control if the use is out of compliance, the City could take appropriate actions.

Mr. Gates and Ms. Linn talked about the lighting standards of the City. It was noted the light spillage photometrics for this request are less than City standards. Mr. Gates noted the landscape berming is an attempt to mask the light of the billboard.

Mr. Gates stated to voluntarily monitor the content on the billboard to exclude “sexually explicit” material.

Discussion ensued in regards to adding the monitoring as a stipulation. The decision was to add to the listing.

Motion by Conus, seconded by Withrow, to approve the conditional use request with the following stipulations: 1) All sign application requirements of the City shall be met; 2) Application and construction plans must be in compliance with all applicable building codes; 3) Sign must be kept in good repair in accordance with City of Edgerton Unified Development Code; 4) Prior to issuance of a building permit for the construction of the billboard sign, Property Owner must construct buffer that is agreed to during annexation process; 5) Any major modification to the billboard sign [as defined by city staff] would require a new or amended conditional use permit; 6) Conditional Use Permit will be subject to one year review; 7) Conditional Use Permit will be valid for no more than five (5) years, and applicant understands that the granting of the application does not create any vested property right that the billboard can remain on the property; and 8) Applicant to voluntarily exclude sexually explicit material.

The vote on the motion: YEA: Davis, Conus, M. O’Neill, and Withrow. NAY: Lucero and Gifford. Motion was approved 4-2.

Ms. Linn informed the Commissioners the matter would be presented to the Council on December 11, allowing for the required protest period.

PUBLIC HEARING - REZONING

Public hearing for Rezoning Case No. RZ-10-08-2014, requesting a change in zoning from Johnson County RUR to City of Edgerton L-P on a tract of property located in the southwest corner of 191st and Waverly Road, within Section 3, Township 15 South, Range 22 East, containing 141.38 acres, more or less, was opened. Applicant: Patrick Robinson, ELHC. Engineer: Dan Cook, Renaissance Infrastructure Consulting.

The City Administrator overviewed the location for this rezoning and reviewed the reason indicating this is the fourth phase of development of Logistics Park Kansas.

Ms. Linn overviewed the infrastructure and services which noted Waverly Road is gravel surfaced adjacent to the property, adding 191st Street is paved for a heavy haul road. It was noted the property is within the Big Bull Creek watershed and will need an approved stormwater plan prior to development. The Commission was informed that proposed Tract A, approximately five (5) acres is located within the FEMA designated flood plain and floodway, which will be noted on the final plat and site plan. The property does not have sewers and is within the service area of Rural Water District No. 7. Proposed Lot 3 will house a water tower, which is necessary to provide adequate fire

flow to the surrounding area. Public safety services will be provided by Johnson County Sheriff's Department and Johnson County Fire District No. 1.

The Commission was informed this request was reviewed with respect to the Unified Development Code, Kansas statutes, and the "Golden Criteria." The eighteen sections of the "Golden Criteria" were briefly reviewed.

Ms. Linn noted that under staff's recommendations of stipulations, Stipulation No. 3 is not applicable and should be removed from the listing.

Patrick Robinson, applicant, stated this is the fourth phase of development and stated agreement with staff's recommendations and also for the removal of the benefit district stipulation. He requested the Commissioner's support of this request. He also overviewed the status of projects.

Motion by Withrow, seconded by Lucero, to close the public hearing. The motion was approved, 6-0.

Motion by Lucero, seconded by M. O'Neill, to approve the rezoning request with the following stipulations: 1) All Site Plan application requirements of the City shall be met; 2) All infrastructure requirements of the City shall be met; and 3) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City. The motion was approved, 6-0.

PUBLIC HEARING – PRELIMINARY PLAT

Public hearing for Preliminary Plat Case No. PP-10-08-2014 requesting approval of a preliminary plat for Logistics Park Kansas City Phase IV on property in the southwest corner of 191st and Waverly Road, within Section 3, Township 15 South, Range 22 East, containing approximately 141.38 acres, more or less, was opened.

Owner/Developer: Patrick Robinson, Edgerton Land Holding Company. Engineer: Dan Cook, Renaissance Infrastructure Consulting.

The City Administrator reviewed the preliminary plat and spoke about the utility easements, which are not shown. She also spoke about dedication of trailway easements and dedication of right-of-way along Waverly Road. In addition, it was noted that a drainage easement should be dedicated for the flood zone areas and detention areas. Ms. Linn also indicated the need for an executed agreement not to protest formation of a benefit district for 191st Street sidewalk improvements. She also indicated the need to show proposed sidewalks, sanitary sewer, storm sewer, water main and fire hydrants. Ms. Linn stated the applicant shall work with City staff to determine access points for safety of traveling public, because the access points on the preliminary plat are located to close to each other.

Ms. Linn indicated the south end of the plat includes a new east to west street which would serve the development. She noted the need for right-of-way for this street to be shown at 80' in width all north of the section line.

Commissioner Conus left at 8:54 p.m. and returned at 8:55 p.m.

Ms. Linn indicated more answers regarding the right-of-way and future railway system would be received with the final plat submittal.

Patrick Robinson, applicant, stated he agreed with the stipulations. He stated the orientation of the buildings is difficult due to the size of the facilities. He noted the travelling public will mostly face 191st Street which will offer limited viewing. Mr. Robinson stated there is excitement about a trails system within the area and how that could work and also its enhancement to the community. He spoke about the 80' right-of-way and indicated he would work with the City to accomplish the street's needs.

Mr. Robinson asked for the Planning Commission's support.

Motion by Withrow, seconded by M. O'Neill, to close the hearing. The motion was approved, 6-0.

Motion by M. O'Neill, seconded by Gifford, to approve the preliminary plat with the following stipulations: 1) All preliminary plat requirements of the City noted shall be met or addressed during Final Plat submittal as identified. 2) The preliminary plat is approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat; and 3) All infrastructure requirements of the City shall be met. The motion was approved, 6-0.

PUBLIC HEARING – PRELIMINARY SITE PLAN

Public hearing for Preliminary Site Plan Case No. PS-10-08-2014 requesting approval of a preliminary site plan on property located in the southwest corner of 191st and Waverly Road, within Section 3, Township 15 South, Range 22 East in Johnson County, Kansas containing approximately 141.38 acres, more or less, was opened.

Owner/Applicant: Patrick Robinson, Edgerton Landholding Co. Engineer: Dan Cook, Renaissance Infrastructure Consulting.

The City Administrator informed the Commissioners the applicant requested this public hearing be continued to December 9, 2014.

Motion by Withrow, seconded by M. O'Neill, to table the opened public hearing until December 9, 2014. The motion was approved, 6-0.

FINAL SITE PLAN

Final Site Plan, FS-10-08-2014, requesting approval of construction of a water tower to provide water services for fire protection for a portion of Logistics Park located on a tract of property in the southwest corner of 191st Street and Waverly Road, within Section 3, Township 15 South, Range 22, containing .77 acres, more or less, was considered. Applicant: John A. Thomas, Northpoint Development. Engineer: Dan Cook, Renaissance Infrastructure Consulting.

The City Administrator indicated this parcel is located on Lot 3, Phase 4 and is a final site plan based on the proposed Preliminary Site Plan for LPKC Phase IV. She noted the construction of the water tower is part of the infrastructure identified in the three-party Plan of Finance for Logistics Park Kansas City which was entered into by the City of Edgerton, Burlington Northern Santa Fe Railway and Edgerton Land Holding Company (ELHC). It was noted ELHC will construct the tower, which will be deeded to Johnson County Water District No. 7 when complete. Ms. Linn indicated the tower will supplement fire flows to serve Logistics Park Kansas City.

Ms. Linn briefly overviewed the infrastructure and services.

The City Administrator overviewed the compliance of the final site plan as reviewed by staff. Highlights for needs included: need for landscaping on the site plan; a fence is proposed for the exterior of the project, with no fencing material specified. Ms. Linn informed the Commissioners that chain link fencing is not permitted within LPKC where visible from street view.

Patrick Robinson, ELHC, addressed the Commissioners stating the need for the development to adhere to FAA regulations because this proposed tower will fall within the airport flight path.

Mr. Robinson also requested the possibility of a deviation to the fencing regulations. He stated that overall he would need to work with Water District No. 7, but suggested the allowance of using coated chain link fencing, which is common for this use.

Discussion ensued regarding height and FAA regulations and the potential variance for fencing materials.

Motion by Lucero, seconded by Conus, to approve the final site plan with the following stipulations: 1) All Site Plan requirements of the City shall be met as noted, particularly including: a) Submittal of photometric lighting plan in conformance with UDC, not including any lighting requirements by the FAA; b) Submittal of plan for pedestrian access to and within the development. c) Construction plans for future public infrastructure be submitted and approved by the City. Any necessary permits obtained. d) Submittal of landscaping plans including screening for adjacent public roads and trash enclosures. All landscaping shall be maintained in good condition and plants shall

be replaced when dead; 2) All construction plans for any public infrastructure shall be prepared to City standards and approved by the City; 3) All building permit and sign permit requirements of the City shall be met; and 4) Allow deviation of LPKC zoning for construction of black vinyl coated chain link fence with screening and landscaping.

Motion was approved, 6-0.

FINAL SITE PLAN – EXTENSION OF TIME

A request for extension of time to complete installation of hard surface in regards to Final Site Plan, S-11-15-2013, located on a tract of land located in the southeast corner of 191st Street and Homestead Road, in the northwest one-quarter of Section 3, Township 15, Range 22 and a part of Tract A and Tract B according to the survey recorded in Book 201207, Page 000700 in the Register of Deeds Office, Johnson County, Kansas, containing approximately 31.860 acres, more or less, was considered. Applicant: Craig Swope, ITL Engineer: Dan Cook, Renaissance Infrastructure Consulting.

City Administrator Beth Linn informed the Commissioners the Final Site Plan for this property was reviewed and approved by the Planning Commission on December 10, 2013. She reported the property received a conditional use permit for cargo container storage in January, 2014. It was noted that during presentations to the Planning Commission and City Council, ITL discussed the need to begin storage of cargo containers and chassis prior to installation of hard surface as required by the City. As part of the formalization of the request, staff recommended ITL submit a phasing plan, which was approved by the Planning Commission in April, 2014 and amended into the Final Site Plan. The phasing plan approval allowed cargo containers and chassis to be stored on unimproved surface until October 31, 2014 or until completion of Phase II, whichever is first. It was noted Phase II is not complete and ITL requests an extension until June 30, 2015.

Ms. Linn overviewed the staff analysis of the unimproved storage surface, development of Phase II, limitation to the height of storage containers and chassis, and installation of temporary non-chain link fencing in areas visible from the public right-of-way.

Craig Swope, ITL, reviewed phases I and II. He informed the Commissioners there was a delay in State of Kansas approval for the land disturbance. He also noted that weather impacted the construction schedule.

Ms. Lucero questioned the impacts to the neighbors of the storage on the unimproved surface.

The City Administrator indicated this was the first request of such, but noted unusual circumstances hampered this project. Temporary surfacing was briefly discussed. It was noted the final deadline for surfacing would be firm; operations will cease if not completed on June 30, 2013.

Motion by M.O'Neill, seconded by Gifford, to approve the **final request for extension of time to June 30, 2015** with the following stipulations: 1) Limit height of storage of containers to three (3) high and chassis to five (5) high; 2) Require completion of outstanding planning and zoning items (recording of final plat, filing of final site plan, etc.) prior to issuance of a building permit; 3) Require ITL obtain a building permit for installation of hard surface; 4) Require installation of hard surface (asphalt or concrete) be complete by June 30, 2015; 5) If hard surface not complete by June 30, 2015, ITL agrees to cease operations on the site and remove all cargo containers and chassis; 6) Temporary fencing must be removed by June 30, 2015; and 7) This approval does not remove any stipulations previously placed on the Final Site Plan from the Planning Commission meeting held December 10, 2014 or additional stipulations placed with the Phasing Plan approved on April 8, 2014. YEA: Davis, Conus, M.O'Neill, and Gifford. NAY: Lucero and Withrow. Motion was approved, 4-2.

FINAL SITE PLAN – EXTENSION OF TIME

A request for extension of time to complete installation of hard surface in regards to Final Site Plan, S-09-16-2013, located on the southwest corner of 191st Street and Waverly Road, containing approximately 20 acres, more or less, was considered. Applicant: Tom Hastings, TransSpec Leasing, Inc. Engineer: Dan Cook, Renaissance Infrastructure Consulting.

The City Administrator reviewed the project and site. She indicated the Final Site Plan was approved by the Planning Commission in October, 2013. She noted that after the approval, TSL submitted information regarding use of the existing buildings and further the applicant's decision on the outcome for same. The Planning Commission approved an amended final site plan in December 2013 with a stipulation that allowed for installation of hard surface by July 2014. A conditional use permit for cargo container storage was approved in January, 2014.

Ms. Linn reviewed the key items for the request, which includes: Land Disturbance Permit and Notice of Intent from the State; need to apply for building permit for construction of hard surface; require for completion of outstanding planning and zoning items prior to issuance of a building permit; and limitation of height of storage of containers to three (3) high and chassis to five (5) high.

Ms. Lucero stated she had concerns with the push back of time for this project.

Tom Hastings, applicant, stated the site at Waverly and 191st Street has had no economic benefit thus far. He indicated the spring rains, and problems with utilities with the moving of four of the five buildings, caused issues with ground saturation impacting the sub-grade, which caused the project to run three months behind. He noted the plan is to hard surface with concrete. He asked for the support of the Commissioners to extend the final site plan to August 15, 2015.

Motion by Withrow, seconded by M. O'Neill, to approve the **final request for extension of time for the Final Site Plan** with the following stipulations: 1) Limit the height of storage of containers to three (3) high and chassis to five (5) high; 2) Require completion of outstanding planning and zoning items (recording of final plat, filing of final site plan, etc.) prior to issuance of a building permit; 3) Require TSL obtain a building permit for installation of hard surface; 4) Require installation of hard surface (asphalt or concrete) be complete by August 15, 2015; 5) If hard surface not complete by August 15, 2015, TSL agrees to cease operations on the site and remove all cargo containers and chassis; and 6) This approval does not remove any stipulations previously placed on the Final Site Plan from the Planning Commission meeting held on October 22, 2013 or December 10, 2013. Motion was approved, 6-0.

FUTURE MEETING

The next scheduled meeting is December 9, 2014.

ADJOURNMENT

Motion by Conus, seconded by M. O'Neill, to adjourn. Motion was approved, 6-0.

The meeting adjourned at 10:10 p.m.

Sumbitted by:

Debra S. Gragg
Recording Officer

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING
Regular Session
December 9, 2014
Minutes

The Edgerton Planning Commission met in regular session with Vice Chair Conus calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Ron Conus, Maria O'Neill, Missy Drinkard, Andrea Lucero, Cliff Withrow, and Randal Gifford. Absent were: Chuck Davis and Bob O'Neill. Also present were City Administrator Beth Linn, Community Development Director Kenneth Cook, and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

MINUTES

Minutes of September 9, 2014 were considered.

The City Administrator announced these minutes were approved at the November meeting. No action taken.

GUESTS:

Guests introducing were: Todd Creagan, Arrowhead Intermodal, Rusty Williams, Arrowhead Intermodal, Dan Cook, Renaissance Infrastructure Consulting, and Earl Allen.

COMMUNICATIONS

The City Administrator introduced the City's newest employee, Kenneth Cook. She stated Mr. Cook is filling the position of Community Development Director. Mr. Cook overviewed his history prior to joining the City. Ms. Linn informed the Commissioners Mr. Cook would be attending the meetings, and she will no longer be attending each meeting. He was welcomed to the City.

PUBLIC HEARING – PRELIMINARY SITE PLAN

Continuance of an opened public hearing for Preliminary Site Plan Case No. PS-10-08-2014 requesting approval of a preliminary site plan on property located in the southwest corner of 191st and Waverly Road, within Section 3, Township 15 South, Range 22 East in Johnson County, Kansas containing approximately 141.38 acres, more or less.

Owner/Applicant: Patrick Robinson, Edgerton Land Holding Co. Engineer: Dan Cook, Renaissance Consulting was considered.

City Administrator Beth Linn informed the Commissioners this matter was continued from the November 4, 2014 meeting to tonight at the applicant's request. She noted this project is for LPKC, Phase 4. She requested the hearing remain open and continued to January 13, 2015.

Motion by Withrow, seconded by M. O'Neill, to continue to opened hearing to January 13, 2015. The motion was approved, 6-0.

FINAL SITE PLAN – EXTENSION OF TIME

A request to extend time to complete installation of hard surface in regards to Final Site Plan, S-11-15-2013, located on a tract of land located in the southeast corner of 191st Street and Homestead Road, in the northwest one-quarter of Section 3, Township 15, Range 22, and a part of Tract A and Tract B according to the survey recorded in Book 201207, Page 0007000 in the Register of Deeds Office, Johnson County, Kansas, containing approximately 31 acres, more or less, was considered. Owner/Applicant: ITL.

Ms. Linn indicated this request is for ITL, located in the southeast corner of 191st and Homestead with approximately 31 acres. She noted this matter was considered at last month's meeting and the vote was to extend the time-frame for surfacing. Ms. Linn informed the Commissioners that after last month's meeting, a decision by ITL to sell the property to Arrowhead Intermodal.

She indicated the desire is to add Arrowhead Intermodal to the extension of time for installation. She further noted, the City Attorney indicated if the site plan remains, the Conditional Use would follow the land.

Rusty Williams, Arrowhead Intermodal, overviewed his company's operation outside Chicago. He stated with his company's processes, this area is a great opportunity for his company to set up in Edgerton.

Commissioner Conus asked if the original site plan is binding. The City Administrator indicated that yes, noting that if it remains the same, it will carry with the new owner.

Motion by Gifford, seconded by Drinkard, to approve the request to extend time and add Arrowhead Intermodal to the request. The motion was approved, 6-0.

