

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
September 12, 2019
7:00 P.M.**

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Brown ____ Conus ____ Lewis ____ Smith
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes for August 22, 2019 Regular City Council Meeting
5. Approve Disposal of Vehicles and Equipment

Regular Agenda

6. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
7. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.
8. Introduction of Zach Bright

Business Requiring Action

9. **CONSIDER SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN CITY OF EDGERTON AND BG CONSULTANTS, INC FOR CONSTRUCTION ADMINISTRATION AND OBSERVATION SERVICES FOR I-35 SOUTH PHASE II GRAVITY SEWER IMPROVEMENTS**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER APPROVAL OF ORDINANCE NO. 2024 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE AN UPDATED VERSION OF ARTICLE 4 – SECTION 4.3, 4.4, 4.6, AND 4.7 AND ARTICLE 7 – SECTIONS 7.1 AND 7.2**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER RESOLUTION NO. 09-12-19A ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITH THE CITY OF EDGEROTN, KANSAS**

Motion: _____ Second: _____ Vote: _____

12. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Motion: _____ Second: _____ Vote: _____

13. CONSIDER RESOLUTION NO. 09-12-19B PURSUANT TO K.S.A. § 26-201 SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED

Motion: _____ Second: _____ Vote: _____

14. Report By The City Administrator

15. Report By the Mayor

16. Future Meeting/Event Reminders:

- September 29th: City Council – 7PM
- October 8th: Planning Commission – 7PM
- October 10th: City Council – 7PM

17. Adjourn Motion: _____ Second: _____ Vote: _____

EVENTS

October 7: Youth Art Class: Ceramic Pumpkins

October 14: Youth Cooking Class: Fall Foods

October 17: School's Out Day Camp

October 18: Building Blazer's Day Camp

City of Edgerton, Kansas
Minutes of City Council Regular Session
August 22, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on August 22, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	absent
Clay Longanecker	present
Josh Lewis	absent
Katee Smith	present
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks
- City Clerk Rachel James
- Finance Director Karen Kindle
- Development Services Director Katy Crow
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Elevate Edgerton President James Oltman

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for August 8, 2019 Regular City Council Meeting
5. Approve Ordinance No. 2018 Amending Chapter XIV of the Edgerton, Kansas Municipal Code to Incorporate the 2018 Standard Traffic Ordinance, Subject to Existing Local Traffic Provisions in the City Code which Supplement and/or Modify Certain Sanctions Thereof
6. Approve Ordinance No. 2019 Amending Chapter XI, Article 1, Section 11-101, of the Code of the City of Edgerton, Kansas, Concerning the Uniform Public Offense Code
7. Approve Concurrence to Bid the Highway 56 Multi-Use Trail Project (West 1st Street To West 8th Street)
8. Approve Project Authorization for the Construction of the I-35 South Gravity Sewer Phase II Improvements

Motion by Smith, Second by Longanecker to approve the consent agenda.

Motion passed, 3-0.

REGULAR AGENDA

9. **Public Comments.** None.

10. **Declaration.** None.

BUSINESS REQUIRING ACTION

11. CONSIDER HOLDING A PUBLIC HEARING IN REGARDS TO AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON OFFICES PROJECT)

Scott Anderson, Economic Development Counsel, introduced the proposed district located at the northwest corner of 191st Street and Waverly Road.

The TIF district fits the requirements for a blighted area with 56% of the District within a 100-year flood plain. The City should first hold a public hearing on the creation of the Redevelopment District. At the conclusion of the public hearing, the City should consider the Ordinance creating the Redevelopment District.

Mayor Roberts opened the public hearing at 7:06PM.

There were no public comments.

Mayor Roberts closed the public hearing at 7:07PM.

12. CONSIDER ORDINANCE NO. 2020 MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON OFFICE PROJECTS)

Scott Anderson, Economic Development Counsel, stated that there are two aspects of Ordinance No. 2020. First, that the project site qualifies as a blighted area and second establishes a redevelopment district.

Mayor Roberts stated that a little under 30 mills will be sent to the school district from the revenue generated by the district.

Motion by Longanecker, Second by Brown to approve Ordinance No. 2020.
Motion passed, 3-0.

13. CONSIDER HOLDING A PUBLIC HEARING IN REGARDS TO AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)

Scott Anderson, Economic Development Counsel, presented on the second TIF District located at the Northeast and Northwest corners of Interstate 35 and Homestead Lane. The process for the Retail District required engaging Development Dynamics, LLC for a

Conservation Study. The study concluded that the Proposed District meets the statutory requirements for a conservation area. In particular, the study found the existence of the criteria in (a) dilapidation, obsolescence or deterioration of the structures; (c) the presence of structures below minimum code standards; and (g) inadequate utilities and infrastructure. The City sent notice of the public hearing to the county, school district, and landowners.