FINAL PLAT – LOGISTICS PARK KANSAS CITY – SOUTHEAST, FIRST PLAT

Final Plat No. FP-11-20-2014, requesting approval of a final plat for Logistics Park Kansas City – Southeast, First Plat consisting of two (2) lots containing 88.5 acres more or less, located at the southeast corner of 191st Street, also identified as 30801 W. 191st and 30901 W. 191st was considered. Applicant: Patrick Robinson, Edgerton Land Holding Company Engineer: Dan Cook, Renaissance Infrastructure Consulting.

Ms. Linn overviewed the location and buildings. She informed the Commissioners the City is working on Waverly Road, which will benefit this project.

Ms. Linn overviewed a portion of the infrastructure and services, noting Edgerton Land Holding Company is a party to the tri-party agreement regarding the development of Logistics Park Kansas City which outlines the mechanism for construction and financing of Waverly Road. She stated 191st Street will need upgrading in the future as development occurs. The Commissioners were informed the property is within Big Bull Creek watershed and that a small portion of the southeast corner of property located within Zone X; at this time there is no sanitary sewer services, and falls within the service area of Rural Water District No. 7.

It was noted the Final Plat mostly complies. She noted the street named Brome Street on the plat should be changed to "Montrose."

She briefly reviewed staff's stipulations.

Ms. Linn indicated this would be submitted to the Governing Body on January 8, 2015.

Earl Allen, 19645 Waverly Road, nearby resident questioned the foundations already on the site.

Motion by Drinkard, seconded by M. O'Neill, to approve the final plat with the following stipulations: 1) All Final Plat requirements of the City noted shall be met or addressed prior to recording the Plat; 2) The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, stormwater sewers, sanitary sewers and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements; 3) A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; 4) The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax; and 5) The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code. The motion was approved, 6-0.

FINAL SITE PLAN – INLAND PORT XII

Final Site Plan, FS-11-06-2014, requesting approval of a final site plan for Inland Port XII, located one-quarter mile east of Waverly Road on the South side of 191st Street containing one (1) lot on 31.6 acres, more or less, was considered. Applicant: Patrick

Robinson, Edgerton Land Holding Company (ELHC) Engineer: Dan Cook, Renaissance Infrastructure Consulting.

Ms. Linn advised the Commissioners were advised this property has an approved preliminary site plan and preliminary plat. She noted the Final Site Plan, FS-11-06-2014, deviates from the preliminary site plan in regards to building size, which reduces the original plan into a smaller lot with smaller warehouse.

Ms. Linn highlighted the following items: Sheet 2 – trash containers and screening have not been shown; landscape plan incorrectly labels the road to the North of the site as 199th Street on the drawing and in the right of way buffer table; road is 191st Street; and the road to the west of the site should also be named Montrose. She noted there was no timeline for landscape plantings; the applicant needs ensure the plant materials are planted when appropriate. Sheet 3 – pedestrian access needs to be provided from the sidewalk on the south side of the building to the sidewalk on Montrose Street. 191st Street Infrastructure improvements governed by tri-party agreement with City, BNSF, and ELHC, staff will continue to work with the applicant for final plan for site entrance, connections for streets, and access points; staff suggests right of way buffers be moved outside of utility easements, similar to Kill Creek Road, and provide plan for sanitary sewer service for LPKC Southeast, and signage proposed later shall receive separate approval according to the UDC.

The City Administrator continued her review with setback, yard and area regulations. She noted the developer has corrected a discrepancy with the rear setback and property line.

Ms. Linn reviewed a few items under district regulations: Item 2: *All operations other than limited storage of motorized machinery and equipment, materials, products or equipment, shall be conducted within a fully enclosed building.* – She noted the site plan shows future trailer parking areas along the entire east and west side of the property, which appears to be greater than limited storage. She noted the Commission may need to approve for operations other than an alternative landscape plan in response to the unique characteristics of the site, which include additional landscaping, fencing or berms along the areas of right of way buffers or for loading docks. Item 3: *All storage of motorized machinery and equipment, materials, products or equipment shall be within a fully enclosed building, or in a storage area or yard. Said storage shall be limited to 20% of the ground floor area of the building or tenant space. All storage materials shall be 100% screened from public view, except when adjacent to another storage area, which is 100% screened from public view. For purposes of this section, the phrase “screened from public view” means not visible at eye level from adjoining properties or any street right-of-way. Use of landscaping materials is encouraged in lieu of privacy fencing. All storage areas shall be paved or surfaced.* She also noted the need to approve an alternative landscape plan in response to the unique characteristics of this site and noted this may include additional landscaping, fencing or berms, along

the areas of right of way buffers or for loading docks as the future trailer parking areas will not be able to be screened at 100%.

Under the category of design guidelines, Ms. Linn spoke about orientation of the buildings so the front or side of the buildings face the public street, noting the City may consider an exception to orient a rear elevation towards a public street for unique situations due to configuration of the lot. She noted with this current application, if approved by the City, there would be an exception to orient a side elevation, including dock doors, toward Montrose Street due to the configuration of a lot with public streets on two sides of the proposed building.

Ms. Linn informed the Commissioners that staff is reviewing categories of street regarding orientation of dock/loading doors and landscaping/screening. She questioned the potential of a code change instead of continuing to request deviations.

The City Administrator overviewed briefly the right of way buffers required along 191st Street and Montrose Street, perimeter landscape buffering and additional landscaping at entrances. She stated staff will look at other jurisdictions regulations regarding landscaping clusters, and variety for screening, etc.

Architectural design standards were discussed. Ms. Linn indicated the final site plan complies for the most part. She indicated the north and east walls do not meet the vertical articulation requirement, but noted the City may allow exceptions, and noted staff would request an exception.

Ms. Linn briefly discussed the need for additional screening may be needed within the temporary outdoor storage regulations for cargo containers, operational trailers, and tractors, the need for a photometric plan, and stipulations.

The Commissioners were informed staff is supportive with noted stipulations.

Ms. Lucero questioned the work on the site which has been completed, noting the Planning Commission did not have a chance to review the plans.

Ms. Linn indicated the applicant pulled a land disturbance permit and noted this action does not require approval by the Planning Commission. She stated the footings and foundation work was moved forward at the applicant's request.

Mr. Cook described the applicant's actions as appearing to meet the intent of the Code.

Motion by Drinkard, seconded by M. O'Neill, to approve the Final Site Plan with the following stipulations: 1) All Site Plan requirements of the City shall be met as noted, particularly including: a) Submittal of photometric lighting plan in conformance with UDC especially with regard to maximum foot-candles at property line; b) Construction plans for future public infrastructure be submitted and approved by the City. Any necessary

permits obtained; and c) Resubmittal of revised landscaping plans including screening for adjacent public roads and trash enclosures. All landscaping shall be maintained in good condition and plants shall be replaced when dead; 2) All infrastructure requirements of the City shall be met; 3) All building permit and sign permit requirements of the City shall be met; 4) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structure, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein; 5) Approval of an alternative landscape plan due to the unique characteristics, which may include additional landscaping, fencing or berms, especially along areas of right-of-way buffers or for loading docks; and 6) Allow deviation of north wall from the façade guidelines and north and west walls from vertical articulation at staff's recommendation. Vote on motion: YEA: Conus, O'Neill, Drinkard, and Gifford. NAY: Lucero and Withrow. Motion passed 4-2.

FUTURE MEETING

The next scheduled meeting is January 13, 2015.

Mr. Conus thanked City Administrator Beth Linn for her assistance over the past 3 ½ years.

ADJOURNMENT

Motion by M. O'Neill, seconded by Drinkard, to adjourn. Motion was approved, 6-0.

The meeting adjourned at 7:45 p.m.

Sumbitted by:

Debra S. Gragg
Recording Officer

STAFF REPORT

January 9, 2015

To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director
Re: Application PS-10-08-2014 for Preliminary Site Plan for Logistics Park Kansas City Phase IV, located approximately 1,700 feet to the south of the southwest corner of 191st Street and Waverly Road

APPLICATION INFORMATION

Applicant/Property Owner: Patrick Robinson, Edgerton Land Holding Company

Requested Action: Preliminary Site Plan – Logistics Park Phase IV

Legal Description: Part of Section 3, Township 15, Range 22

Site Address/Location: Approximately 138 acres located approximately 1,700 feet south of the southwest corner of 191st Street and Waverly Road

Existing Land Use: Vacant

Existing Zoning and Uses: County RUR, Rural District zoning

Existing Improvements: None

Site Size: Approximately 138 acres

Requested Action

Staff has suggested to the applicant that the case be removed from the agenda in order to provide sufficient time to fully review the request and to work with the applicant on making any necessary changes. Staff is currently working on proposed changes to the L-P District and also Article 10 of the UDC that could have an impact on this request. It could be beneficial to hold off on this request until after changes are made to the regulations which might more accurately reflect how development is occurring and not require the approval of exceptions.

It is staff's intent that the request will be republished for a future meeting. If the development of this site becomes needed due to the applicant receiving an agreement with a business for the construction of a structure, a special meeting could be held at which the Preliminary Site Plan and Final Site Plan could be heard.

STAFF MEMO

January 9, 2015

To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director
Re: January 13, 2015 Planning Commission Meeting

As we do not have any cases for the January meeting staff has felt that this gives us a good opportunity to start discussions on a number of items and also to discuss the duties of the Planning Commission and the Zoning Administrator. Some of the items that I would like to discuss are portions of the Unified Development Code that appear to need changed, such as in Article 5, Industrial Districts and Article 10, Site Plans and Design Standards. As Staff has been performing reviews of a number of Site Plan cases, a number of areas of conflict have been noted as well as portions of the regulations that have required approval of exceptions based upon how sites have been developed. As we are gaining a better understanding of the way in which sites are being developed, this would appear to be a good time to relook at a number of these requirements to make sure that they are accomplishing the intent desired. Comments in this memo are generally related to issues that might be considered larger issues and the attachments will include additional and more specific items that staff is recommending be changed. Staff would like to receive direction from the Planning Commission to proceed with developing amendments to Article 5 and Article 10 of the UDC and publishing for a Public Hearing at a future Planning Commission meeting. Staff's goal is to have proposed wording ready for discussion at a Public Hearing at the March or April meeting of the Planning Commission.

Finally, while we have design guidelines for the L-P District, no similar design guidelines have been established for any commercial districts. Staff would like to start discussing design guidelines for commercial sites in order to provide future developers with the expectations which are expected as we anticipate the future development of commercial sites.

Article 8 – Administrative Authorities, Duties and Procedures

Attached is a copy of Article 8 of the Unified Development Code. This section describes, among other items, the duties of the Planning Commission, Board of Zoning Appeals and the Zoning Administrator. I would like to have a quick review of this section of the regulations and to discuss some other items that can affect the function of the Planning Commission.

Article 10 – Site Plan and Design Standards

Site Plan

A primary item that staff is recommending for a change in this section includes the addition of more specific standards in regards to Preliminary Site Plans. While the regulations currently discuss specific requirements for Final Site Plans in a number of locations, there is not any current wording in regards to Preliminary Site Plans or what is difference is between Preliminary and Final Site Plans. Applicants are currently (typically) required to submit a Preliminary Site Plan on which the Planning Commission holds a Public Hearing. This has been

waived in the past when cases have been submitted which are small in size and which could also be considered simple. The UDC needs to be updated to include additional requirements including: (1) when the requirements for a Preliminary Site Plan can be waived, (2) specific requirements on the process (i.e. public hearing & notice requirements), and (3) what is required to be submitted as part of a Preliminary Site Plan.

Staff would recommend that a Preliminary Site Plan should give us an overall picture of how a site might be developed, including the general size and location of structures and other improvements and how these items relate within the site and to other adjoining sites. As an example, while this might include information in regards to landscaping, it would not necessarily require a detailed landscape plan showing the specific location of trees or other plants. It might contain a description as to the of buffer type and include items such as if berming, fencing or other types of screening will be used. This would be especially important to show the difference between screening which might occur adjacent to a more major road, such as Waverly, and a local road, such as Montrose or where additional screening will be needed adjacent to a storage area or an adjoining property with different type of use. A Preliminary Site Plan could include a single property or multiple properties. Final Site Plan would typically only include a single property.

Standards

Section 10.1F discusses two items that deal specifically with parking. It is my opinion that these items would be better placed in the following Section (10.2) which deals specifically with "Parking and Loading Standards." Section 10.1F.1 specifies that "all new parking spaces shall be located within the building envelope" and also provides that the Zoning Administrator may give permission for parking to encroach into this area. Section 10.2A.1 then specifies that parking is permitted in any yard (other than residential). These two requirements appear to be in conflict with each other and most recent projects in the L-P District have included parking that encroaches outside of the building envelope and into a required yard. Staff recommends that Section 10.1F.1 should be deleted, Section 10.1F.2 should be moved into Section 10.2 and that 10.2A.1 should possibly be amended to require additional setback (such as 6 feet from ROW or property lines) for parking areas.

Section 10.2C currently describes the number of parking spaces required but does not go into any specifics for the number or design of ADA spaces. Staff would also suggest that some of the wording in the L-P District in regards to parking requirements, such as parking space size, design, and figures be deleted from the L-P District and placed in Section 10.2. There is no need to keep two sections which have many duplicate requirements in the regulations. The only parking regulations which should be kept in the L-P District should be those which are different than the standard requirements due to the nature of the uses expected.

Article 5 – Industrial Zoning Districts

While the L-P District has relatively recently been updated to include additional Site & Architectural Design Standards, the remainder of the industrial districts have not been updated to include these types of additional standards. Staff is recommending that the other industrial districts also be updated to include these additional guidelines which will provide future developers and businesses a better idea as to the standards that will be required as part of the Site Plan process. We will need to have discussion as to if separate standards should be

provided in each Industrial District or if a single set of guidelines can be provided for all industrial districts.

The "Table of Site Development Standards" or as also worded the "Table of Setbacks, Yards, and Area for ____ District" should be titled and formatted the same between all districts. Staff would also suggest that information also be provided for accessory structures if principle structures are to be listed specifically in this table.

L-P, Logistics Park District

Subsections B, C & D of Section 5.2 currently discuss information that should cover all districts in the UDC and staff suggests that these items be removed from this section, reworded and placed in Article 1 which deals with the general application of regulations.

Section 5.2G.5 currently specifies what the maximum height is for a building in the L-P District. The definition that is used in this section is different than the definition for 'building height' in the regulations. Staff suggests that the same definition be used in both places. The current maximum height for the L-P District also appears to be excessive. The next highest maximum building height is 45' for the B-P, Business Park District. Most structures that staff would have concern with possibly exceeding a lower maximum height appear to be exempt from the height limitations.

Section 5.2H.3 specifies that the storage of different items must occur within a fully enclosed building or storage yard and is limited to 20% of the ground floor area of the building. It goes onto specify that all storage shall be 100% screened from public view. Section 5.2M.2.g also contains a similar requirement requiring outdoor parking or storage spaces for cargo containers, operational trailers and tractors be screened from view. These requirements are not possible to be met with how the sites have been developed. The current requests that have been approved have required approval of exceptions primarily due to the location of trailer storage areas on the sites. Staff would suggest that these requirements should be modified based upon the type of street or use of property that is adjacent to the site. As an example, major streets such as 191st Street or Waverly Road should require additional screening if these types of uses are visible. Streets which can be considered as more local, such as Montrose or Kill Creek, would not need to have the same amount of screening. This could include additional requirements for berms and or additional landscaping/fencing along major streets that are expected to be traveled by the public while allowing a lesser amount of screening where roads are used more as access to warehouses and by the employees that work in them.

As is stated earlier, staff suggests that the parking requirements should be removed from the individual district regulations and placed in Article 10. This includes that figures which are shown for the typical parking stall and typical off-street parking modules. Figure 5, Typical Parking Stall with Wheel Stop is incorrect as the total stall length should be 20' instead of the 18' shown. The only items dealing with parking that should be kept in the individual district regulations should be those which are district specific. Following are some comments on the existing parking requirements that are located in the L-P District. Subsection 'd' & 'h' of Section 5.2K appear to state the same requirement that parking needs to be setback a minimum of 30' from any ROW. These requirements also appear to conflict with Section 10.1F which requires parking to be located within the building envelope. The L-P District

requires a front setback of 50 feet with a reduction to 25 feet adjacent to two-lane collectors or thoroughfares. Is this meant to require that in no case should parking be located closer than 30' from a ROW, but that in cases where the front setback is greater, that the setback for parking needs to be increased? Is the location of trailer parking impacted by this or do trailer parking spaces only fall under the requirements of the off-street loading standards (Section 5.2M)?

Article 4 – Commercial Zoning Districts

Staff is preparing to start performing research on possible changes to the commercial zoning districts to adopt specific site and building design standards. Part of this process is going to require the Planning Commission to have discussions in regards to what we would like future development to look like. One way to begin these discussions is to start looking at existing developments in the area to decide what types of development are preferred and what types of development are not desired.

Staff is recommending that members of the Planning Board take pictures or make notes on development types that you would like to see occur. This information can assist us as we start these discussions and as we start trying to form the requirements that will be placed in the UDC. Following are some examples of items that will need to be determined when standards are being developed:

- What should truck stops, gas stations, restaurants and other commercial uses look like?
- Should metal buildings be allowed?
- Proportion of a building required to be brick, stone or other similar materials.
- Vertical & Horizontal Articulation requirements.
- Type and quantity of landscaping.
- Signage – Should Pole Signs be allowed? Type of material used for signage. Should digital message board signs be allowed?

ATTACHMENTS

Unified Development Code: Articles 5, 8 & 10
Example Meeting Outline

Article 8
Administrative
Authorities, Duties and Procedures

Section 8.1	Creation of the Planning Commission
Section 8.2	Creation of the Board of Zoning Appeals
Section 8.3	Powers and Responsibilities
Section 8.4	Requirements for Applicants
Section 8.5	Right of Appeal
Section 8.6	Representatives and Agents
Section 8.7	Zoning Administrator

8.1 Creation of the Planning Commission

A. Membership. A Planning Commission is hereby created and appointed by the Governing Body. There shall be nine regular voting members of the Planning Commission. Three additional Planning Commissioners may be appointed as alternates, with voting privileges when regular Planning Commissioners are not present.

B. Terms and Qualifications.

1. All regular Commissioners shall be appointed for terms of three years, and each may serve for five (5) consecutive full terms {a temporary, alternate, or replacement term shall not be considered to be a full term}. Commissioners may be appointed again following a one-year waiting period after five (5) regular terms of service.
2. Alternate Commissioners may be appointed for terms of one (1), two (2) or three (3) years, conditional upon current City Council Policy.
3. Regular and alternate Planning Commissioners shall be at least 18 years of age. At least six members of the Planning Commission shall reside in the City of Edgerton.
4. Planning Commissioners may be removed for cause, including, but not limited to, failure to attend meetings, abuse of office, serious conflict of interest and abusive conduct, by a vote of the Governing Body. Any Planning Commissioner removed from office shall have the right to file an appeal, within 14 days of removal, for a full hearing of the matter before the Governing Body.
5. Appointments to fill vacancies of unexpired terms shall be made by the Governing Body.
6. Members shall serve without pay or other compensation except that all members shall be reimbursed for traveling or phone expenses.

C. Duties of the Planning Commission.

1. To make or cause to be made a Comprehensive Plan for the City of Edgerton for submission and final decision to the Governing Body. To propose and recommend all revisions and amendments to the Comprehensive Plan to the Governing Body.
2. To conduct all required public hearings, and to decide if hearings should be adjourned from time to time, or conducted at a place, after official notice, more appropriate to the occasion.

3. To recommend all actions, after hearing, concerning zoning text and map amendments, conditional uses, and preliminary/final plats for consideration to the Governing Body.
4. To review for final approval or disapproval all required site plans.
5. To add conditions to subdivision plats and zoning map amendments when, in the opinion of a majority of Planning Commissioners, such conditions are essential to the preservation of property values, the public health, safety and welfare, and the peaceful and quiet enjoyment of property.
6. To grant area variances on preliminary subdivision plats when, in the opinion of a majority of the Planning Commissioners, such variations are essential to preserve natural resources, overcome practical difficulty, and serve the public interest.
7. To hold an annual meeting in June of each year for the purpose of electing a Planning Commission Chair, a Vice Chair and a Secretary. Elections shall be conducted in accord with Roberts Rules of Order by written ballot or voice vote.
8. To hold an annual meeting for the purpose of reviewing the comprehensive plan and to update or amend the plan as necessary.

D. Meetings.

1. All meetings shall be conducted by the Chair of the Planning Commission, or in his/her absence, by the Vice Chair or Secretary, and then by the most senior member. The Chair, and other officers, shall be elected by a simple majority of the Planning Commissioners on an annual basis. All officers shall serve for one year, or until their successors are elected, and may succeed themselves for each year during their terms.
2. All meetings {other than special meetings} of the Planning Commission shall be held on the 2nd Tuesday of each month at 7:00 PM in the Edgerton Community Building at Edgerton, Kansas. When there is no official agenda, a meeting may be canceled at the discretion of the Chair. The Chair, or the Vice Chair in his/her absence, shall have the power to call any special meetings, or to change a meeting time or place following public notification. Meetings shall generally be conducted in accord with Roberts Rules of Order.

E. Rules of Voting and Conflict of Interest.

1. The Chair may vote in all official elections and to break a tie vote on any motion. The Chair shall lead all discussions, and call for all votes, but generally, shall not enter into the substance of discussions except to form questions, give direction, focus purpose, and bring issues to closure.
2. All official votes shall be by simple majority of a quorum. A quorum is five commissioners present at any meeting, unless specified otherwise by state law.
3. All votes shall be "yes" or "no" by "voice" of the members; written votes are not allowed. The Chair may require reasons for the vote from each Commissioner when the magnitude of the change requested for the plan or zone change is extensive. Abstentions from voting, as distinguished from disqualifications, shall not be allowed. Official votes shall also be written by the secretary or designee in the form of minutes; minutes shall be approved at each meeting.
4. Any Commissioner, including the Chair may disqualify him or herself, without stating reasons, by announcing the disqualification for the record, and leaving the table at

the beginning of a public hearing. In the case of a challenge by an applicant or member of the public, the Chair shall rule on disqualifications. Reasons for disqualification shall be, but are not limited to, the following:

- a). To avoid the appearance of an impropriety.
- b). If the planning commissioner is a property owner within the statutory distance for notification of hearing.
- c). If the planning commissioner is a relative, employer or employee or business partner of an applicant.
- d). If the planning commissioner is an agent for an applicant {in a business or legal capacity}.
- e). If the planning commissioner serves on an appointed board with an applicant.
- f). If a planning commissioner is a constant, long term, and close social acquaintance of an applicant.
- g). If the planning commissioner feels that he/she cannot render a fair and impartial judgment due to past association, hearsay, or actions of an applicant or member of a public hearing.
- h). If the planning commissioner is a party to ex parte contact on a particular item of business that is subject to a public hearing.

F. The Conduct of Hearings.

1. An Applicant, or an Agent for the Applicant, must be present to introduce a proposal for change, except that this rule may be waived by a 2/3 majority vote of the Planning Commission. If an applicant or agent is not present, and the rule is not waived, then the Applicant shall automatically be granted an extension until the next regularly scheduled meeting of the Planning Commission. If the Applicant fails to appear at the following meeting, the matter shall be deemed void and the Applicant must reapply. If the Applicant fails to attend the first regularly scheduled hearing, they shall be assessed the full cost of public notification, including postage, abstractor search {if necessary} and a \$20.00 Zoning Administrator surcharge for reprocessing.
2. All members {or their agents} attending a public hearing shall have the right to speak to the business at hand. The Planning Commission shall not hold a "closed meeting" or executive session unless it pertains to pending litigation, a matter of personnel, or debate and discussion on the rezoning of a specific parcel of land. The Chair may set reasonable time limits for the duration of all discussions. At a public hearing, parties shall speak in the following order:
 - a). The Planning Commission Chair opens the hearing by explaining the nature of the request, its location, and the action or votes required of the Planning Commission. Next, the Applicant or Agent introduces the proposal.
 - b). The Planning Commission/Staff may ask questions to clarify any points made by the Applicant. Following this, any member of the public hearing may request points of clarification.
 - c). The members of the public may speak to the proposal.
 - d). A period of rebuttal shall be allowed for the applicant and those in favor or opposition.
 - e). Final rebuttal for the applicant shall be allowed.
 - f). The Chair shall officially close the public hearing phase of the particular business at hand.

- g). The Planning Commission shall debate the facts presented at the hearing.
3. Following debate, the Planning Commission shall vote on a motion or table the item for further consideration. Decisions of the Commission shall be based upon facts entered into the record at the public hearing phase of the meeting, the recommendations of the staff, the adopted plan, and the preservation of health, public safety, and the general welfare.
 4. In order to recommend approval or disapproval of a proposed zoning district amendment, the Planning Commission and Governing Body shall determine whether the amendment is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following :
 - a). The extent to which there is a need in the community for the uses allowed in the proposed zoning.
 - b). The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
 - c). Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
 - d). Suitability of the uses to which the property has been restricted under its existing zoning.
 - e). Length of time the subject property has remained vacant under the current zoning designation.
 - f). The extent to which the zoning amendment may detrimentally affect nearby property.
 - g). Consideration of rezoning applications requesting Planned Development Districts for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage.
 - h). The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.
 - i). The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property.
 - j). The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
 - k). The economic impact on the community from the uses allowed in the proposed zoning.
 - l). The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial.
 - m). Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton.
 - n). The recommendation of professional staff. (Ord. 799, 2005)

G. The Effect of Voting.

1. Votes shall either be cast of "yes" or "no" on an issue. A majority vote "yes" shall be deemed to mean a positive recommendation to the Governing Body. A majority vote "no" shall mean a negative recommendation; a tie vote presented to the Governing Body shall have the same meaning as "no recommendation."
2. In the case of a final plat, the vote of endorsement by the Planning Commission is not advisory, and does not require approval by the Governing Body. However, the final plat shall be sent to the Governing Body for approval of all dedications of land for public purposes. If the Governing Body does not accept the dedications within 60 days after plat endorsement, the Register of Deeds shall not file the plat instrument, and all action shall be void.
3. In the case of a proposed zoning amendment to the land use map or the ordinance text, the vote of the Planning Commission is advisory. Upon receiving an advisory vote, the Governing Body may: (1) approve by resolution such recommendation, (2) override the recommendation by a 2/3 majority vote, (3) return the recommendation for study and/or a new hearing, together with a statement which specifies the Governing Body's reasons for refusal to approve or disapprove. If the Governing Body returns a recommendation, the Planning Commission may resubmit the original recommendation or submit new or amended recommendations without reconvening the Public Hearing. Upon receiving the returned recommendations from the Planning Commission, the Governing Body may, by a simple majority vote, adopt, revise or amend such recommendations. Failure to return a recommendation on the part of the Planning Commission shall be considered a re-submission of the original recommendation.
4. If, however, a protest against such amendment, supplement or change be filed in the office of the City Clerk within fourteen (14) days after the conclusion of the hearing pursuant to said publication notice, duly signed and acknowledged by twenty percent (20%) of the total area, excepting public streets or ways, located within or without the corporate limits of the city and located within two hundred (200) feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths (3/4) vote of all the members of the Governing Body. (Ord. 799; 2005)

8.2 Creation of the Board of Zoning Appeals

A. Creation. A Board of Zoning Appeal (BZA) is hereby created to administer all zoning, floodplain, subdivision appeals, variances, and other matters of land regulation as enumerated in the Edgerton Unified Development Code.

B. Membership Requirements.

1. All members of the Board of Zoning Appeals must be age 18 years or older at the time of their initial appointment.

C. Composition of the Board.

1. The Board of Zoning Appeals shall be composed of all nine current members of the Edgerton Planning Commission.

2. Members shall be appointed by the Governing Body for terms of three (3) years and may be re-appointed for subsequent terms.

D. Service of Members.

1. All members of the Board of Zoning Appeals shall serve without pay or other compensation, except that all members shall be reimbursed for traveling or phone expenses.
2. Members may be removed for just cause, including conflict of interest, bias, and failure to attend scheduled meetings.
3. Appointments to fill unexpired terms shall be made by the Governing Body by using Alternates, or by selecting new members from the Edgerton Planning Commission.

E. Duties of Chairperson.

1. The Chair of the Board of Zoning Appeals shall call all meetings (and designate the location of the hearing) on request of the Zoning Administrator and/or Governing Body. The Chair shall also conduct all meetings according to (Rev.) Robert's Rule of Order. The Chair shall insure that all final orders or decisions of the Board of Zoning Appeals are rendered within 60 days of the original hearing date: all such orders or decisions must be in writing.
2. In the absence of the chairperson, the vice-chair or secretary of the Planning Commission shall serve as the chair.

F. Meetings and Votes of the Board.

1. The Chair shall conduct all meetings and take all votes. Meetings shall be held at a time and place designated by the Chair of the Board of Zoning Appeals.
2. All votes shall be "yes" or "no" by voice, with a taped record and written minutes kept of each session. Abstentions shall not be allowed, but members, may disqualify themselves, for cause, in accordance with the Guidelines for Conflict of Interest listed above in Section 8.1 E-4 of this Article. Records of all official actions of the board shall be filed in the office of the City Clerk.
3. All hearings before the Board of Zoning Appeals shall be open to the public. The Board may, however, adjourn a hearing from time to time, and may meet in closed session to debate the record created at the public hearing. The Board shall issue its findings to applicants in writing within 60 days after the first hearing, unless the applicant requests an extension of time.
4. The Chair of the Board of Zoning Appeals may establish, from time to time, reasonable limitations on the length of testimony, and shall have the power to rule on objections and other points of order raised by a board member, an applicant, or member of the public hearing. The Chair shall have the authority to Rule Out Of Order testimony that is not factual, based upon supposition or hearsay.

8.3 Powers and Responsibilities

A. Appeals.

1. The Board of Zoning Appeals (BZA) is hereby authorized to hear appeals from any person or official affected by any decision of the Zoning Administrator. In exercising the power of appeals, the BZA may reverse, amend, modify or affirm any

discretionary act, requirement, decision or determination of the Zoning Administrator. To this end, the BZA shall have all of the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

B. Procedures for Appeals.

1. The appeal must be brought within 30 days of the final decision or action of the Zoning Administrator.
2. The appellant must file the proper forms provided by the Zoning Administrator.
3. An Appeal Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with each appeal application.
4. Notice of the appeal must be published once in the official city newspaper, at least 20 days prior to the hearing.
5. The applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid, to each owner of record of land within a distance of two hundred (200) feet of the perimeter of such proposed change, at least ten (10) days prior to said hearing; sufficient copies of said notice for such purpose to be provided by the City Clerk. Proof of compliance herewith shall be filed under oath by the appellant with the City Clerk prior to such hearing. At least ten (10) days prior to the date set for hearing, the appellant shall file with the City Clerk a (Johnson County AIMS property ownership map) of the land in question, drawn to scale, showing all tracts within a distance of two hundred (200) feet of the perimeter and the ownerships of each such tract; also, the location of all present buildings and proposed development. Such plans or drawings shall be verified by the Building Official or applicable City Staff member for accuracy, and their signature shall be affixed to same.
6. The appellant or agent must appear before the Board of Zoning Appeals on the appointed time and day for the hearing. Failure to appear, unless waived by the Board of Zoning Appeals for cause, shall result in a dismissal of the appeal, and shall require re-application.
7. When an appeal is filed, the action of the zoning administrator shall be stayed pending a final decision of the Board of Zoning Appeals.
8. Actions of the Board of Zoning Appeals are final orders and are not sent to the Governing Body for review or approval.

C. Variances.

1. The Board of Zoning Appeals is hereby authorized to issue variances from the specific terms of these regulations. A variance shall not permit any use not permitted by this chapter in such district. The variance shall not be contrary to the public interest, and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, and shall not result in an unnecessary hardship, and provided that:
 - a). The variance arises from a condition unique to the property in question, and is not a general condition found in the neighborhood.
 - b). That granting the variance will not adversely affect the rights of adjacent property owners or residents.

- c). That strict adherence to the regulations in the specific case will constitute unnecessary hardship upon the property owner requesting the variance. The board must determine that the hardship is greater than an economic disadvantage, and in fact extends to a means of livelihood, a matter of protecting title to property, or if left uncorrected, would result in a severe and irrevocable change in the applicant's ability to transfer property. A hardship may also be construed to be "honest error" imposed upon a property owner by a ministerial official, or licensed professional, or through eminent domain or zoning resulting in a substantial {a near taking} loss of property rights.
 - d). The variance desired will not adversely affect the public health, safety, morals or welfare, convenience, prosperity or general order.
 - e). That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions that are in question.
2. Notice of a hearing for a variance shall be published once, at least 20 days in advance of the hearing, in the official city newspaper. The applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid, to each owner of record of land within a distance of two hundred (200) feet of the perimeter of such proposed change, at least ten (10) days prior to said hearing; sufficient copies of said notice for such purpose to be provided by the City Clerk. Proof of compliance herewith shall be filed under oath by the appellant with the City Clerk prior to such hearing. At least ten (10) days prior to the date set for hearing, the appellant shall file with the City Clerk a (Johnson County AIMS property ownership map) of the land in question, drawn to scale, showing all tracts within a distance of two hundred (200) feet of the perimeter and the ownerships of each such tract; also, the location of all present buildings and proposed development. Such plans or drawings shall be verified by the Building Official or applicable City Staff member for accuracy, and their signature shall be affixed to same.

8.4 Requirements for Applicants

- A.** Obtain an Accurate Legal Description of the Property.
- B.** Make a scale drawing of your property; usually you may use the recorded subdivision plat or your survey for this purpose.
- C.** Complete the necessary applications on forms provided by the Zoning Administrator.
- D.** A Variance Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with each variance application.
- E.** Obtain a certified list of names and addresses of property owners within 200 feet. The Zoning Administrator will supply a sketch of the distance requirement.
- F.** Make an appointment with the Zoning Administrator to review your scale drawing. If possible, bring photos that clarify the need for your variance or exception.
- G.** Write a Statement of Purpose that explains the need for your variance or exception. Explain or clarify any extenuating circumstances that would help the Board of Zoning Appeals to understand the request.

8.5 Right of Appeal

- A.** Any person, official or governmental agency dissatisfied with any order, determination or action of the Board of Zoning Appeals may bring an action in the district court of the

county to determine the reasonableness of any action or order. Such appeals shall be filed within 30 days of the final decision of the Board.

8.6 Representatives and Agents

- A.** Nothing contained in this ordinance shall be construed as prohibiting the right of any applicant or a member of a public hearing to retain an agent to represent them before the Planning Commission, BZA, or Governing Body. Likewise, legal counsel may be used to represent any person having business pertaining to this ordinance. All persons, and their agents or counsels, have a right to speak at the designated time, submit written comments for the record, make objections, note exceptions, or request points of clarification {for the record} during public hearings.

8.7 The Zoning Administrator

A. Appointment.

1. The Governing Board shall appoint an official known as the "Zoning Administrator" to administer the terms of this Edgerton Unified Development Code. The Zoning Administrator may appoint city employees as deputies to assist in administration of the UDC.

B. Powers and Duties of the Zoning Administrator.

1. **Building permit.** To issue or deny a building permit for the erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use. The Administrator shall also have the authority to revoke any zoning permit if violations of the provisions of this ordinance occur.
2. **Certificate of zoning compliance.** To issue or deny a certificate of zoning compliance, which indicates that the use and physical development of the site is in conformity with this ordinance.
3. **Collect fees.** To collect any fees required or set forth in this ordinance.
4. **Making and keeping records.** To make and keep all records required by state law or necessary and appropriate for the administration of this ordinance.
5. **Inspection of buildings or land.** To inspect any building or land to determine if violations of this chapter have been committed or exist.
6. **Enforcement.** To enforce this ordinance and take all necessary steps to remedy any condition found in violation of the provisions of this ordinance.
7. **Interpretation.** To interpret the official zoning map and provisions of this ordinance, and offer written opinions on their meaning and applicability, and to make findings of fact, and, with the concurrence of the City Attorney, conclusions of law regarding determinations of vested rights.
8. No written decision of the Administrator shall be subject to change, modification, or reversal after sixty days have elapsed, where the person aggrieved has materially changed his position in good faith reliance on the decision.