Mayor Roberts opened the Public Hearing at 7:12PM.

There were no public comments.

Mayor Roberts closed the Public Hearing at 7:13PM.

14. CONSIDER ORDINANCE NO. 2021 MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)

Scott Anderson, Economic Development Counsel, stated that there are two aspects of Ordinance No. 2021. First, that the finding by Council that the district constitutes a conservation area as well as the creation of the Redevelopment District.

Councilmember Smith ask when the area was last inhabited. Mayor Roberts responded that it has been well over 10 years.

Motion by Smith, Second by Brown to approve Ordinance No. 2021.

Motion passed, 3-0.

15. CONSIDER ORDINANCE NO. 2022 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC THIRD EXPANSION PROJECT) SERIES 2019, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND COLD STORAGE DISTRIBUTION

Scott Anderson, Economic Bond Counsel, introduced Ordinance No. 2022 which authorizes bond documents and Industrial Revenue Bonds for the Coldpoint Logistics Real Estate, LLC third expansion project. The expansion would be approximately 147,800 sq. ft. to an existing approximately 473,270 sq. ft warehouse and cold-storage distribution facility. The Ordinance authorizes the City to issue up to \$26,000,000 of industrial revenue bonds for the Project.

Motion by Longanecker, Second by Brown to approve Ordinance No. 2022.

Motion passed, 3-0.

16. CONSIDER RESOLUTION NO. 08-22-19A AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019A, OF THE CITY OF EDGERTON, KANSAS

Karen Kindle, Finance Director, introduced the Resolution which authorizes the sale of the Temporary Notes which were approved by Council on August 8, 2019. Upon approval of this resolution, the staff, working with the Financial Advisor and Bond Counsel, will offer the Notes for sale via a bank direct purchase RFP. Resolution No. 08-22-19A grants authority for the Mayor to execute a note purchase agreement with the purchaser of the Notes within certain parameters. This allows for flexibility for the pricing date, rather than it having to be on a Council Meeting date. Having this flexibility will allow staff and the advisors to time the sale of the Notes to obtain the best arrangement. In addition, the resolution authorizes the Mayor, City Administrator, City Clerk, the Finance Director and other City officials, Bond Counsel, and the Financial Advisor to take such other actions that may be necessary to carry out the sale of the Notes.

Motion by Brown, Second by Longanecker to approve Resolution No. 08-22-19A.

Motion passed, 3-0.

17. CHARTER ORDINANCE NO. 25 EXEMPTING THE CITY OF EDGERTON, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS

Karen Kindle, Finance Director, introduced the Charter Ordinance and the mechanism to fund The Greenspace Project with General Obligation (GO) Bonds. Staff consulted with the City's Financial Advisor, Bond Counsel and City Attorney regarding the process for issuing GO bonds for public building facilities. Based on recommendations from this group, staff recommends the City Council consider chartering out of non-uniform statutes related to public building facilities and the issuance of bonds for such purposes. The Charter Ordinance would allow the City to have the authority to purchase, lease, build, construct, improve, repair, equip, renovate, make additions to or furnish a public building or facility. The Charter Ordinance will also allow the City to issue GO bonds to pay the costs of such improvements when authorized to do so by the adoption of a resolution by the Governing Body of the City describing the type of public building/facility improvements to be made and the amount of GO bonds to be issued.

Charter Ordinances must be passed by a 2/3 vote of the Governing Body, which includes the Mayor, and be published once a week for two weeks in the official City newspaper, The Gardner News. After the second publication there is a 60-day wait period to allow for the potential petition for referendum. The Charter Ordinance becomes effective on the 61st day after second publication.

Motion by Longanecker, Second by Smith to approve Charter Ordinance No. 25.

Motion passed, 4-0, with Mayor Roberts included in the vote.

18. CONSIDER HOLDING A PUBLIC HEARING REGARDING THE 2020 RECOMMENDED BUDGET

Beth Linn, City Administrator, overviewed the 2020 Budget which she stated was the culmination of months of work by City Staff as well as City Council. Ms. Linn outlined the timeline of work sessions and budget process starting with the first-ever multi year revenue forecast for the General Fund on May 9th, 2019. Ms. Linn called to attention the items of consensus which includes the power shifts for sheriff's office, vehicle and equipment schedules, and the various funds discussed during work sessions.

Mayor Roberts opened the public hearing at 7:26PM.

There were no public comments.

Mayor Roberts closed the public hearing at 7:27PM.

19. CONSIDER THE 2020 RECOMMENDED BUDGET

Mayor Roberts stated that the powershift is a very big deal for the Edgerton Community and something the citizens have been asking for. Mayor Roberts believes that the powershift will be a tremendous boost to the community and will be able to be a position that can be fluctuated as needed.

Councilmember Smith stated she appreciates all of the hard work Staff puts in to preparing the budget. Councilmember Brown stated he agreed.