C. Processing Violations.

1. The Zoning Administrator upon finding a violation of these regulations {or if a proposed action would constitute a violation}, shall have the power to:
 - a). Issue a **Notice of Violation**, which shall specify the offense, the name of the property owner or agent and/or occupant, the legal description of the property, and the remedy. A reasonable and prudent time shall be set to correct the violation, or to file an appeal.
 - b). Issue a **Stop Work Order** which shall command any person to immediately cease and desist from any unlawful construction, use or alteration of any building or land.
2. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a complaint with the Zoning Administrator stating fully the facts or grounds upon which the complaint is based. The Zoning Administrator shall promptly record and investigate such complaint and take appropriate action as provided in this ordinance.
3. Whenever the Zoning Administrator finds that any provision of this ordinance is being violated, he/she shall promptly notify in writing the person(s) responsible for violations. The notification shall contain the nature of the violation and any corrective orders.
4. The Zoning Administrator shall have the following remedies without limitations:
 - a). **No Action.** After careful consideration a "No Conflict" opinion may be issued by the Zoning Administrator.
 - b). **Informal Contact.** The Zoning Administrator shall have the authority to effectuate the abatement of zoning violations through informal meetings or conversations.
 - c). **Agreement to Abate.** The Zoning Administrator may enter into an agreement with a violator to abate or remedy a violation within a period not to exceed six (6) months.
 - d). **Notice and Order.** See above Section 8.7 C-1 a and b.
 - e). **Court Action.** The Zoning Administrator may issue a summons to a violator requiring appearance in the City Court.
5. The Zoning Administrator may issue an administrative waiver to any required setback or yard listed in this ordinance to adjust for practical difficulty or grade changes. The waiver shall be no greater than 10 percent of the required distance.
6. The Zoning Administrator may use an averaging method to establish any yard or setback in established areas to prevent excessive offsets between new and old structures.

Chairman (For Special Use & Zoning Amendment Cases)

Calling Agenda Items:

I call Planning Board New Business Agenda item #____, which is a public hearing on Case ____ - _____. This is an application for (**Special Use:** the establishment of a Special Use in the _____ District) (**Zoning Amendment:** a zone change from _____ District to _____ District).

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed with the hearing, I'll ask the Board if any of them intend to disqualify themselves from participating in this case because they or their spouses own property in the area of notification or have conflicts of interests or a particular bias on this matter. (Please let the minutes show that _____ has disqualified himself/herself because _____ and has temporarily disassociated himself/herself from our Board.) (According to our Bylaws, those members who only abstain from voting, but have not disqualified themselves are still part of the quorum.) I declare that we have a quorum of _____ present for the hearing.

NOTIFICATION:

(Please reference Report for dates) According to the Secretary, a notice for this hearing was published in the Sentinel on _____. Notices were mailed to the applicant and real property owners of record in the area of notification on _____. The record shows that at least 20 days elapsed between the publication and mailing date(s) and the hearing date. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

EX PARTE COMMUNICATIONS:

Although we do not encourage such communications, I will ask the Board if any of them have received any ex parte verbal or written communications prior to this hearing that they would like to share with all the members.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator, Kenneth Cook, to provide us with a background report on the case.

Thank you for your presentation, Are there any questions from the Board, staff or consultant?

APPLICANT'S REQUEST:

I call upon the applicant to make his/her presentation on the request and any response to the Zoning Administrator's report.

Thank you for your presentation. Are there any questions for the applicant from the Board or staff?

PUBLIC COMMENTS:

Are there any members of the public who wish to speak on this case? (Recognize first come, first served: obtain name and address; and continue until all public comments are completed. People can also be asked not to repeat what has already been said, but to indicate that they hold similar views.)

WRITTEN COMMUNICATIONS:

Are there any written communications or petitions?

APPLICANT'S RESPONSE TO PUBLIC COMMENTS:

Does the applicant wish to respond to the public's comments?

FINAL PUBLIC COMMENTS:

Does anyone from the public wish to respond to the applicant or make any final comments?

CLOSE THE HEARING:

Hearing no further public comments, I hereby close the public portion of the hearing. There will be no further public comments unless the Board wishes to ask questions to clarify information.

PLANNING BOARD DELIBERATIONS:

The Planning Board will now deliberate the request. There are 17 factors that the Board must consider in order to make findings on the factors and a recommendation. They are found in the Report. Each factor will be considered and our collective opinion will be summarized.

RECOMMENDATION:

Having discussed and reached conclusions on our findings on the factors, I would remind the Board that a proper motion should reflect the factors on which it is based and, if approval is recommended, then consideration should be given to conditions. Is there a motion to recommend approval, modification and approval, disapproval or to table the decision?

SAMPLE MOTION

Having considered the evidence at the hearing and the factors to evaluate the application, I _____ move that we recommend to the Governing Body that Case No. _____ - _____ be (approved) (modified and approved) (disapproved) (**Zoning Amendment:** to change the zoning district classification from the _____ District to the _____ District) (**Special Use:** for the establishment of a Special Use in the _____ District) based on the findings of the Planning Board as recorded in the Report (as amended). (and subject to the condition(s) listed therein.)

(see Report for Conditions)

To Table Application

Having considered the evidence at the hearing and the factors to evaluate the application, I move that Case No. _____ - _____ be deferred until _____ at _____ p.m. in this same meeting room for more (information) (and) (study) in regard to _____

ACTION:

Having heard the motion, is there a second? Having been seconded by _____, is there any discussion of the motion?

Is the Board ready to vote on the motion? All those in favor say, "Aye." All those opposed say, "Nay." (If divided vote. ask for a show of hands and Secretary will record a roll-call vote.) The motion (passes) (fails) by a (unanimous) vote of _____ to

(An affirmative vote must be at least a majority of the members present and voting. Except in the case of a tie vote: abstentions are counted as part of the majority vote. If the Board fails to make a recommendation such as may occur with a tie vote, it is forwarded to the Governing Body as a recommendation of disapproval. See Bylaws to settle other voting procedures including abstentions, disqualifications and Chairperson voting.)

CLOSING REMARKS AND PROTEST PETITIONS:

This case will be forwarded to the Governing Body with the Planning Board's recommendation and a written summary of the hearing for consideration at their regular meeting of _____, which begins at 10:00am in the County Commissioner's meeting room on the 5th floor of the Bank IV Building.

Protest petitions against the special use, but not directed at the Board's recommendation(s) as such, may be received by the County Clerk for 14 days after tonight, until _____ at 5:00 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification not counting public street rights of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of the Governing Body, (See Section 11-103.) We want to thank all of you for participating.

Article 10
Site Plans and Design Standards

Section 10.1	Site Plans
Section 10.2	Parking and Off-Street Loading
Section 10.3	Streets and Access Drives

10.1 Site Plans

- A. **Obligation.** The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.
- B. **Site Plans Are Required in all of the following application procedures unless specifically waived by the Planning Commission:**
1. All applications involving mixed-use development (when more than one type of land use is to be integrated into one site), including Planned Unit Development, Multi-family residential; Commercial; Industrial Districts; and when required by the specific provisions of this Unified Development Ordinance.
- C. **Submission Requirements.**
1. A Site Plan Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the site plan application.
 2. Three copies of the site plan must be submitted to the Zoning Administrator at least thirty (30) working days in advance of a scheduled Planning Commission or Board of Zoning Appeals hearing. One copy shall be made available for public inspection at least fourteen (14) days in advance of a public hearing.
 3. All (FINAL) Site Plans must be submitted on superior quality paper in a 24 X 36 inches format (or a format specified by the Zoning Administrator). The scale shall be a professionally acceptable standard suitable to the area of the proposed project.
- D. **Contents.** Unless otherwise specified, each site plan shall contain the following information:
1. Front or cover sheet.
 - a). A scale vicinity map showing the relationship of the site to surrounding neighborhoods, roads and other physical features.
 - b). A project title, zoning designation and project sponsor. A street, lot or tract address of the project.
 - c). An index to contents, and a data table which, at a minimum, includes: Acreage of the site and number of units per acre (if applicable); gross square feet of the building(s) area; the proposed use of each building; number of employees and the BOCA or Uniform Building Code or NEPA 101 Life Safety Code Occupancy Design Load and, the total number of parking places.
 - d). The name of the architect, engineer, surveyor or draftsman.
 - e). The following certificates and signature blocks:

Comment [KC1]: Specify that Preliminary & Final Site Plans are required unless the Zoning Administrator or Planning Commission determines that the request is small or simple enough to be handled by only a Final Site Plan.

Comment [KC2]: Separate requirements are needed for Final & Preliminary

Comment [KC3]: Should this also specify that a digital copy should also be provided?

Comment [KC4]: Specify separate contents required for Preliminary and Final Site Plans

CERTIFICATE:

Received and placed on record this _____ day of _____, _____ (Zoning Administrator)

Comment [KC5]: This Should be the name of Zoning Administrator followed by the title and placed under the signature line

Approved by the Edgerton City Planning Commission this _____ day of _____, _____.

Chair of the Planning Commission _____

Comment [KC6]: This should be the name of Chair of PC and title and placed under the signature line

Permission for parking to encroach within setback lines is ___ is not ___ granted according to my marked notations: _____ (Zoning Admin.) _____ date

Comment [KC7]: This should this be noted as an optional certificate.

I certify that I have reviewed this SITE PLAN and will comply with all specifications, changes, and amendments herein, and that this instrument creates a legally enforceable obligation to build and develop in accordance with all final agreements.

Applicant signature _____ Date _____

2. Sheet #2

Comment [KC8]: Landscape Plan

- a). A landscape plan drawn to scale, showing the site, building location, planting and seeding schedules, refuse and outdoor storage screening and boundary screening. All landscape features shall be shown in relation to sidewalks, paths, lawns, parking areas and drives.
- b). A table entitled "Planting Schedule" which lists the common name, size and condition of all planting materials, together with a timetable for planting.

3. Sheet #3

Comment [KC9]: Site Map

- a). A site map with the following features.
 - i). Topography at reasonable intervals.
 - ii). Exterior lot lines with any survey pins.
 - iii). Location of buildings.
 - iv). Parking areas, paths, walks with sizes and surfaces material specifications.
 - v). Exterior lighting specifications.
 - vi). Site entrance and connections to streets.
 - vii). The location of easements.
 - viii). Connection point for utilities.
- b). A sketch of the entry sign, and all other free-standing, façade, and building signs to be used on the premises.
- c). Features to facilitate handicapped access.
- d). Profile and detail for roads (if required).

4. Sheet #4

Comment [KC10]: Floor Plans

- a). Scale drawing of building floor plans.
- b). Dimensions and use of rooms and areas.
- c). Dimensions of entrances/exits and corridors.

d). Interior specifications for handicapped accessibility as required by ANSI 117.1 and this ordinance.

5. Sheet #5 (if requested)

- a). Scale drawings of all building elevations.
- b). Roof pitch and materials.
- c). Siding type and materials, including facade.

Comment [KC11]: Building Elevation

Comment [KC12]: Fascia

E. Additional Requirements. Depending upon circumstances (especially buildings used for assembly) the Planning Commission may require additional sheets for mechanical and electrical and building materials specifications. The Planning Commission may also require additional information for hazardous material or other environmental impacts.

F. Design Standards.

- 1. All new parking spaces shall be located within the building envelope inside the required front, side and rear yard setback. When permission to encroach into the setbacks is granted by the Zoning Administrator, a green area of no less than six (6) feet must be provided between the R.O.W. and property lines.
- 2. Parking spaces must be on a prepared bed with either a rock, asphalt or concrete surface. Surface requirements are set by the Planning Commission and depend upon the need for dust control, amount of parking, nature and size of the vehicles, in-out traffic flow, erosion control, and visual design.

Comment [KC13]: Most plans have included parking that has encroached beyond the building envelope.

10.2 Parking and Loading Standards

A. General Provisions. When an existing structure or use is expanded, parking shall be provided in accordance with the following regulations: Parking stalls and spaces shall be used by motor vehicles in operating condition by patrons, occupants, or employees.

Comment [KC14]: What about as part of a new structure or use.

- 1. Parking may be located in any yard however; in residential districts no parking shall be located in a required front yard or a required side yard adjacent to a street except in the driveway.
- 2. No major vehicle repair work or service of any kind shall be permitted in any parking facilities.
- 3. No unlicensed vehicle or part of such vehicle may be left, parked or stored upon any street, public or private property, or on any driveway within the city. If said violation occurs, the owner shall remove the vehicle after notice by the Police Department.

B. Parking Site Plan. A site plan showing the layout and design of all required parking and loading areas shall be submitted and approved by the Zoning Administrator prior to issuance of a building permit. All required spaces shall be properly designed according to standards and shall be indicated on the plan.

C. Number of Parking Spaces Required. Unless waived or modified by the Zoning Administrator, parking requirements and space development standards for all uses shall be established in accord with the following standards set forth in Table 1.

Comment [KC15]: Should we have standards for ADA Stalls

Average Space/Parking Requirements	
Use	Parking
Residence - single and duplex	3 spaces per dwelling unit
Residence 3 - 5 units	3 spaces per dwelling unit
Residence - multi family	See R-3 Zoning District
Church/Chapel	½ of Rated Occupancy
Car wash (customer holding areas)	5 spaces per stall
Hotels and motels	1 space per rental unit, plus spaces as required for restaurants.
Funeral facility	½ of Rated Occupancy
General Office	1 per 300 sq. ft.
General Office - Customer	1 per 200 sq. ft.
Service - No Sales (parts)	1 per 400 sq. ft.
Service - Merchandise Sales	1 per 200 sq. ft.
Retail - Convenience- 1000 sq. ft. or less	1 per 150 sq. ft.
Retail - Convenience- 1000 sq. ft. or more	1 per 125 sq. ft.
Retail/Personal Service [Video; Copying, Etc]	1 per 125 sq. ft.
Retail - General Merchandise	1 per 200 sq. ft. to 1 per 50 sq. ft.
Retail - Specialized Mercantile [Furniture; Home Sales; Housewares	1 per 400 sq. ft.
Taverns - Entertainment	½ of Rated Occupancy
Health Care	1 per 75 sq. ft.
Restaurant	½ of Rated Occupancy
Restaurant - Fast Food	½ of Rated Occupancy
Restaurant - Express	10 + employees
Govt., Utilities, Etc	1 per 400 sq. ft.
Public/semi-public assembly of any type	To be Negotiated
Manufacturing - Light	1 per 100 sq. ft.
Manufacturing - General	1 per 150 sq. ft.
Manufacturing - Heavy	1 per 200 sq. ft.
Day Care - Home	1 + employees
Day Care - Commercial	5 + employees
Recreation	To be Negotiated
NOTE: Minimum parking standards may be adjusted to greater or lesser capacities to account for location, expected circulation flows, and the likelihood of conversion by the Zoning Administrator. Specific uses not included in this table shall use commonly accepted parking and circulation standards promulgated by standard site design principles and anticipated occupancy loads.	

D. Design Standards and Required Dimensions.

1. Access. Each required parking space shall open directly on an aisle or driveway to provide safe and efficient means of ingress and egress.
2. Location. All parking shall be located on the same zoning lot as the structure or use served, or an adjacent lot under the same taxpayer's name, unless special permission is granted for collective or group parking.

3. Lighting. All lighting used to illuminate parking areas shall be directed away or shielded from residential properties.
4. Bumper Guards & Pavement Marking. Parking areas shall have adequate bumper guards to prevent extension or overhang of vehicles beyond property lines or parking spaces. Parking areas shall have adequate markings for channelization and movement of vehicles.
5. Screening. All parking areas containing more than six (6) spaces shall be screened on each side that adjoins any property situated in a residential district. Screening shall be by a wall, or fence, or evergreen hedge not less than six (6) feet nor more than eight (8) feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, walls, fences, or hedges.
6. Regular Parking Spaces.
 - a. Unless otherwise specified in this ordinance or waived by the Planning Commission and/or Zoning Administrator, overflow-parking spaces shall be on a prepared surface of concrete or asphalt. If waived or modified, the parking surface shall be prepared on compacted soil with a minimum of 5" of AB 3 or 4" of gravel.
 - b. All regular parking spaces on hard surfaces shall be delineated using painted lines or pre-cast concrete parking blocks.
 - c. The minimum dimension for all regular parking spaces shall be 9' in width and 20' in depth.

E. Off-Street Loading and Unloading Requirements.

On premises loading and unloading spaces shall be provided off-street in the side or rear yard for all uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be located so as to avoid undue interference with traffic and public use of streets, alleys and walkways.

Comment [KC16]: What size of space is required? Does this need to be designated on the site in some manner?

10.3 Streets and Access

A. General Design and Layout Criteria.

1. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) where required by the Planning Commission or the Governing Body.
2. Street Provisions for Future Development. Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. Areas reserved for future street usage will not be required to be improved; however, these areas shall be reserved for street improvements to be provided by the subdivider of the adjacent tract.
3. Lot Access. The Planning Commission may disapprove any point of ingress or egress to any lot, tract, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.