Mayor Roberts stated that process has improved tremendously over the year and he appreciates the amount of work that staff puts in to the process. Councilmember Smith stated that it has been nice having the separate work sessions so the accounts can be examined in depth.

Motion by Longanecker, Second by Smith to approve the 2020 Recommended Budget.

Motion passed, 3-0.

20. CONSIDER ORDINANCE NO. 2023 AMENDING CHAPTER XV, ARTICLE 1 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 15-134 REGARDING HYDRANT WATER METERS AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Beth Linn, City Administrator, introduced Ordinance No. 2023, which is an update to the volumetric rate portion of the water rate for water purchased from a hydrant meter.

In April 2019, the City of Edgerton updated the Edgerton City Code to allow contractors working in the area to get a hydrant meter from the City to purchase large quantities of water necessary for construction. Currently the volumetric Charge is set to increase significantly with additional usage to encourage customers to conserve water when possible. In contrast, contractors already conserve water as they only pull water necessary for construction. Based on that realization, staff would recommend the City Council consider setting the rate for water purchased from a hydrant meter be set equal to the first tier (0-

2,000 gallons) for Outside City Limits. Today that rate is \$6.18 per thousand gallons. This rate is fairly competitive with other municipalities in the area.

Motion by Longanecker, Second by Smith to approve the version of Ordinance No. 2023 which has been updated and amended by the City Attorney.

Motion passed, 3-0.

21. Report by the City Administrator none.

22. Report by the Mayor

Mayor Roberts overviewed the KDOT Transportation Planning meeting he attended and was assured of more funding for projects around Edgerton coming in the future.

Additionally, Mayor Roberts highlighted the Kubota ribbon cutting event and thanked them for a wonderful event. He also applauded Kubota for giving away a tractor to a Veteran at the event and said it's a wonderful program and they donate a tractor to 5 veterans each year.

23. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR

Motion by Smith, Second by Brown to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, Assistant City Administrator, Economic Development Counsel, and Public Works Director for twenty (20) minutes.

Motion was approved, 3-0.

Session recessed at 7:39 pm. Meeting reconvened at 7:59 pm.

Motion by Smith, Second by Brown to return to open session.

Motion was approved, 3-0.

Motion by Smith, Second by Brown to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, Assistant City Administrator, Economic Development Counsel, and Public Works Director for an additional twenty (20) minutes.

Motion was approved, 3-0.

Session recessed at 8:00 pm. Meeting reconvened at 8:20 pm.

Motion by Smith, Second by Brown to return to open session.

Motion was approved, 3-0.

24. Future Meeting/Event Reminders:

- September 7th: Cops N' Bobbers Fishing Derby @ Edgerton Lake – 10AM to Noon
- September 10th: Planning Commission – 7PM
- September 12th: City Council Meeting – 7PM
- September 18th: Senior Lunch and Bingo – Noon

25. Adjourn

Motion by Smith, Second by Brown to adjourn.

Motion was approved 3-0. The meeting adjourned at 8:22 pm.

City Council Action Item

Council Meeting Date: September 12, 2019

Department: Public Works

Agenda Item: Consider Disposal of Vehicles and Equipment

Background/Description of Item:

At the June 13, 2019, Vehicles and Equipment Budget Work Session, staff presented a list of equipment items recommended for disposal because they have been replaced or are no longer needed.

In accordance with the Vehicle and Equipment Policy approved on April 23, 2015, Council must approve the disposal of vehicles and equipment as well as approve the disposal method. The attached list of items recommended for disposal includes the disposal method that staff believes will bring the most value to the City. If the indicated disposal method doesn't work out, staff will sell the item for scrap.


Proceeds from the disposal of the items listed will be deposited into the Equipment Reserve Funds for General, Water and Sewer based on the allocation percentages indicated for each item.

Related Ordinance(s) or Statue(s): n/a

Funding Source: n/a

Budget Allocated: n/a

Finance Director Approval:

x 
Karen Kindle, Finance Director

Recommendation: Approve the Disposal of the Vehicles and Equipment Listed on the Attached Document.

Enclosed: List of Vehicles and Equipment Recommended for Disposal

Prepared by: Karen Kindle * Finance Director

Items for Recommended for Disposal

Item #	Equipment Description	VIN/Serial #	Item Number	Dept.	Equip Type	Purch Year	Date of Council Approval	Intended Method of Disposition	Alloc % Fund 13 General	Alloc % Fund 27 Water	Alloc % Fund 37 Sewer
1	Henke Snow Plow - AK Hwy	19053	P204	PW	Snow & Ice	2015		on-line auction	100%	0%	0%
2	Henke Spreader - 1000	19148	S204	PW	Snow & Ice	2015		on-line auction	100%	0%	0%
3	Case 580 Super K Backhoe	JJG0178453	309	PW	Equipment	1993		on-line auction	100%	0%	0%
4	11ft Snow Plow - MP36R11-ISCT	10.10.1219	P203	PW	Snow & Ice	2011		on-line auction	100%	0%	0%
5	Old Jetter			UT	Equipment			on-line auction	0%	0%	100%
6	Old Crack Seal Machine			PW	Equipment			on-line auction	100%	0%	0%
7	2001 Ford F250 4WD (Old #105 Flat Bed)	1FTNF21L7YEC85335	105	PW	Vehicle	2001		on-line auction	100%	0%	0%

City Council Action Item

Council Meeting Date: September 12, 2019

Department: Public Works

Agenda Item: Consider Supplemental Agreement No. 1 Between City of Edgerton and BG Consultants For Construction Administration and Observation Services for the I-35 South Phase II Gravity Sewer Improvements

Background/Description of Item:

On December 13, 2018, Edgerton City Council approved Project Authorizations for the Big Bull Creek Lift Station and Force Main and I-35 South Sanitary Sewer Main projects. These two projects were needed to provide sanitary sewer service to the two one-million square foot warehouses under construction as part of the Kubota North American Distribution Center project under construction at Homestead Lane and 207th Street. These projects were the first to be constructed as part of the approved Sanitary Sewer Master Plan for Drainage Area 1 of Logistics Park Kansas City (LPKC) Phase II.

On August 22, 2019, the Edgerton City Council approved the Project Authorization for the I-35 South Phase II Gravity Sewer Improvements. This gravity sewer will attach to the previous sewer project to provide sanitary sewer service to the new Hostess facility being constructed east of Waverly Road and 207th Street.

Similar to other large infrastructure projects constructed by the City of Edgerton, a critical component to the success of the construction is partnering with a firm to perform the construction administration and observation services. For projects designed by an outside firm, Edgerton has contracted with BG Consultants to perform these services. BG Consultants has been an extremely valuable member of the infrastructure team as they have extensive knowledge of the recent infrastructure constructed in Edgerton and provide a balanced approach to construction inspection and observation.

BG Consultants has prepared the attached Agreement to provide the construction observation services for the I-35 South Phase II Gravity Sewer Improvements. The Agreement includes a scope of work to include such services as performing inspections, notification of the City of any significant issues/changes to the plans, providing detailed daily reports of construction activity, reviewing testing reports and pay estimates, etc.

The Agreement includes an hourly rate schedule applicable for the term of the Agreement. The Agreement is structured similar to the Agreement for City Engineer services where the City is only billed for actual hours of work performed.

This project will be paid for initially by the City of Edgerton, but the City will be reimbursed at full cost by Edgerton Land Holding Company.


The Agreement is under review by the City Attorney. He will review with City Council any suggested revisions he may have.

Related Ordinance(s) or Statute(s): N/A

Funding Source: Reimbursement from Edgerton Land Holding Company

Budget Allocated: N/A

Finance Director Approval:

X 

Karen Kindle, Finance Director

Recommendation: Approve Supplemental Agreement No. 1 Between City of Edgerton and BG Consultants For Construction Administration and Observation Services for the I-35 South Phase II Gravity Sewer Improvements

Enclosed:

- Draft Agreement with BG Consultants

Prepared by: Scott Peterson, Assistant City Administrator

Supplemental Agreement No. 1
to
Agreement – Consultant-Client
Between
City of Edgerton, Kansas and BG Consultants, Inc.
For
Construction Administration and Observation Services for
Project Mustang Sanitary Sewer
Edgerton, Kansas

The purpose of this Supplement No. 1 is to modify the scope of services of the original contract. **City of Edgerton, Kansas**, hereinafter called the CLIENT, and **BG Consultants, Inc.**, hereinafter called the CONSULTANT, were parties to the original agreement. This agreement is a supplement to the AGREEMENT between City of Edgerton, Kansas and BG Consultants, Inc. dated July 2018.

SECTION I – SCOPE OF SERVICES

Under the terms of Supplemental Agreement No. 1, the CLIENT and CONSULTANT agree to modify the AGREEMENT as follows:

Add the following section to Exhibit 1, Section 1:

PROJECT LOCATION AND DESCRIPTION

- b. Provide professional services described as follows: Provide construction administration and observation services for the construction of the Big Bull Creek Phase II Gravity Sewer Improvements in Edgerton, Kansas.

SECTION II – COMPENSATION

For the scope of services listed above, the CLIENT agrees to pay the CONSULTANT a fee based on the actual hours expended on the Project at our standard hourly rates;

Billing procedures and all other items pertaining to compensation are as described in the Agreement between City of Edgerton, Kansas and BG Consultants, Inc. dated July 2018.

SECTION III – OTHER MATTERS

It is mutually agreed and understood that all terms of the original Agreement, not specifically revised by this Supplement No. **1**, shall remain unchanged and in full force.