4. Construction Standards. All streets shall be built to standards established by the City of Edgerton.

Article 5

Industrial Zoning Districts

Section 5.1	B-P Business Park District
Section 5.2	L-P Logistics Park District
Section 5.3	I-G General Industrial District
Section 5.4	I-H Heavy Industrial District

5.1 B-P Business Park District

- A. Purpose. This district is created to allow a mix of office, research, wholesaling, light industrial and limited ancillary retail and service uses in a designed business park setting. This district is designed to provide for high quality and master planned development with increased site amenities and open space. The district is intended for areas designated business park or industrial in the comprehensive plan, which is primarily located along the I-35 corridor, and provided adequate public infrastructure and services are available.
- B. Use Restrictions. In District B-P, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional and contained below.
- C. Permitted Uses.
1. Auditoriums, convention centers, and conference facilities.
 2. Building and construction contractor offices, including display areas.
 3. Business and trade schools.
 4. Colleges and universities.
 5. Commercial pick-up and delivery services.
 6. Display or catalog showrooms.
 7. Laboratories and research facilities.
 8. Manufacturing, processing, fabrication or assembly of commodity - limited.
 9. Motion picture production stations.
 10. Photographic processing facilities.
 11. Printing and publishing.
 12. Public or private golf courses, tennis or other courts, and swimming pools.
 13. Public parks and recreation facilities.
 14. Radio and television broadcasting stations.
 15. Research establishments of industrial, medical or scientific nature.
 16. Restaurants, not including drive-up or drive-thru services.
 17. Warehousing.
 18. Mailing, packaging, parcel service and storage.
 19. Printing, communications, mail orders.
 20. Sales outlets.
 21. Retail sales in conjunction with a manufacturing or fabrication use.
 22. Health and hospital supplies; office supplies.
 23. Copy, printing and duplication services.
 24. Internet service providers.
 25. Sale, servicing, and repair of electrical and other electronic devices.

- 26. Government facilities.
- 27. Retail and wholesale of furniture and home furnishings, carpet, paint and wallpaper, and plumbing and lighting fixtures.
- 28. Sales and installation of cellular phones, stereos, radios and similar electronic equipment for vehicles.
- 29. Veterinary hospitals and clinics.
- 30. Accessory uses.

- D. Uses Permitted by Condition (Conditional Uses). The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.
 - 1. Communication transmission towers over sixty (60) feet, subject to the provisions in Article 7.

E. Setback, Yard and Area Regulations.

Comment [KC1]: Match formatting with other districts

Table of Site Development Standards			
Use	Minimum District Size	Minimum Open Space	Maximum Building Height
Principal Buildings	10 acres	25%	45'

- 1. All buildings or structures shall be set back a minimum of 50 feet from any public right-of-way forming the peripheral property line of the business park.
- 2. All buildings or structures shall be set back a minimum of 30 feet from any internal street right-of-way.
- 3. All buildings or structures shall be set back a minimum of 45 feet from the property line of any residentially zoned property, where such property is already developed for residential use or is designated for residential on the comprehensive plan.
- 4. All buildings or structures shall be set back a minimum of 20 feet from any peripheral property line other than a street right-of-way line or residentially zoned property.
- 5. All buildings, structures or parking areas shall be set back a minimum of 15 feet from the lot line of any lot within the business park where such lot line does not abut a street right-of-way or the property line of another property other than the business park property.

F. District Regulations.

- 1. All buildings with a metal exterior shall provide a facia material composed or brick, stone, wood, or a combination of these materials that extends to three walls of the building unless modified by the Planning Commission.
- 2. All operations, other than limited storage of motorized machinery and equipment, materials, products or equipment, shall be conducted within a fully enclosed building.
- 3. All storage of motorized machinery and equipment, materials, products or equipment shall be within a fully enclosed building, or in a storage area or yard. Said storage shall be limited to twenty percent (20%) of the ground floor area of the building or tenant space. All storage materials shall be one hundred (100) percent screened from public view, except when adjacent to another storage area, which is one hundred (100) percent screened from public view. For the purposes of this section, the phrase "screened from public view" means not visible at eye level from adjoining

properties or any street right-of-way. Use of landscaping materials is encouraged in lieu of privacy fencing. All storage areas shall be paved or surfaced.

G. Design Guidelines.

1. When more than one (1) building is planned for business park district property, the development plan shall demonstrate integration and coordination of the architectural design for buildings, structures, and landscaping and open space.
2. Buildings should be oriented so that the front or side of the building faces the public street frontage of the property. The Planning Commission will consider an exception to orient a rear elevation towards a public street for unique situations due to the configuration of the lot.
3. The Planning Commission may require that loading and service areas are screened from public view with landscaping, berming, facade walls, or fencing.
4. The Planning Commission may require a solid or semi-solid fence, or wall at least six feet (6'), but not more than eight feet (8') high, and having a density of not less than eighty percent (80%) per square foot be provided adjacent to an adjoining residential district unless the adjacent residential district and the office development are separated by a street right-of-way. The wall shall incorporate architectural elements similar to what the primary buildings are constructed with, such as stone or masonry. The fence design should vary in order to break up long expanses of single material in a straight line. For example, brick or rock walls may be varied in pattern or location, including offsets; wooded privacy fences may be varied through use of brick, rock, or wrought iron details. The owner or owners of the property in the B-P District shall maintain the fence or wall in good condition.
5. When development is proposed adjacent to any existing residential development, site plan approval, including building elevations, landscaping, and screening shall be approved by the Planning Commission.
6. Pedestrian access within a development and adjacent public and private property shall be considered as a component to the design of an employment center.

H. Parking and Loading.

1. Each establishment shall provide sufficient off-street parking spaces for all employees, customers, visitors and others who may spend time at the establishment during working hours. Such parking space shall be at least nine (9) feet by twenty (20) feet.
2. One (1) off-street parking space shall be provided for each 1,000 square feet storage area in warehousing
3. One (1) off-street parking space shall be provided for each two-hundred-fifty (250) square feet of service floor area in office and research buildings.
4. All parking areas shall be set back a minimum of thirty feet (30~~0~~⁰) from any street right-of-way.
5. All parking areas shall be setback a minimum of 30 feet from the property line of any residentially owned property, where such property is already developed for residential use or is designated for residential on the Comprehensive Plan.
6. All parking areas shall be setback a minimum of 30 feet from the right-of-way of a public street.

7. All parking areas shall be set back a minimum of 10 feet from any peripheral property line other than a street right-of-way line or residentially zoned property line.
8. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.
9. No portion of a parking or loading space, including maneuvering areas, except the necessary drives, shall be located closer than 30 feet from a public street right-of-way.
10. All parking shall be on a surface prepared from concrete or asphalt.
11. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.
12. See Article 10 for additional parking requirements.

5.2 L-P Logistics Park District

- A. Purpose.** The purpose of the Logistics Park, L-P District is to create a limited multimodal industrial zone that provides for a modern type of industrial uses or industrial park created to support activities related to trade and rail and other transport service. Limitations are placed on the uses in this district to significantly restrict the outside activities and outside storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and other potentially adverse influences.

This zone is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and external effects such as excessive noise or odor should not extend beyond the property lines. Residential uses should be discouraged from locating near the L-P District to protect the industries from residential complaints.

Areas should not be zoned to the L-P District unless they are located adjacent or near to arterial thoroughfares capable of carrying commercial and truck traffic, as well as being located close to major truck routes. It is the general intent of this District to provide for a mutually beneficial, economically viable, well-planned development poised for long-term success including:

1. To provide for the distribution of and appropriate relationships between various land uses and to minimize conflict between land uses;
2. To describe desired future physical conditions within the L-P District;
3. To manage growth in an orderly manner; and
4. To serve as a basis for future development recommendations within the L-P District and set the precedent for sound planning and sustainable development practices throughout the L-P District area of influence.

- B. Compliance with Code Required.** All development of land within the boundaries of the L-P District herein shall conform to the requirements of the L-P District Code, and no person may use, occupy, sell or develop land, buildings or other structures, or authorize

or permit the use, occupancy, sale or development of land, buildings or other structures under his/her control, except in accordance with all applicable provisions of this Code.

C. Diagrams and Drawings. The L-P District contains diagrams and drawings. When diagrams and drawings appear in this Code, they are presented for explanation purposes only unless otherwise specified in the text of this Code. The text governs over any diagram or drawing when any discrepancy exists. The provisions of this Section do not extend to concept plans or site plans which are required and approved under this Code.

D. Use Restrictions. In L-P District, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional and contained below.

E. Permitted Uses.

1. Building and construction contractor offices, including display areas.
2. Business and trade schools.
3. Commercial pick-up and delivery services.
4. Display or catalog showrooms.
5. Laboratories and research facilities.
6. Manufacturing, processing, fabrication or assembly of commodity - **limited**.
7. Motion picture production studios and stations.
8. Photographic processing facilities.
9. Printing and publishing.
10. Radio and television broadcasting stations.
11. Research establishments of industrial, medical or scientific nature.
12. Restaurants, including drive-up or drive-thru services.
13. Warehousing/Distribution centers, including trucking and courier services; public warehousing and storage; and motor freight transportation terminals and maintenance facilities.
14. Mailing, packaging, parcel service and storage.
15. Printing, communications, mail orders.
16. Sales outlets and wholesale trade.
17. Retail sales in conjunction with a manufacturing or fabrication use.
18. Health and hospital supplies; **office supplies**.
19. Copy, printing and duplication services.
20. Internet service providers.
21. Sale, servicing, and repair of electrical and other electronic devices.
22. Government facilities.
23. Retail and wholesale of furniture and home furnishings, carpet, paint and wallpaper, and plumbing and lighting fixtures.
24. Sales and installation of cellular phones, stereos, radios and similar electronic equipment for vehicles.
25. Veterinary hospitals and clinics.
- 26. Accessory uses.**
- ~~26-27.~~ Agricultural.
- ~~27-28.~~ Auto and truck motor fuel facilities and repair.
- ~~28-29.~~ Auto and truck washing.
- ~~29-30.~~ Recreational vehicle sales and service.
- ~~30-31.~~ Towing and impound yard.
- ~~31-32.~~ Trailer or truck sales and rental.
- ~~32-33.~~ Building materials yard and lumber yard.
- ~~33-34.~~ Mini-Warehouse and self storage.

Comment [KC2]: This wording should be placed in Article 1 of the UDC and should be applicable to all portions of the regulations and not just the L-P District.

Comment [KC3]: What does limited mean?

Comment [KC4]: Should this be listed as a separate use or defined more broadly as including other types of 'supplies.'

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- 34-35. Recycling collection center.
- 35-36. Similar uses.

F. Uses Permitted by Condition (Conditional Uses). The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Communication transmission towers over sixty (60) feet, subject to the provisions in Article 7.
2. Truck stops with fuel and accessory services;
3. Private or public owned playgrounds, playfields, and recreational facilities (e.g. public or private golf courses, tennis or other courts, and swimming pools) open for public or commercial use;
4. Auditoriums, convention centers, and conference facilities
5. Colleges and universities.
6. Transportation storage and trucking yards.
7. Cargo container storage, repair or maintenance.

G. Setback, Yard and Area Regulations.

Comment [KC5]: Match formatting with other districts

Table of Site Development Standards

Table of Site Development Standards			
Use	Minimum District Size	Minimum Open Space	Maximum Building Height
Principal Buildings	No minimum lot area, depth, or width	50% lot coverage by structures and parking garages over one story	110'

1. **Lot Dimensions.** There shall be no minimum lot area, lot width or lot depth for the LP Sub-district.
2. **Floor Area Ratio (FAR).** The maximum FAR, as defined by the City of Edgerton, shall be 3:1.
3. **Building Coverage.** The maximum building coverage shall be 50%. Parking structures under one story shall be excluded from building coverage calculations.
4. **Setbacks**
 - a. **Front.** The minimum front building setback shall be fifty (50) feet with an allowed reduction to twenty-five (25) feet only adjacent to two-lane collectors or thoroughfares.
 - b. **Side (Typical).** The minimum side setback shall be twenty-five (25) feet. The minimum side building setback for buildings adjacent to any single-family residential use shall be fifty (50) feet for buildings in excess of twenty (20) feet in height; one hundred (100) feet for buildings in excess of forty-five (45) feet in height. Setback distances are measured from the finished grade. There shall be no minimum side setback requirement for buildings adjacent to a rail line or a rail spur.
 - c. **Set at Street (Typical).** The minimum side building setback adjacent to a roadway shall be fifty (50) feet, with an allowed reduction to twenty-five (25) feet only adjacent to two-lane collectors or thoroughfares any internal street right-of-way.

d. **Rear.** The minimum rear setback shall be twenty-five (25) feet. The minimum rear setback for buildings adjacent to any single-family residential use shall be fifty (50) feet for buildings in excess of twenty (20) feet in height; one hundred (100) feet for buildings in excess of forty-five (45) feet in height. Setback distances are measured from the finished grade. There shall be no minimum rear setback requirement for buildings adjacent to a rail or a rail spur.

5. **Maximum Building Height.** The maximum height of any building within the L-P Sub-District shall be one hundred ten (110) feet, as measured from the average elevation of the finished grade along the front of the building to the highest point of the roof of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof if it is gable, hip or gambrel roof.

Comment [KC6]: 110 feet seems to be excessive. Should this height be reduced? Items that staff can foresee as exceeding this height are generally exempted below.

a. **Height Exceptions.** The following structures shall be exempt from the height limitations set forth in this Section.

- Container cranes;
- Church spires, religious domes, and religious ornamentation attached to a place of worship;
- Water towers;
- Ornamental towers and spires;
- Chimneys;
- Elevator bulkheads;
- Smoke stacks;
- Conveyors;
- Flag poles;
- Aircraft control towers;
- Aircraft navigation aids;
- Accessory radio towers;
- Amateur Radio and Television Antennas;
- Communication Towers; and
- Parapet screening of mechanical equipment.

Comment [KC7]: Should this be different from the standard definition of Building Height. The regular building height appears to be measured from curb level or middle of street.

6. **Building Separation.** A minimum building separation of twenty (20) feet shall be provided between structures, or as required by fire code, if greater.

7. **Architectural Design Guidelines.** All provisions pertaining to Architectural Design Guidelines are contained in Section 5.2.1, Design Guidelines for the Logistics Park ~~Special~~ District ~~Section I,~~ below, ~~Design Guidelines.~~

8. **-Accessory Building and Structure Regulations.** Accessory uses shall only be permitted in accordance with the Use Regulations set forth in Exhibit 1, Use Matrix, for the L-P ~~Sub-d~~District. Any accessory building shall have a façade similar in character with the façade of the main building, including the utilization of similar fenestration and materials. In no case shall the façade of an accessory building consist of metal where the accessory building directly faces a public street, residential use or public open space.

Comment [KC8]: Cannot find Exhibit 1. Should refer to the L-P District.

H. District Regulations.

1. All buildings with a metal exterior shall provide a façade material composed of brick, glass, stone, wood, or a combination of these materials that extends to three walls of the building unless modified by the City.

2. All operations, other than **limited storage of motorized machinery and equipment**, materials, products or equipment, shall be conducted within a fully enclosed building.
3. **All storage of motorized machinery and equipment, materials, products or equipment shall be within a fully enclosed building, or in a storage area or yard. Said storage shall be limited to twenty percent (20%) of the ground floor area of the building or tenant space. All storage materials shall be one hundred (100) percent screened from public view, except when adjacent to another storage area, which is one hundred (100) percent screened from public view. For the purposes of this section, the phrase "screened from public view" means not visible at eye level from adjoining properties or any street right-of-way. Use of landscaping materials is encouraged in lieu of privacy fencing. All storage areas shall be paved or surfaced.**

Comment [KC9]: What does limited mean?

Comment [KC10]: This does not work, especially when there is proposed trailer parking.

I. Design Guidelines.

1. **Introduction.** The purpose of these guidelines is to encourage development that will contribute to the overall aesthetics of the L-P District as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible and will enhance the overall appearance of the L-P District.
2. **Exemptions.** Government or public Facility Buildings shall not be required to conform to the requirements set forth in this Section.
3. **General**
 - a. When more than one (1) building is planned for L-P district property, the development plan shall demonstrate integration and coordination of the architectural design for buildings, structures, and landscaping and open space.
 - b. Buildings should be oriented so that the front or side of the building faces the public street frontage of the property. The City will consider an **exception** to orient a rear elevation towards a public street for unique situations due to the configuration of the lot.
 - c. The City may require that loading and service areas are screened from public view with landscaping, berming, facade walls, or fencing.
 - d. The City may require a solid or semi-solid fence, or wall at least six feet (6'), but not more than eight feet (8') high, and having a density of not less than eighty percent (80%) per square foot be provided adjacent to an adjoining residential district unless the adjacent residential district and the office development are separated by a street right-of-way. The wall shall incorporate architectural elements similar to what the primary buildings are constructed with, such as stone or masonry. The fence design should vary in order to break up long expanses of single material in a straight line. For example, brick or rock walls may be varied in pattern or location, including offsets; wooded privacy fences may be varied through use of brick, rock, or wrought iron details. The owner or owners of the property in the L-P District shall maintain the fence or wall in good condition.
 - e. When development is proposed adjacent to any existing residential development, site plan approval, including building elevations, landscaping, and screening shall be approved by the City.
 - f. Pedestrian access within a development and adjacent public and private property shall be considered as a component to the design of an employment center.

Comment [KC11]: Is this just administrative or should this be changed to Planning Board or Board of Zoning Appeals?

J. Architectural Design Standards

1. **Building Massing and Scale.** A building's massing is defined as its exterior volume. The height, width and depth of a structure create the overall massing of a building. A

building's scale is the relationship of its overall size and its component parts with its adjoining spaces and buildings.

2. **Large Expenses.** Large expanses of blank walls of any material or metal siding are not allowed. Building facades over one hundred feet (100') long facing public right of way or residential property shall break up massing of buildings by dividing building façade into smaller components with a minimum of three (3) of the following elements;
 - a. Articulating details around doors, windows, balconies, plate lines, providing details such as "belly-bands," recessed design elements, interesting cornice treatment details, exposed expansion joints, reveals, change in texture, or other such methods of visual relief;
 - b. Avoiding long, repetitive, monotonous facades – particularly those that repeat the same design element several times along the same elevation;
 - c. Use of darker building color and varied wall treatments;
 - d. Varying roof lines (see Vertical Articulation section); and
 - e. Change of wall plane (see Horizontal Articulation section).
3. **Building Materials.** One hundred percent (100%) of the surface of each exterior wall (excluding doors and windows) facing a public street, residential use or public open space shall consist of materials including but not limited to stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete (tilt-up walls), glass, or a combination of these materials.