IN WITNESS WHEREOF, the parties have executed this Supplement No. **1** on this _____ day of _____, 2019.


City of Edgerton, Kansas
CLIENT

By _____

Title _____

Date _____

BG Consultants, Inc.
CONSULTANT

By  _____
David J. Hamby, P.E., CFM

Title Vice President

Date August 30, 2019

City Council Action Item

Council Meeting Date: September 12, 2019

Department: Community Development

Agenda Item: Approval of Ordinance No. 2024 adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include an Updated Version of Article 4 - Sections 4.3, 4.4, 4.6 and 4.7 and Article 7 – Sections 7.1 and 7.2.

Background/Description of Item:

The City of Edgerton's Uniform Development Code (UDC) was adopted to encourage the most appropriate use of land and to insure the logical and compatible growth of various districts within the City. The UDC is intended to implement the planning goals and policies contained in the Comprehensive Plan 2000-2020, other planning documents, and policies of the City Council and Planning Commission.

The current UDC was initially adopted in 2004 (Ordinance 758) and has been revised several times. The most recent revisions occurred in August 2019 with changes made to Article 12 – *Sign Regulations*. It has been the goal of city staff in 2019 to review and revise the UDC so that it remains relevant as it relates to growth and development within the boundaries of the City of Edgerton, while complimenting Edgerton's Comprehensive Plan and the Governing Body's vision for the growth of Edgerton.

Like the updates previously brought forward in 2019, this was a multi-step process which was undertaken with the input, direction, guidance and oversight of the Planning Commission. Discussions were held during a public hearing at the August 13, 2019 Planning Commission Meeting. During the public hearing, an opportunity for the public to provide input was given. No public comments were provided.

In revising the content of recently amended Article 4, staff found that a distinction was necessary between awnings and extended awnings. Additionally, it was determined that fabric had been the only material allowed. Further review by staff determined that matte finish standing seam metal awnings should also be allowed material type in the Commercial Zoning Districts. The content of that section, *Section 4.6*, was revised to contain those clarifications. Sections 4.3 and 4.4 were updated to be consistent with the type of pole sign allowed by Conditional Use Permit in the newly adopted Article 12. *Section 4.7* was revised to include the word "attached" in reference to canopy types.

Article 7 was amended to reflect the Conditional Uses approved in Article 4 related to Commercial Zoning. Only the content of Conditional Uses in Districts CD, C-1, C-2 and C-3 was revised. Conditional Uses in the A-G, R-1, R-2, R-3, B-P, L-P and I-H Districts will be reviewed, and content revised as each of those Districts are reviewed through the update process.

It was the Planning Commission's recommendation to move forward to the Governing Body for adoption, the versions of Articles 4 and 7 included in this packet. The City Attorney has reviewed the entire content of these revised articles and determined that no content is in conflict with Kansas State Statute or recent Supreme Court rulings related to sign content regulations.

Related Ordinance(s) or Statue(s): City of Edgerton Ordinance 758

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance 2024 adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include an Updated Version of Article 4 - Sections 4.3, 4.4, 4.6 and 4.7 and Article 7 – Sections 7.1 and 7.2.

Enclosed: Revised pages of *Article 4 – Sections 4.3, 4.4, 4.6, and 4.7*
Revised *Article 7 – Sections 7.2 and 7.2*
Planning Commission Staff Report – August 13, 2019 Meeting
Draft Minutes of August 13, 2019 Planning Commission Meeting
Ordinance 758 (original adoption of Unified Development Code)
Ordinance 2024

Prepared by: Katy Crow, Development Services Director

necessary, the property owner shall receive written notice of the required maintenance or removal.

4.3 C-2, Heavy Service Commercial

A. Purpose. The C-2 district is composed of certain uses that require extensive lot frontages, large scale multi-tenant retail centers, promote heavy traffic generation, and have the potential for extended hours of operation. Operations must be wholly contained within the building except where permitted in the District Regulations.

B. Use Restrictions. In the C-2 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 uses as noted in sections C and D following.

C. Permitted Uses.

1. All uses permitted by right or condition in the C-1 District.
2. Automotive service/maintenance centers, all operations fully contained.
3. Car/Truck wash, fully enclosed.
4. Discount Department Store, indoor operations only.
5. Fuel Stations with fully enclosed car/truck wash operations.
6. Grocery stores.
7. Motels/hotels with meeting facilities.
8. Truck stops/travel plazas.
9. Vehicle showroom, indoor display only.

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 of the Unified Development Code.

1. Adult entertainment – sexually oriented businesses.
2. Interstate Pole Sign ~~subject to conditions set out in Article 12 Section 12.9.~~
3. Wireless facilities.
4. Wireless support structures.