Comment [KC12]: Define

The use of other cementitious products (e.g. stucco, Hardy Plank, or other similar materials) shall be limited to fifty percent (50%) of the buildings' exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first eight feet (8') above grade on a façade visible from a public right-of-way or a public area.

Exceptions to this requirement may be allowed on a case by case basis by the City upon submission and approval of elevation drawings of the subject structure, and material samples.

4. Façade Guidelines

- a. **Horizontal Articulation.** Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the wall's height without having an off-set of ten percent (10%) of the wall's height (maximum of five (5) feet); the new plane shall extend for a distance equal to a minimum of twenty percent (20%) of the maximum length of the first plane. The City may allow exceptions to this requirement upon review and approval of a typical façade elevation.

Comment [KC13]: Should this be the maximum that could be required. What if someone wants to have an articulation that is greater? This should be worded that in no case shall an off-set greater than 5 feet be required.

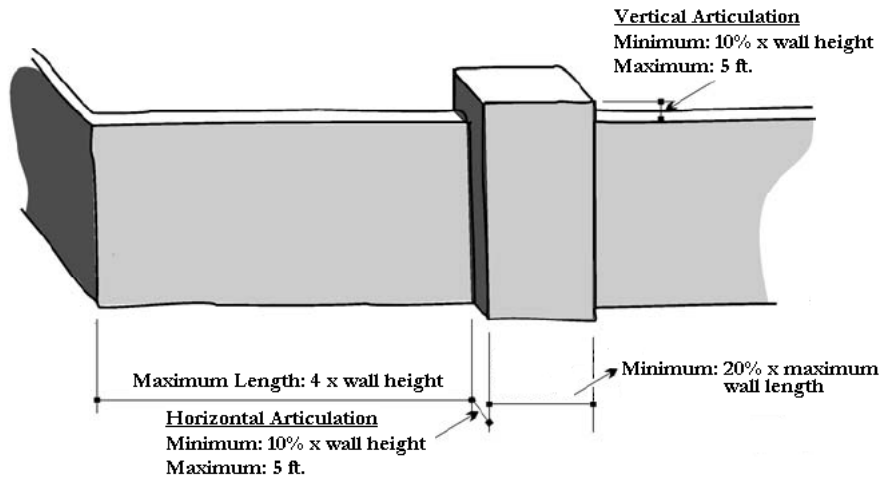
Walls not facing a public right-of-way or a residentially zoned property and loading dock doors are exempt from the horizontal articulation requirement.

- b. **Vertical Articulation.** Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the height of the wall without changing height by a minimum of ten percent (10%) of the wall's height (maximum of five (5) feet). The City may allow exceptions to this requirement upon review and approval of a typical façade elevation.

Comment [KC14]: Should this be the maximum that could be required? This should be worded that in no case shall an off-set greater than 5 feet be required.

Walls not facing a public right-of-way or residentially zoned properties are exempt from the vertical articulation requirement.

Figure 3. Horizontal and Vertical Articulation



- c. **Screening of Rooftop Equipment.** For buildings within the L-P District, all rooftop mounted mechanical, air conditioning, electrical, and satellite dish equipment shall not be visible. Rooftop equipment shall be screened from ground and street level view with parapets or other architectural design features constructed of the same materials used on the exterior walls.
- d. **Color Palette.** Earth tones, muted hues, and natural tones are permitted as structures' basic colors. Brighter hues are permitted only as an accent color on building elements such as awnings, doors, and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.

Accent colors should be applied using the following guidelines:

	Required	Allowed
1st Accent Color	10%	20%
2nd Accent Color	0%	10%
3rd Accent Color	0%	10%

*Percentage calculations shall utilize the entire façade area.

K. Parking and Loading.

- 1. **General.** The purpose of this Section is to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, on-site circulation, driveways, loading, and access.
- 2. **Specific Requirements.**
 - a. Each establishment shall provide sufficient off-street parking spaces for all employees, customers, visitors and others who may spend time at the establishment during working hours. Such parking space shall be at least nine (9) feet by twenty (20) feet.

- b. One (1) off-street parking space shall be provided for each 1,000 square feet storage area in non-warehousing uses.
- c. One (1) off-street parking space shall be provided for each two-hundred-fifty (250) square feet of service floor area in office and research buildings.
- d. All parking areas shall be set back a minimum of thirty feet (30') from any street right-of-way.
- e. All parking areas shall be set back a minimum of 30 feet from the property line of any residentially zoned property, where such property is already developed for residential use or is designated for residential on the Comprehensive Plan.
- f. All parking areas shall be set back a minimum of 10 feet from any peripheral property line other than a street right-of-way line or residentially zoned property line.
- g. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.
- h. No portion of a parking or loading space, including maneuvering areas, except the necessary drives, shall be located closer than 30 feet from a public street right-of-way.
- i. All parking shall be on a surface prepared from concrete or asphalt.
- j. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.
- k. See Article 10 for additional parking requirements.

Comment [KC15]: Section 10.1F specifies that "all new parking spaces shall be located within the building envelope." This district allows setbacks of: 50' or 25' (Front); or 25', 50' or 100' (Side & Rear). These requirements appear to conflict with each other. Also see comment to subsection 'h' below.

Comment [KC16]: This appears to only restate item d. above and should be deleted.

- 3. **Exception for Warehouse/Distribution Center and Large Building Parking Space Requirements.** Parking shall be required per City standard based upon individual land use, except Warehouse or Distribution Center land uses, which shall require one (1) space per two thousand (2,000) square feet of building area. Buildings in excess of one hundred thousand (100,000) square feet or users with specific parking needs may provide an independent parking study to the City for approval.

Comment [KC17]: What is required as part of an independent parking study.

L. Off-Street Parking Standards.

1. Maneuvering

- a. All maneuvering of vehicles shall take place on site or within a mutual access easement. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- b. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

- 2. **Parking Spaces and Aisle Surfaces.** All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

- 3. **Parking Space and Aisle Dimensions.** All parking spaces and aisle dimensions shall conform to Article 10.2, Parking and Loading Standards, unless specifically approved by the City.

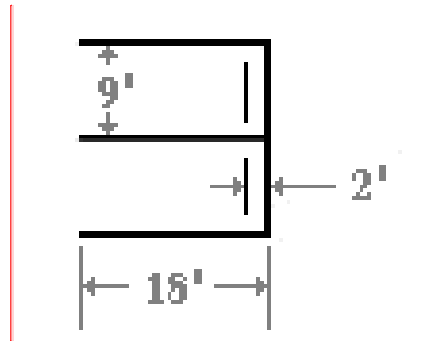
- 4. **Wheel Stops.** All passenger vehicle parking spaces on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas and to prevent any parked vehicle from overhanging a public right-of-way line or public sidewalk. The requirement shall apply only where

Comment [KC18]: Should it be stated that wheel stops are not required where there is a curb?

Comment [KC19]: Sections 5.2K2d & h both require setback of 30'.

spaces are adjacent to walks, rights-of-way, and required landscaping. Wheel stops shall be installed a minimum of two (2) feet from the end of the parking space.

Figure 5. Typical Parking Stall with Wheel Stop



Comment [KC20]: Overall dimension should be 20' according to 5.2K.2.a. Is this only where there is no curb or would this also include where a curb is located but a sidewalk is directly adjacent to the end of the parking space?

5. Typical Off-Street Parking Modules

Figure 6. 60° Layout with One-Way Traffic

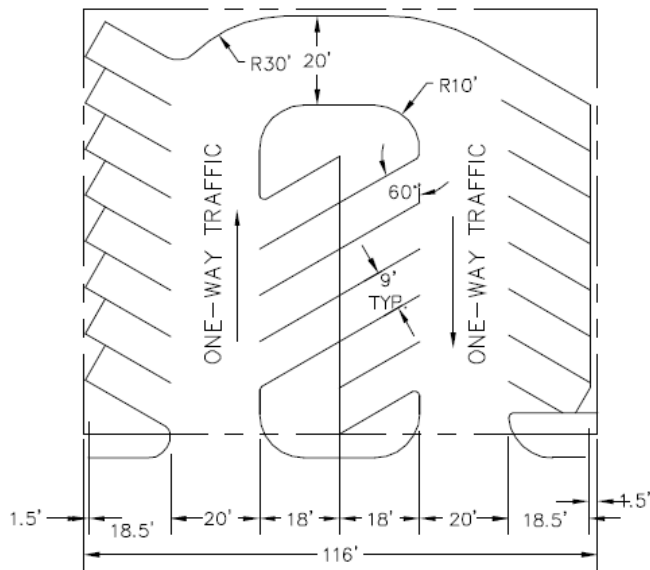


Figure 7. 60° Layout with Two-Way Traffic

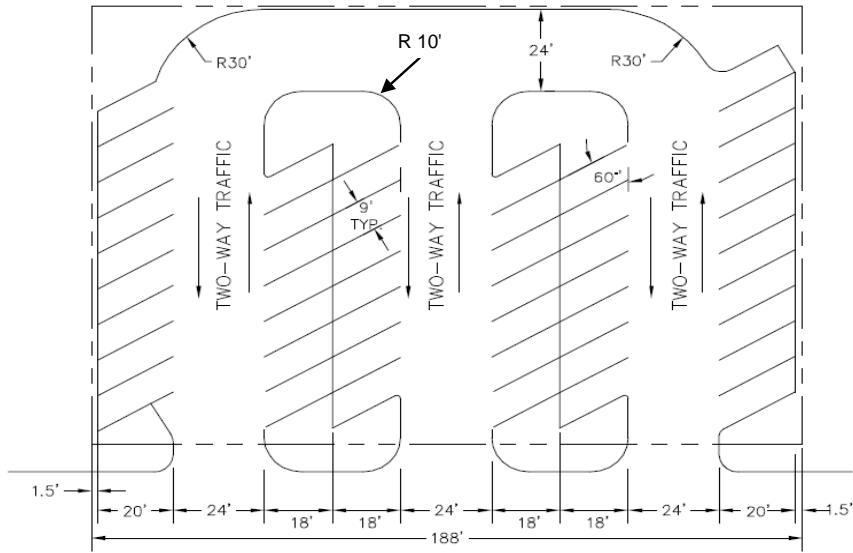
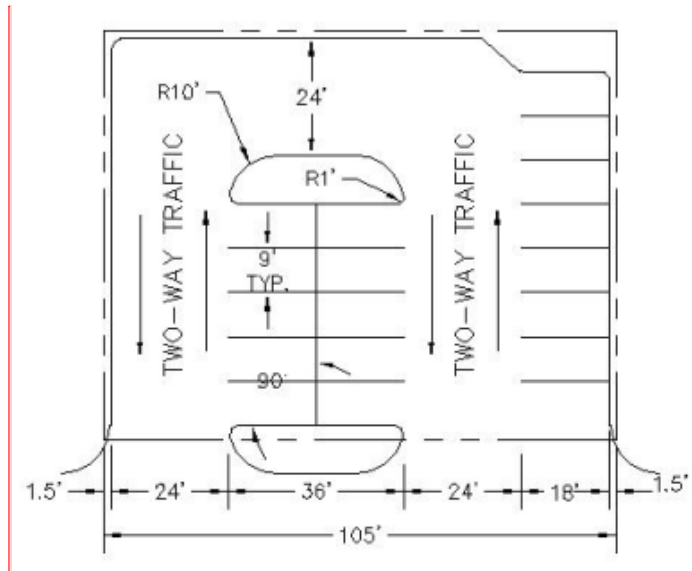


Figure 8. 90° Layout with Two-Way Traffic



Comment [KC21]: Layout is showing 18 foot parking stalls with only 1.5 foot overhands.

M. Off-Street Loading Standards

1. **Applicability.** Loading standards shall apply to all uses within the L-P District that contain a gross floor area of 10,000 square feet or more. Each such use shall provide and maintain off-street loading facilities adjacent to the building being served and shall be located on the same lot.

The requirement for loading spaces shall not be construed to include office uses.

2. **Definitions:**

- a. **Loading Space.** A loading space shall be defined as a location adjacent to a building where a vehicle is temporarily parked to perform loading and unloading operations. Loading doors are typically at grade in a standard loading space.
- b. **Loading Dock.** A loading dock shall be defined as any location where three (3) or more loading spaces are adjacent to one another and oriented perpendicular to the building being serviced such as the case in a typical warehousing/distribution use. Loading doors are typically elevated from finished grade (or finished grade is depressed below) in a standard loading dock. Please refer to Figure 2, Typical Loading Dock, for an example.

Figure 2. Typical Loading Dock



- c. **Access.** Off-street loading facilities shall be located adjacent to a public access-way or private service drive, in accordance with the following requirements:
 1. Any loading dock or loading space must provide a maneuvering area located entirely on private property, shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.
 2. Loading docks that are within three-hundred (300) feet of any residential use shall be screened from those residential lots.
- d. **Minimum Loading Space Dimensions.** Loading spaces shall be a minimum of

Comment [KC22]: This should not be located under subsection #2 as it is not a definition. It should be switched to subsection #3.

twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height except as may otherwise be approved by the City.

- e. **Use of Loading Spaces.** Off-street loading spaces shall be used only for temporary loading/unloading operations and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products.
- f. **Number of Loading Spaces Required.** Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading in accordance with Table 4, Off-Street Loading Requirements, unless otherwise approved by the City based on the anticipated size and type of use.

Table 4. Off-Street Loading Requirements

Gross Floor Area (square feet)	Minimum Loading Spaces Required
0 – 9,999	None
10,000 - 50,000	1
50,001 - 100,000	2
100,001 +	1 additional space per 100,000 sq ft

- g. **Temporary Outdoor Storage Regulations for Cargo Containers, Operational Trailers, and Tractors.** The temporary storage of cargo containers, operational trailers and tractors shall be allowed in the L-P District for a period of up to 30 days. Outdoor parking or storage spaces for cargo containers, operational trailers and tractors shall be screened from view by either a masonry wall of a type and style complementary to the primary materials of the building, wrought iron, decorative metal, living plant material or a combination of these. The height of the screening shall be sufficient to block view of the equipment or vehicles from a public right-of-way. Where a masonry wall is used to satisfy this requirement, foundation planting shall be provided on the exterior face of the wall. These spaces shall be clearly demarcated solely for tractor and trailer storage. The storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale is prohibited in these spaces.

Comment [KC23]: This section does not work with how warehousing facilities have been developed. Existing site plans have required exceptions to this requirement as it is impossible to screen the entire trailer parking areas. Staff is suggesting that this requirement should be adjusted based upon they type of road is adjacent to the facility.

N. Photometrics

- 1. **General.** All lighting shall be designed in accordance with applicable Illuminating Engineering Society of North America (IESNA) practices as applied to specified applications within the L-P ~~Special~~ District. All lighting facilities shall provide proper site lighting as well as being designed with cutoff illumination to reflect the illumination away from any adjacent property. Additional design provisions and considerations are presented below.
- 2. **Submittal Process and Review.** Photometric plans shall graphically depict illumination layout and foot candle values within area being lighted as well as along all adjacent property lines. In lieu of the requirements set forth in this Section, an alternative photometric plan may be submitted to the City for its approval. An alternative photometric plan shall include innovative design techniques in response to the unique characteristics of a particular site.
- 3. **Types of Lighting Systems**

- a. Street Lighting. Lighting designed in accordance with IESNA Standards to provide illumination of that portion of the street used by vehicular traffic.
 - b. Pedestrian Lighting. Lower level lighting intended to illuminate the pedestrian walkway that generally runs parallel to that portion of the street parallel to vehicular traffic or traverses a parking lot along a clearly demarcated walkway.
 - c. Parking Lot. Lighting designed in accordance with IESNA Standards to provide illumination for both vehicular parking areas and vehicular access tracts.
 - d. Loading Space/Loading Dock. Lighting designed to provide illumination for loading operations typically associated with warehouse/distribution operations.
 - e. Industrial Uses. Lighting designed in accordance with IESNA Standards to provide illumination for industrial uses/operations.
 - f. Commercial Uses. Lighting designed in accordance with IESNA Standards to provide illumination for commercial uses/operations.
 - g. Security. Lighting designed to provide ~~te-illumination~~one for portions of a site at minimum levels to aid in surveillance during non-operational business hours.
 - h. Signage. Lighting designed solely to illuminate signage.
 - i. Street Lighting. Street Lighting shall conform at a minimum to the Kansas Department of Transportation Highway Illumination Manual in addition to requirements set forth by the City.
 - j. Parking Lot Lighting Facilities. Parking Lot lighting facilities shall provide illumination within parking areas not to exceed a maintained average of one and one half (1.5) foot candles at ground level, and shall not distribute more than one half (0.5) foot candles of light at the property line and two tenths of one (0.2) foot candle of light upon any adjacent single family residential property. For uses with 24 hour operations or uses that operate during the evening and night, a maximum maintained average of two and one half (2.5) foot candles at ground level shall be allowed; such uses shall distribute not more than one half (0.5) foot candles of light at the property line and two tenths of one (0.2) foot candle of light upon any adjacent single family residential property. A minimum average of the greater of either one (1) foot candle (maintained) or that required by applicable IESNA practice shall be required to be maintained.
4. **Sign Lighting**. All sign lighting shall be designed to minimize uplift. The use of floodlights to illuminate signage shall be done in a manner that eliminates glare along adjacent roadways and properties.
5. **Maximum Height of Lighting Facilities**. The maximum height of lighting facilities shall be 180 feet measured from ground level to the top of the structure.
6. **Light Trespass Control Measures**
- a. **Luminaire Design and Location**. Any luminaire whose distance from a lot line is less than three (3) times its height shall be shielded so that all direct light cast in the direction of streets or abutting residential lots is cut off at an angle no more than seventy (70) degrees measured from a vertical line directly below the

luminaire. This requirement shall apply to all sides of the luminaire that emit light toward a lot line that is less than three (3) times the height away from the luminaire. The cut-off may be accomplished either by the luminaire photometric properties or by a supplementary external shield.

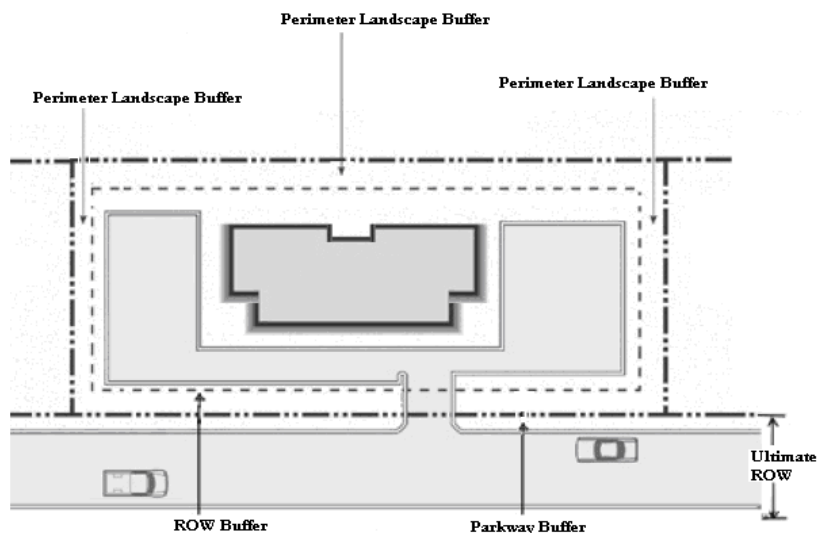
- b. **Lighting Shield Design.** Additional shields that are installed to control light trespass and glare as required herein shall be designed so that the parts of the shields that are exposed to the direct light of the luminaire and visible from streets or abutting residential lots shall have a flat-black, low reflectivity finish.
- c. **Electrical Design.** All electrical systems shall be designed in accordance with the National Electrical Code (NEC).

O. Landscape Standards.

1. Definitions

- a. **Parkway Buffer.** A continuous area of land that is generally defined as that portion of the right-of way spanning from the property line adjacent to the right-of-way to the back of the curb adjacent to the road pavement. There shall be no minimum width requirement for a parkway buffer.
- b. **Perimeter Buffer.** A landscape buffer that is wholly contained within private property, is adjacent to internal property lines, and does not abut a public right-of-way.
- c. **Right-of-Way Buffer.** A landscape buffer that is wholly contained within private property with the purpose of providing a buffer between a land use and the adjacent street or thoroughfare and is adjacent to public Right-of-Way.

Figure 1. Landscape Buffer Types



- 2. **Maintenance.** All landscaping shall be planted and perpetually maintained by the property owner, except where maintained by another entity such as a Property Owner's Association (POA).
- 3. **Parkway Buffer Planting Requirements.** Planting other than sod or another

- equivalent groundcover shall not be required within the parkway buffer.
4. **Right-of-Way Buffer Width Requirements.** The total width of the right-of-way buffer shall depend on the width of the adjacent right-of-way, as indicated in Table 1, Right-of-Way Buffer Requirements. Additionally, required trees within the Right-of-Way buffer shall be provided in accordance with the guidelines in Table 1, Right-of-Way Buffer Requirements. (See Table 3, Buffer Planting Standards, for minimum planting requirements.)

Table 1. Right-of-Way Buffer Requirements

Street Type	Buffer Width	No. of Trees Required 1
2 Lane / 4 Lane Undivided	10 feet	1 tree per 50 LF of ROW frontage
4 Lane Divided	15 feet	Minimum Spacing: 12 feet
6 Lane Divided	20 feet	Maximum Spacing 50 feet

The clustering of trees shall be allowed and encouraged to create a more natural appearing environment.

5. **Perimeter Landscape Buffer Requirements.** Perimeter landscape buffers shall be determined based upon adjacent land uses. Table 2, Perimeter Landscape Buffer Requirements, defines the required buffer to be provided. (See Table 3, Buffer Planting Standards, for minimum planting requirements.)

Table 2. Perimeter Landscape Buffer Requirements

Adjacent Use	Required Buffer ¹	Width	Minimum Screen Height ²
Industrial	Type 1	5 feet	3 feet
Utilities/Transportation	Type 1	5 feet	3 feet
Agricultural	Type 2	10 feet	3 feet
Public/Civic	Type 3	15 feet	4 feet
Commercial/Retail	Type 3	15 feet	4 feet
Residential	Type 4	20 feet	6 feet

Comment [KC24]: Update the formatting below as this appears to be referring to the following item 'a'

Comment [KC25]: Update the formatting below as this appears to be referring to the following item 'b'

- a. Type 1 and Type 2 Buffers shall not be required along rear property lines or along interior side (not abutting public right-of-way) property lines behind the front face of the building.
- b. In cases where landscape material is used to provide screening, the material used must provide a continuous opaque screen within one (1) growing season. Minimum screen height may be achieved solely through planting material or a combination of berming and plant material. (and/or decorative fencing and walls comprised of stone and painted metals).
6. **Buffer Composition Requirements.** Required plant material within each type of landscape buffer shall be in accordance with the provisions set forth in Table 3, Buffer Planting Standards.

Table 3. Buffer Planting Standards

Buffer Type	Plant Type	Maximum Spacing at Installation	Minimum Height/Caliper Inches at Installation	Minimum Percentage of Landscaping within Buffer Area	Minimum Height at Maturity ¹⁾
Type 1 Perimeter Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	25%	36 inches
Type 2 Perimeter Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	35%	36 inches
Type 3 Perimeter Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	75%	36 inches
Type 4 Perimeter Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	100%	36 inches
ROW Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	25%	36 inches

Comment [KC26]: Update the formatting below as this appears to be referring to the following item 'a'

- a. Hedges/Shrubs must achieve their minimum height within three (3) growing seasons.
- b. No single species of tree or plant material shall comprise more than 30% of the cumulative total of plantings on a site.
- c. The clustering of trees and shrubs shall be allowed and encouraged to create a more natural appearing environment.

Comment [KC27]: The clustering of trees does not work when the maximum spacing is 50'.

7. **Screening from Residential Uses.** Property adjacent to or across from residential uses shall be landscaped in accordance with the standards set forth in this Section.
8. **Dumpster and Compactor Screening.** All dumpsters and compactors visible from public right-of-way and/or abutting residential, commercial, public, or civic property shall be screened with a consistent six (6) foot opaque screening wall with a solid metal gate. Chain link fences or wooden fences are not acceptable. Dumpsters shall be set back a minimum of twenty-five (25) feet from adjacent residential uses.
9. **Fencing.** All fencing visible from a public right-of-way shall be either masonry of a type and style complementary to the primary materials of the building, wrought iron, decorative metal, living plant material or a combination of these. Fencing containing barbed wire, razor wire, or an equivalent shall be prohibited where adjacent to a residential use or visible from a public right-of-way. No fencing visible from a public right-of-way shall be located within a Parkway Buffer or a Right-of-Way Buffer as described in this Section.
10. **Alternative Landscape Plan.** In lieu of the requirements set forth in Section 1.1., Landscaping Standards, an Alternative Landscape Plan (ALP) may be submitted to the Planning Commission for approval. An ALP shall utilize an innovative use of

Comment [KC28]: Wrong reference – Section 5.20

plant materials and design techniques in response to the unique characteristics of a particular site. At a minimum, an ALP shall contain equivalent landscaping as is required by these regulations.

11. **Xeriscaping Credit.** Landscape Plans developed with sound xeriscaping principles as outlined in Kansas Smartscape® or other published materials shall be eligible for a reduction of landscaping up to 20% of the overall requirements. Applicants wishing to request credit must prepare an ALP, clearly outlining the xeriscaping principles being utilized. The final determination of credit granted shall be discretionary and based upon the final determination made by the City Administrator or designee.

Comment [KC29]: Should this be changed to CDD/Zoning Administrator?

P. Signage

1. **General.** The intent of this article is to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:
 - a. The safety of the citizens of the City by prohibiting signs which create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or to read traffic signs.
 - b. To preserve landscape quality in the protection of the public welfare and to enhance the appearance and economic value of the landscape by providing that a sign does not create a nuisance to occupancy of adjacent and contiguous property by its brightness, height, size, or movement.
2. **Applicability and Effect.** A sign may be erected, placed, established, painted, created or maintained in the L-P District only in conformance with the standards, procedures, exemptions and other requirements of this ordinance. These regulations apply to all signs and their effect is:
 - a. To establish a permit system to allow a variety of types of signs subject to the standards and the permit procedures of the code; and
 - b. To prohibit all signs not expressly permitted by these regulations, except as approved through the appeals process established by these regulations.
3. **Exempted Signs.** The following signs shall be exempt from the requirements of this article with the exception of set-back from property lines.
 - a. Signs of a duly constituted governmental body, including traffic or similar regulatory services, legal notices, warnings at railroad crossings, and other institutional or regulatory signs having to do with health, hazards, parking, swimming, dumping and of a similar nature.
 - b. Scoreboards, municipal golf course tee signs, sports field fencing, and park signs.
 - c. Signs incorporated on the inside of ~~thea~~ building/lease space on a window that is not readable from right-of-way.
 - d. Permanent signs designating historic tours, permanent direction signage, government facility or operation locations.
 - e. All City and State directional and traffic control signs.
 - f. One temporary sign not exceeding twelve (12) square feet in area.
 - g. The changing of messages or copy of signs designed and intended to be changed on a regular basis provided the sign is not altered. Examples of these type signs are theater marquees, menus, fuel prices, directories, and the like.
 - h. Signs which display date, time and temperature are permitted, providing they do not exceed six (6) square feet in addition to other signage on the property.
 - i. On-site directional signs necessary for the movement and circulation of traffic

Comment [KC30]: Should this be located with the other sign requirements (Article 12)?

- which are three (3) square feet or less in size.
- j. Signs which display “help wanted,” and do not exceed six (6) square feet.

4. Prohibited Signs.

- a. Off-Premise Billboards. Off-premise pole signs and billboards are prohibited in the L-P District.
- b. Trailer Mounted and Portable Read-a-Board Signs. Trailer mounted and portable read-a-board signs are strictly prohibited, and subject to the following:
 - 1. **Enforcement**. The owner or occupant of any property upon which there is located a trailer mounted, or non-trailer mounted, portable read-a-board sign in violation of this Sub-Section or the owner or lessee of any trailer mounted, or non-trailer mounted, portable sign which is in violation of this Sub-Section as herein defined shall be given notice by the Building Official or designee, stating the nature of the violation and ordering that the violation be corrected or removed from said property within seventy two (72) hours.
 - 2. **Notice**. Notice shall be given by one of the following methods:
 - a. A written notice may be attached to the sign in violation of this Sub-Section, or
 - b. Verbal notification may be made by telephone or in person.
 - c. **No Response**. If the owner, lessor, lessee, or the representative of the lessor of the trailer mounted or non trailer mounted portable sign fails to remove such sign within seventy two (72) hours of the notification, the owner, lessor or lessee shall be issued a citation.
 - d. **Entrance onto Property**. The Building Official or any duly authorized agent may enter upon private property which is accessible to the public for the purposes specified in this SubSection to examine signs or their location, obtain information as to the ownership of such signs and to declare the sign to be a violation pursuant to this Sub-Section.
 - c. Obscene and Immoral Matter. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral behavior, as defined in the Black’s Law Dictionary Fifth Edition.
 - d. Painting or marking on streets, sidewalks or utility poles. No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by the code.
 - e. Hand Bills and Placards. No person, firm, corporation or association of persons, shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard or printed, pictured or written matter or thing for any purpose upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon.
 - f. Flashing Signs. Signs of any type with flashing, revolving or rotating lights shall not be permitted.
 - g. Pole Signs/Pylon Signs. Pole signs shall be prohibited in the L-P District.
- 5. Illuminated signs are permitted in nonresidential districts, provided that they shall not be erected within one hundred (100) feet of any residential zoning district unless properly and adequately shielded so that light from such sign is not directed toward such residential district.
- 6. In no case can a sign be placed closer than fifteen (15) feet from a residential property.

Comment [KC31]: Define

Comment [KC32]: Should this be the CDD

Comment [KC33]: Is the Numbering correct (items 5-16) . These items appear to need to be moved to the next level (h-s)

Comment [KC34]: This should be reworded. “shall not be erected in or within”

7. No high intensity lights shall be permitted as part of a sign display visible from an adjacent street.
8. No sign shall be illuminated to intensity greater than two hundred (200) foot-candles. The restrictions of luminance in this Sub-Section shall be determined from any other premise or from any public street right-of-way other than an alley.
9. The maximum size of any temporary construction/development sign, that is not adjacent to a highway, is ninety (90) square feet per side, with a maximum height of twenty (20) feet and a maximum length of fifteen (15) feet.
10. The maximum size of a temporary construction/development sign adjacent to a highway is three hundred twenty five (325) square feet per side, with a maximum height of thirty (30) feet and maximum length of fifteen (15) feet.
11. No sign shall be located as to obstruct the vision or sight distance of vehicle operators or pedestrians at any intersection or street crossing. In order to maintain visual clearance and sight distance for vehicle operators and pedestrians:
 - a. A 20' x 20' Visibility Triangle shall be provided.
 - b. A sign in direct line of vision of any signal light, traffic control sign, or any other such device from any point in a moving traffic lane must be at least fifty (50) feet from such device, unless the Superintendent of Public Works, or designee, approves the placement of such sign.
12. No sign shall be constructed nearer than three (3) feet from any public or private underground utilities. No ground sign or accessories to such sign shall be located within ten (10) feet vertically and six (6) feet horizontally of electrical wires or conductors in free air carrying more than forty eight (48) volts, whether or not such wires or conductors are insulated or otherwise protected.
13. Signs Posted on Poles and Fences. No sign shall be posted upon any tree, utility pole, fence post, or any style or type of fence. No detached sign shall be suspended over any building or structure.
14. No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building, or structure, except as allowed by other provisions of this Section. Such advertising matter shall be a violation of this Section and shall be removed immediately upon notice by the Building Official. No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway, or parking area, any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items, except as otherwise permitted.
15. No portion of any sign shall be erected upon or over public property or public right-of-way, except as otherwise specifically permitted.
16. No signs shall be attached to a motorized vehicle, where the primary use of such vehicle is for sign purposes. Signs attached to or upon any motorized vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle for signage. Vehicles operating under a city Franchise shall be excluded from this provision. This provision does not restrict the identification signing of vehicles used for delivery service, interstate commerce, or any bona fide transportation activity.

17. Specific Sign Regulations

- a. **Attached Sign.** A sign attached to, painted on, or erected against a wall of a building which extends no more than twelve (12) inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building to which the sign is attached and may not extend above the roof line or roof façade, and must be at least eight (8) feet from grade.
- b. **Directional Signs.**
 1. Directional signs shall be allowed in the L-P District subject to the following:

Comment [KC35]: Should this be based upon ASSHTO

Comment [KC36]: CDD

Comment [KC37]: No maximum area, size or number of signs. An attached sign would also appear to be the same as a 'wall sign' other than an attached sign specifies that it must be at least 8 feet from grade.

- a. Directional signs shall be limited to six (6) square feet in area for institutional uses, with one (1) sign per street entrance allowed.
- b. Identification of services is permitted on such a sign, such as “emergency services entrance.” Such signs are limited to two (2) square feet or less in area for non-institutional uses, with no limit on the number of signs permitted for such uses. For non-institutional uses, identification of services is not permitted on such sign.
- c. **Monument Signs.**
 - 1. Maximum height: Fifteen (15) feet including monument base along thoroughfares with an ultimate typical right-of-way width of seventy-two (72) feet or greater, measured to ground level at base; and eight (8) feet elsewhere in the L-P District.
 - 2. Maximum area ~~allowe~~: Sixty (60) square feet of sign area.
 - 3. Placement: Fifteen (15) feet from property lines from out board edge of sign face or sign edge abutting a street. Twenty five (25) feet on corners for Visibility Triangles.
 - 4. Maximum Number: One (1) per six hundred (600) feet of each frontage, or fraction thereof, along thoroughfares with an ultimate right-of-way width of seventy-two (72) feet or greater, and five hundred (500) feet in the remainder of the L-P District.
- d. **Wall Signs.**
 - 1. Construction: Attached signs that are illuminated internally shall be constructed only of materials that are noncombustible or slow burning in the case of plastic inserts and faces.
 - 2. Maximum height: A wall sign shall not extend above the roofline or facade of a building.
 - 3. Maximum area:
 - a). Frontage: Total square footage is equal to one (1) times the length of the building frontage or lease space frontage;
 - b). Sides: Total square footage is equal to one half (0.5) times the length of the side wall of building.
 - 4. Minimum area: A wall sign shall be a minimum of twenty four (24) square feet.
 - 5. Depth: A wall sign shall not extend more than twelve (12) inches from the building wall to which it is attached.
 - 6. Placement: Painted or attached directly on the wall surface on a building intended to be viewed from the ground. Signs above roofline, fascia, or top of roofs are strictly prohibited.
- e. **Portable Signs, Temporary Banners, Flags, or Inflatable Signs.** Prior to the use or placement of any portable sign, temporary banner, flags or inflatable signs, a permit must be obtained from the City. The maximum size of any such sign is 12 square feet. A permit for such signs can only be issued for a maximum continuous period of fourteen (14) days, and for a maximum number of four (4) times per calendar year. A minimum time of sixty (60) days must be elapsed between expiration and issuance of such permits. None of these signs shall be located in city rights-of-way, in any Visibility Triangle, or in any other location so as to impair traffic or pedestrian vision or safety. All such signs must be set back a minimum distance of five (5) feet from the property line. Such signs may be internally lighted; however, such lighting shall not be flashing or intermittent. Temporary electrical requirements shall be subject to the adopted electrical code.
 - 1. Banners and other wind devices shall be securely attached to a wall surface or building element and shall not project above the apparent roof or building eave line. A fence or railing shall not be considered to be a building element.

Comment [KC38]: Does this just mean outside 25' x 25' triangle at the corner or along the entire frontage of a corner property .