E. Setback, Yard and Area Regulations

Table 4-8 - Setbacks, Yards, and Area for C-2 Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
A twenty-five (25) foot front yard setback shall be required.	No side yard is required except: - When a side lot line abuts a residential property, a twenty (20) foot side yard setback is required. - In areas where there are no adjacent commercial uses, all commercial buildings must maintain a 16' wall-to-wall separation. - When located on a corner lot, a fifteen (15) foot side yard setback is required on the side street	All buildings in the C-2 district must maintain a twenty-five (25) foot rear yard setback from the building wall and/or mechanical equipment used to service the premise. No building shall be placed closer than three (3 feet) to a dedicated utility, service, or travel easement.	No building in the C-2 district shall be constructed to a height greater than three (3) stories.

hazard to life and/or property or harbor insects or disease which constitutes a potential threat to other trees, plants or shrubs within the City. If the Zoning Administrator determines that removal of any diseased tree, plant or shrub is necessary, the property owner shall receive written notice of the required maintenance or removal.

4.4 C-3, Highway Service Commercial

- A. Purpose.** This district is designed to provide commercial locations for uses which serve as a convenience to the travelling public, require a large lot, or require a location on a highway or arterial street in order to have an efficient operation. It is further intended that each use be of a single-purpose character and not be of a nature in which people walk from store to store as in a nucleated or strip center.
- B. Use Restrictions.** In District C-3, 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 uses as noted in sections C and D following.
- C. Permitted Uses.**
1. Agricultural implement sales, rental and service; new and used.
 2. Bus passenger station.
 3. Car/Truck Wash with self-service stations.
 4. Commercial truck sales and service, new and used.
 5. Construction and farm equipment sales, rental and service; new and used.
 6. Discount department store.
 7. Farm & home stores.
 8. Garden center.
 9. Home improvement center.
 10. Lumber yards.
 11. Manufactured home sales.
 12. Motor vehicle sales, rental and service; new and used; includes body shops.
 13. Trailer sales, rental and service; new and used.
 14. Any commercial use that is similar to those uses listed, meets the intent and purpose of this district and is keeping with the general character of the district.
- 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 of the Unified Development Code.
1. Wireless facilities.
 2. Wireless support structures.
 3. Campgrounds
 4. Outdoor amusement establishments such as miniature golf, driving ranges, pitch and put courses amusement parks and other similar establishments.
 5. ~~Interstate Pole signs subject to conditions set out in Article 12 Section 12.9.~~
 6. Motor vehicle repair, general.
 7. Outdoor display and sales of merchandise and equipment.

8. Appropriate plant species should be installed so that mature tree limbs can be maintained at a minimum eight (8) foot clearance from ground level and so that shrubs do not exceed two and one-half (2½) feet in height for areas where it is important to maintain visibility for security and safety purposes.
9. Berms may be incorporated in the landscape areas if positive drainage from the building is provided.
10. Planting areas shall have a minimum width of either six (6) feet or the equivalent of twenty (20) percent of the building façade height as measured from the ground elevation to the top of the wall or parapet, whichever is greater. Applicant shall provide calculations.
11. Building façade and foundation landscape areas shall be irrigated.

Parking Islands - Parking islands shall include landscaping which at a minimum includes 1 (one) deciduous tree and 3 (three) shrubs. Parking island landscaping shall have the same maintenance requirements as all other landscape areas.

Turf - Turf shall be used when necessary to provide coverage and soil stabilization. Seeding may be approved in lieu of turf at the time of Final Site Plan approval by the Planning Commission.

Native Vegetation, Drought Resistance/Xeriscape and Irrigation - Native vegetation and drought resistant plant material shall be used wherever possible. If native vegetation or drought resistant plant materials are not used then an irrigation system shall be installed to provide water during a three (3) year establishment period.

Maintenance - The developer, its successor and/or subsequent owners and their agents shall maintain landscaping on the property on a continuing basis for the life of the development.

1. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced.
2. All landscaping is subject to periodic inspection by the Zoning Administrator or designee. The property owner shall maintain landscape areas in good condition and in a way that presents a healthy, neat and orderly appearance. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, in accordance with acceptable horticultural practices.
3. The City may require the removal of any dead or diseased trees, plants and shrubs on private property within the City, when those trees, plants and shrubs constitute a hazard to life and/or property or harbor insects or disease which constitutes a potential threat to other trees, plants or shrubs within the City. If the Zoning Administrator determines that removal of any diseased tree, plant or shrub is necessary, the property owner shall receive written notice of the required maintenance or removal.

4.6 Awnings, Extended Awnings & Fencing

Awnings/Extended Awnings - Awnings and extended awnings can enhance the aesthetics of a business property, provide weather protection and serve as a business identification. The inclusion of awnings as a design feature is allowed when designed and installed in accordance with these regulations. An individual awning shall be designed to project over any one window or door opening and shall not be a single continuous feature extending over architectural piers

or arches. An extended awning is designed to project over more than one window or door opening, or any combination thereof. Extended awnings may be attached to the building using either internal or external supports.

A. General Guidelines

1. For new developments, awnings or extended awnings should be included on the approved site plan and indicated on any building elevations.
2. For existing buildings, the addition of awnings or extended awnings must be reviewed by the Zoning Administrator to determine if the addition is appropriate and allowed by the UDC. This review may be done in conjunction with the Building Permit submission.
3. ~~Awnings shall be designed to project over individual window and door openings and not as a single continuous feature extending over architectural piers or arches.~~
4. Awnings or extended awnings should have a pedestrian scale and be placed so as to provide weather protection and/or business identification to potential patrons of a business.
5. Awnings or extended awnings should be an enhancement to the building façade and should be of a proportional width and complimentary to nearby buildings, ~~and~~ awnings, and extended awnings.
6. Awnings and extended awnings should be mounted in locations that respect the design of the building and do not obscure ornamental features over storefronts (i.e., rooflines, arches, lighting materials, or banding).
7. Awnings are not allowed in locations which already have a covered walkway or attached canopy.
8. In multi-tenant shopping centers, awnings should be coordinated to complement the overall architecture of the center.

B. Awning/Extended awning Appearance, Materials & Maintenance

1. Awning or extended awning materials with reflective or shiny finishes are prohibited; standard residential aluminum awnings are not allowed.
2. Awnings ~~may shall~~ be composed of noncombustible acrylic fabric, in a matte finish, suitable for outdoor use and U/V resistant, or matte finish standing seam metal.
3. The awning or extended awning color should complement and enhance the building, not overwhelm the building scheme or call more attention to the awnings/extended awnings than the building.
4. ~~Fabric A~~awnings shall not be torn, frayed, ripped, faded, stained, soiled or dirty. Damaged awnings must be replaced within 30 days of notification from the Zoning Administrator or Codes Enforcement Officer.
5. The awning frame shall be constructed of steel or aluminum.
6. Awning frame finish should match the metal storefront system color or awning fabric or metal color.
7. Awnings and extended awnings should have open ends (shed awnings) which allow a less obstructed view of storefronts. Wrapped awnings are allowed if they ~~compliment~~complement the building architecture (i.e., at the corner of a building).
8. Awning valances shall be more than 10 (ten) inches in height.

9. Decorative downlights should be included as a design element. Number and placement of fixtures should be chosen to provide a wash of illumination on the awning without providing hot spots. Frequency of fixtures should be no less than 3 (three) feet on center with no more than 6 (six) fixtures in a row.
10. Awning graphics and text are governed by Article 12, Sign Regulations.

C. Awning/Extended Awning Installation

1. Awnings must meet International Building Code requirements with regards to building permit plan review, manufacturer's installation instructions and building placement when adjacent to a sidewalk.
2. When projecting from the side of the building and not adjacent to sidewalk, awning must meet a 15' setback requirement and height requirements to accommodate any traffic using adjacent driveway.
3. The lowest point of any awning or extended awning shall be minimum of 8 (eight) feet above the sidewalk or ground over which it projects.
4. Awnings without signs may be allowed above the ground floor if they complement the architecture.

Awning and Extended Awning Design Examples



Awnings over individual doors and windows



Extended awnings over sever doors and windows



Example of individual awnings and extended awning

Fencing - All fences and walls shall comply with the City's fence regulations and follow these design standards:

A. Placement

1. Fences, walls or hedges shall be outside of the sight distance triangle.
2. Fences, walls, or hedges shall not be placed in the setback area from street rights-of-way or within the perimeter landscape area.
3. Retaining walls are permitted where the wall is reasonably necessary due to topography, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained.

B. Allowed Fencing Materials

1. **Subject to the Minimum Fencing Design Standards listed in section C below**, fences are to be constructed of customarily used materials such as chain-link, welded wire mesh, wrought iron, aluminum, wood, polyvinyl chloride (PVC), ornamental wire or other similar material unless otherwise herein.
2. The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for penning of livestock or other animals, or similar materials shall not be permitted as permanent fencing. Barb wire is strictly prohibited.
3. Wood fences shall be constructed of treated lumber, cedar, redwood or similar type of wood that are resistant to decay.
4. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo or reed.
5. A fence shall not be constructed or covered with paper sheets/strips; cloth/fabric tarps, sheets, or strips; plastic/vinyl tarps, sheets, mesh or strips; bamboo; reed; or plywood sheeting. An exception may be approved by the City for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts.
6. Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc.

1. Retaining walls shall be set back from the property line one foot for every one foot of height unless a mutual written agreement on the height and location of the retaining wall has been made with the adjoining property owner.
2. Retaining walls which are more than four (4) feet in height shall be structurally engineered. The design specifications, elevations, and the exact location of the wall shall be provided on the Site Plan.
3. No single retaining wall face shall be greater than 6 (six) feet in height without terraces to break e up the wall expanse. A minimum of one foot of terrace shall be used for each 2 feet of wall height. Each terrace shall contain vegetation.
4. Any retaining wall above three (3) feet shall have wrought iron fencing.
5. Retaining wall construction is subject to approval by the City Engineer and Building Inspector.