Comment [KC39]: Is this the same as an Attached sign?

Comment [KC40]: What about attaching to the ground or other locations such as gas pumps?

A banner shall not be used in lieu of a permanent sign, except in the case of new businesses where it may be used for a period not exceeding thirty (30) days. Banners shall be secured at all points of attachment. Torn or severely weathered banners shall not be permitted.

2. The number of banners displayed on any premises shall not exceed two (2).
3. No individual banner shall contain more than forty (40) square feet of area.
4. Banners found in violation of this Section must be removed or made to conform within 24 hours of notification.

f. **Kiosk Signs.**

1. Kiosk signs provide a uniform, coordinated method of providing information while minimizing the negative impacts to the City and its residents. A Kiosk sign is a sign containing individual panels and is generally used to provide direction to residential subdivisions from major thoroughfares or to provide direction to schools, amenities, information centers, community facilities and neighborhoods within a residential subdivision. Kiosk signs shall conform to the requirements set forth below. A "Sign Panel" is an individual sign placard displaying directional information on a kiosk sign.
2. All kiosk signs must have approval by the Planning Commission. Placement of Kiosk signs shall not distract traffic or create a traffic hazard. The Superintendent of Public Works must approve the placement of all kiosk signs prior to installation. Kiosk sign structures shall not exceed 12 feet in height and 4 feet in width. Kiosk sign structures shall be ladder type with individual sign panels of uniform design. The color of all kiosk sign structures and panel background color will be approved by the City. The City may, by a duly executed services contract, grant to a qualified person or company the right to design, erect and maintain directional kiosk signs within the City.

18. **Maintenance of Signs.** All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be maintained in a proper state of preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Signs with broken or missing faces shall be repaired or replaced within fifteen (15) days of notice by the Building Official.

- a. Freestanding sign panels advertising a business that has vacated the premises must be replaced with the new business or a blank panel within thirty (30) days of vacancy.
- b. Any sign which the Building Official determines no longer serves a bona fide use conforming to this code, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such signs is located within fifteen (15) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incidental thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon where it is erected.
- c. If the Building Official shall determine that any sign is unsafe or unsecure, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. If the permittee, owner, agent or person having the beneficial use of the premises fails to remove or repair the sign within fifteen (15) days after such notice, such sign may be removed by the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice.

19. **Illegal Signs.** An illegal sign is any sign that meets any of the following criteria:

- a. A sign erected without first obtaining a permit from the City and complying with all regulations in effect at the time of its construction or use;
- b. A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises;
- c. A nonconforming sign for which the amortization period has expired;
- d. A sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50% or more of its current replacement value;
- e. A sign that is a danger to the public or is unsafe; or
- f. A sign that pertains to a specific event that has not been removed within five (5) days after the occurrence of the event.

20. Non-Conforming Signs.

- a. Non-conforming signs, except as otherwise provided by these regulations, may be continued subject to the following limitations:
 - 1). The owner of a non-conforming sign, upon receipt of a notice of non-conformity, may register the sign with the City as an existing, non-conforming sign.
 - 2). Registered, non-conforming signs may be maintained and repaired with like materials and the sign message may be changed, provided that there is no extension, enlargement, change in location, or structural modification to any non-conforming aspects of the sign.
 - 3). When a non-conforming sign is demolished or damaged to the extent that the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location, such sign shall be eliminated or made to conform to the current sign regulations.
- b. Removal of Non-conforming Signs. The following non-conforming signs shall be eliminated or made to conform to the current sign regulations within thirty (30) days of the receipt of a notice of nonconformity. Signs subject to this Section are those whose characteristics constitute a public safety hazard.
 - 1). Signs that violate the sight triangle provision.
 - 2). Signs using the words "stop," "slow," "caution," "danger" or any other word, phrase, symbol or character in such a manner as is reasonably likely to be confused with traffic, directional and regulatory signs.
 - 3). Signs erected so that by their location, color, nature or message are likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.
 - 4). Strings of lights not permanently mounted to a rigid background.
 - 5). Signs affixed to trees or utility poles.
 - 6). Temporary and portable signs, except those provisionally exempt signs listed in this Section as Exempted Signs, which violate building code provisions for wind loading, structural stability, electrical wiring or other code provisions.

21. Forfeiture of Signs. Any sign installed or placed on public property, except in conformance with the requirements of these regulations, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

22. Computation of Area of Individual Signs

- a. The area of a sign shall be computed as the entire advertising area of the sign, including any framing or trim, contained within the respective sign cabinet. For the purposes of this computation the sign cabinet shall be defined as the

structure or border used to differentiate a sign face from the structure against which a sign face is placed.

- b. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.
- c. The permitted area for all monument signs shall not include the sign base or sign structure. In no case shall the overall sign structure, including the base, exceed the maximum allowed height nor the maximum allowed sign area. In no case shall the sign face of a monument sign exceed 50% of the overall sign structure.

23. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure the sign area shall be computed by the measurement of one of the faces.

Comment [KC41]: First sentence states that sign base of monument is not included for area. Second sentence states that sign including base shall not exceed sign area.

24. **Computation of Height.** The height of a sign shall be computed as the mean distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

25. **Computation of Sign Setback.** The spacing between a sign and a lot line or two (2) signs. The distance is measured horizontally from a vertical plane at the outer extremity of each sign.

26. **Computation of Maximum Number of Signs.** Pursuant to the standards provided in the L-P District, each lot is allocated the maximum number of signs allowed. Where indicated, additional signs beyond the identified allowance shall be determined by the lineal frontage of the lot or of the "artificial lot".

Comment [KC42]: Define.

27. **Sign Permits, Applications and Inspections.**

- a. It shall be unlawful for any person to paint on any wall or surface, construct, erect, alter, enlarge or repair any sign within the legal boundary of the L-P District without first obtaining a permit from the Building Official and paying the fee as listed elsewhere in the City Code.
- b. Signs to be illuminated are subject to the electrical code, permit and fee requirements.
- c. Applications for permits shall be made upon forms provided by the Building Official, and shall contain or have attached thereto the following information:
 - 1). Name, address and telephone number of the applicant.
 - 2). Location of building, structure, or lot to which or upon the sign or other advertising structure is to be attached or erected.
 - 3). Two (2) sets of plans to scale shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks, and two sets of plans and specifications showing method of construction and attachment to the building or ground, size, type, height, construction materials, and such other information as the Building Official may require. The plans shall be one-eighth inch (1/8") to one foot (1'). Signs over ten (10) feet in height shall be

- engineered design.
- 4). Name and address of person, firm, corporation, or association erecting any structure.
 - 5). Electrical permit shall be required for illuminated sign.
 - 6). Zoning classification carried by the property.
 - 7). Such other information as the Building Official may require in order to show full compliance with this and all other laws and ordinances of the city and state.
- d. The Building Official may require plans to be prepared by a registered professional engineer. Original signature of engineer required. Engineer shall be certified by the State of Kansas.
 - e. It shall be the duty of the Building Official upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure is in compliance with all the requirements contained in the building code, and all other laws and ordinances of the City of Edgerton. The Building Official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within ninety (90) days after issuance, the said permit shall become null and void.
 - f. The Building Official shall be notified by the permittee when erection of the sign is complete and he shall make an inspection to determine if the sign conforms to city ordinances and codes.
 - g. Signs or signs with moving parts shall be approved by the Planning Commission.
 - h. Signs shall meet all adopted building codes and fire codes.
 - i. Signs in excess of fifty (50) square feet in area and taller than ten feet in height shall be designed by a structural engineer registered in the State of Kansas; these signs shall be constructed to withstand a minimum wind load of thirty (30) pounds per square foot and a minimum dead load as required by the adopted building code.

Q. Diesel Emission Requirements The following diesel emission requirements shall apply to warehouse/distribution, manufacturing including heavy duty diesel trucking and courier services, warehousing and storage, and motor freight transportation terminals, truck stops, and maintenance facilities located within the L-P (Logistics Park Zoning) District:

1. Except for loading/unloading operations, heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds shall be restricted from idling on-site for no more than 5 minutes in any 60 minute period. For loading/unloading operations, idling shall be restricted to no more than 30 minutes in any 60 minute period. The following exceptions shall apply to this section:
 - a. Emergency vehicles performing their emergency duties;
 - b. Vehicles that must idle to operate auxiliary equipment to accomplish the intended use of the vehicles such as mixing, refrigerating, or operating a hydraulic lift. The exemption does not apply when the vehicle idling is solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions except in the case of a safety or health emergency;
 - c. Vehicles in extreme hot or cold weather;
2. One electrical hook-up shall be provided for “trucker plug-ins” equal to a minimum of one-third (1/3) of the total number of truck bays at the facility to eliminate excessive idling by heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds. Approval to use alternative technologies to eliminate excessive idling may be requested, but shall not be approved unless the applicant demonstrates that they

are at least as effective as electrical hook-ups;

3. Signs shall be posted by owner(s) of the facility at each vehicle entrance to the facility notifying drivers of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds to turn-off engines when not in use;
4. The operation and idling of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds, including circulation, shall be restricted within 300 feet of any property zoned for or committed to residential use, or the owner/developer shall provide alternative measures including the possible installation of a wall or other mitigating measures to assure buffering of residences from heavy-duty truck operations, unless the owners of property located adjacent to said heavy duty diesel truck operations consent and agree, in writing to:
 - a. Allow the location of heavy-duty diesel truck operations within 300 feet of their property zoned for and committed to residential use, and
 - b. Restrict areas of their property located within 300 feet of adjacent trucking operations to only non-residential uses;
5. Warehouse managers and employees shall be trained by the employer(s) or operator(s) of the facility to use efficient scheduling and load management to eliminate unnecessary operation, queuing, or idling of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds.
6. Warehouse managers and employees shall be provided by the employer(s) or operator(s) of the facility with information about the possible effects of diesel emissions on their own health and the importance of being a good neighbor by minimizing idling and avoiding other potentially adverse impacts on adjacent or nearby residences.
7. Where feasible, on-site services should be made available to vehicle drivers to reduce idling. These services may include restroom facilities, seating for drivers waiting for their cargo to be loaded or unloaded, and/or food/beverage vending machines.
8. Where feasible, any motorized equipment used within the proposed development should utilize clean technology propulsion and/or alternative fuels such as electricity or propane.
9. Where feasible and, if fuel dispensing facilities are provided on-site, alternative clean fuels should be provided at these dispensing facilities. (Ord. 888, 2010)

5.3 I-G General Industrial District

- A. Purpose. This district is intended primarily for basic industry; warehousing, distributing, processing, and assembly of goods and products. The activities found in this district are typically conducted so that noise, odor, dust, and glare are confined within the district. The size and volume of the materials, finished products, and freight generated by the uses of this district are such that they can be located adjacent to non-industrial uses.
- B. Use Restrictions. In ~~District~~the I-G District, no building, structure, land or premises shall be used, and no building or structure shall be erected, constructed, reconstructed, moved, or altered, except for uses listed as permitted, conditional, or special.

C. Permitted Uses. The following uses shall be permitted within I-G-General Industrial District.

1. Automotive repair and service.
2. Auction yards and auction houses.
3. Bottling works; food and beverage packaging.
4. Bus storage buildings or lots.
5. Building construction trades.
6. Fabrication and assembly, building materials.
7. Distribution center; freight.
8. Manufacturing, limited.
9. Warehouse and processing, limited.
10. Laundry, cleaning and dyeing works.
11. Sign shops and service.
12. Printing and publishing; paper products.
13. Research facility.
14. Any other industries or businesses that are in keeping with the intent of the district and are compatible with the permitted uses.
15. Accessory Uses

D. Uses Permitted by Condition (Conditional Uses). The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Communication towers greater than 60 feet in height (exclusive of antenna).
2. Transportation storage and trucking yards
3. Recycling center
4. Construction equipment storage
5. Chemical and allied products – manufacturing and storage
6. Solid waste transfer stations.
7. Mining or quarrying
8. Oil and gas extraction.
9. Salvage yards.

E. Property Development Regulations. The following regulations shall apply to each site in the I-G, General industrial District.

Comment [KC44]: Match formatting with other districts

Table of Setbacks, Yards, and Area for I-G District					
Use	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height	Minimum Open Space
Principal Buildings	30 feet.	No side yard shall be less than 10', except when adjacent to a residential district then 20' shall be required.	No rear yard shall be less than 15', except when adjacent to a residential district then 20' shall be required.	35 feet.	25%

Comment [KC43]: What about accessory structures

F. Appearance Codes. All new industrial uses established after the effective date of this ordinance shall comply with the following requirements:

1. Scrap materials, non-operative motor vehicles or machinery, dis-assembled machinery, debris, solid waste containers, construction materials or equipment, and used machinery parts must be stored within a defined area behind a screening fence. At a minimum, the screen must be a solid six-foot wood or slat filled metal fence; the Zoning Administrator is authorized to substitute shrubbery, trees, or earth-berms, or a combination of these methods. The Board of Zoning Appeals is authorized to grant waivers when unusual conditions prevent storage and screening.
2. All parking, drives, and entrances shall be surfaced with asphalt, or concrete except that parking lots located in the rear yard of the principal building used exclusively for the storage of vehicles, or for remote, reserve parking may use recycled asphalt or gravel on compacted earth.
3. Reserved for future change.
4. All entrances to the public right-of-way shall maintain a clear vision triangle calculated 45° either direction measured twenty (20) feet from the point of intersection to the delineated stop line.
5. All outdoor lighting must be shielded and focused to direct light onto the premises and away from adjoining residential properties.
6. Multiple businesses in one structure are permitted provided that adequate parking and circulation are maintained.

Comment [KC45]: Verify how this is measured. Add a figure. Should this be a general requirement for all industrial or commercial uses and placed in Article 10.

G. Parking and Loading.

1. Each establishment shall provide sufficient off-street parking spaces for all employees, customers, visitors, and others who may spend time at the establishment during working hours. Such parking spaces shall be at least nine (9) feet by twenty (20) feet.
2. Light manufacturing shall provide one parking stall per one hundred (100) sq. ft.; general manufacturing shall provide one park stall per one hundred fifty (150) sq. ft.; and, heavy manufacturing shall provide one parking stall per 200 sq. ft.
4. Minimum parking standards may be adjusted to greater or lesser capacities to account for location, expected circulation flows, and conversion probabilities by the Planning Commission or Zoning Administrator. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.
5. No portion of a parking or loading space, including maneuvering areas, except the necessary drives, shall be located closer than 30 feet from a public street right-of-way.
6. All parking shall be on a surface prepared from concrete or asphalt.
7. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.
8. See Article 10 for additional parking requirements.

5.4 I-H Heavy Industry District.

A. Purpose and Intent. This district is designed to accommodate heavy industrial uses not otherwise provided for in the I-G General Industrial district. The intensity of uses permitted in this district requires separation from residential and commercial uses.

B. Uses Permitted. The following uses shall be permitted in the I-H, Heavy Industrial District:

1. Agricultural storage and processing facilities, including elevators and dehydrators.
2. Sale and bulk storage of agricultural fuels, feed, fertilizers, and pesticides.
3. Asphalt, cement plants.
4. Heavy construction trades.
5. Manufacture and processing of chemicals.
6. Pottery and porcelain products (bulk manufacturing).
7. Public safety services.
8. Public utilities or facilities.
9. Scrap metal storage yard.
10. Stone products.
11. Transfer station, solid waste.
12. Wire rope and cable.
13. Any manufacture, processing, or fabrication activity that involves substantial heat, light, and glare from welding, pressing, stamping, food preparation, assembly lines, or excessive noise from moving, machinery, or assembly.
14. Any other use similar in character to the above as approved by the Planning Commission.

Comment [KC46]: Manufacturing?

Comment [KC47]: Manufacturing?

Comment [KC48]: How does this occur. I have worked with other regulations that specify that the Planning Board and Governing body may approve other uses as Special or Conditional uses but have not seen this for permitted uses.

Comment [KC49]: Should Accessory Uses be included

C. Uses Permitted by Condition (Conditional Use). The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Acid manufacture or reclamation.
2. Pesticide or herbicide manufacture.
3. Explosives manufacture or storage.
4. Slaughtering, rendering, packing operations
5. Fertilizer manufacture.
6. Petroleum refinery.
7. Smelting of base metals.
8. Adhesive manufacture.
9. Incineration.
10. Stockyards.
11. Wholesale/storage (bulk) of gasoline and other petroleum products.

D. Setback, Yard and Area Regulations.

Comment [KC51]: Match formatting with other districts

Table of Setbacks, Yards, and Area for I-H District				
Use	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height

Principal Buildings	35'	20 feet, except that a 40-foot setback shall be established on all parcels adjacent to a residential zone or use.	25-foot setback shall be established for structures with access or service from the rear. Within this setback an alley, service court or drive is allowed.	40'
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Comment [KC50]: What about accessory structures

E. Special Regulations. The use of all property and buildings in the I-H district shall be conducted in a manner such that all operations, display or storage of material shall be screened by ornamental fences, walls and/or permanent tree plantings in accordance with Section 6-9.

Comment [KC52]: Appears to be incorrect reference

F. Parking and Loading.

1. Each establishment shall provide sufficient off-street parking spaces for all employees, customers, visitors, and others who may spend time at the establishment during working hours. Such parking spaces shall be at least nine (9) feet by twenty (20) feet.
2. Light manufacturing shall provide one parking stall per one hundred (100) sq. ft.; general manufacturing shall provide one parking stall per one hundred fifty (150) sq. ft.; and, heavy manufacturing shall provide one parking stall per 200 sq. ft.
3. Minimum parking standards may be adjusted to greater or lesser capacities to account for location, expected circulation flows, and conversion probabilities by the Planning Commission or Zoning Administrator. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.
4. No portion of a parking or loading space, including maneuvering areas, except the necessary drives, shall be located closer than 30 feet from a public street right-of-way.
5. All parking shall be on a surface prepared from concrete or asphalt.
6. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.
7. See Article 10 for additional parking requirements.

Comment [KC53]: Should a loading & unloading space be defined with a standard size?