Retaining wall

4.7 Fuel Stations, Convenience Stores and/or Drive-Throughs (C1, C2, C3, CO)

Site plans for fuel stations, convenience stores (C-Store) or businesses with drive-through operations should create an architectural relationship between the building and the canopy structure that covers the fuel pump islands or drive-through area. The canopy structure can enhance the aesthetics of a business property, provide weather protection for customers and promote a business identification. All amenities such as lighting fixtures, trash receptacles, and other features shall be coordinated in design with the building.

A. General Design Standards

1. Building elevations should incorporate architectural features that are visually interesting with pronounced massing and provide direct pedestrian connections to adjacent sidewalks.
2. Architectural features should include changes in wall plane and materials, roof overhangs, cornice lines, prominent entrance areas, varied building volume or accent elements, and varied yet complementary building materials.
3. Architectural detailing and materials should be of a high and durable quality. Exterior building materials and cladding shall achieve a high standard of life-cycle, visual and aesthetic quality.
4. One hundred percent (100%) of the surface of each exterior wall of the principal building (excluding doors and windows) shall consist of materials including but not limited to brick or stone masonry, stucco, glass block, tile,

ornamental cast metal, cast or cultured stone, concrete (tilt-up) walls, glass, or a combination of these materials. A minimum of three (3) different types of building materials should be used in order to provide architectural interest, coordinated accents and varied articulation. Stucco use should be limited.

5. Vision glass on the building must provide unobstructed views in and out of the building.
6. Loading and dumpster areas 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. Screening wall materials should incorporate materials similar to what is used on the main building. Chain link fences or wooden fences are not acceptable. Inclusion of a man door access is encouraged to minimize the need to open the metal gate during business hours. Dumpsters shall be set back a minimum of twenty-five (25) feet from adjacent residential uses.
7. When a retail use is located in the same building or on the same property as the service station, there shall be distinct parking areas for each use to allow for separation between fueling areas and parking.
8. 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 is prohibited. No fencing visible from a public right-of-way shall be located within a Parkway Buffer or a Right-of-Way Buffer.

B. Canopy Design Standards

Canopies are roof structures and should be patterned after traditional roof types and structural supports in the area. As an accessory feature to the primary uses, which center around the principal building, canopies should never visually dominate the site. A freestanding or attached canopy covering a drive-through service area shall be developed in accordance with the following criteria:

1. Canopy height shall relate to adjoining buildings both within and outside the service center site.
2. The canopy over the drive-through shall be integrated into the roof design of the principal structure or it shall incorporate roof shapes or massing that is similar to the principal structure.
3. Design of gas pumps and pneumatic tube stations should thoughtfully integrate with canopy supports, graphics and signage.
4. All exterior canopy surfaces shall incorporate the following:
 - a. The exterior surface shall be clad in composite or masonry materials matching or compatible with materials used on the primary structure.
 - b. Materials used on the canopy must have a matte finish (nothing shiny or reflective).
 - c. The canopy fascia must include an architectural element (building material) which also matches the canopy structure and principal building. A standard flat fascia is not permitted.
5. Canopy columns shall incorporate the following:
 - a. Columns shall be clad primarily in composite materials which match or are compatible with materials used on the primary structure and canopy roof.
 - b. Cladding must extend from the base of the column to the canopy roof.

Article 7 Conditional Uses

Section 7.1	Issuance of Conditional Uses
Section 7.2	Specific District Requirements

7.1 Issuance of Conditional Uses

- A. Intent. The purpose of this article is to provide for certain uses, which; because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Planning Commission may **recommend approval of** ~~approve~~ these conditional uses **to the Governing Body** after consideration in each case, of the impact of such uses upon neighboring uses; the surrounding area and the public need for the particular use at the particular location. Limitations and standards are herein established to insure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use shall be approved, the Governing Body shall review the record of the **public hearing held by the Planning Commission**.
- B. Standards. The Planning Commission, in accordance with the procedures and standards of this UDC, may **recommend the Governing Body** authorize buildings, structures, and uses as conditional uses in the specific instances and particular districts set forth provided that the location is appropriate, consistent with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided surrounding property, persons, and neighborhood values, and further provided that the additional standards of this Article specified as a condition of approval. Unless otherwise specified in this Article or as a condition of approval, the height, yard, lot area, design, environmental, and sign requirements shall be the same as other uses in the district in which the conditional use is located. No conditional use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in this Article. The burden of proof is on the applicant to bring forth the evidence and the burden of persuasion on all questions of fact that are determined by the Planning Commission.
- C. Criteria. In order to recommend approval or disapproval of a proposed conditional use permit, **both** the Planning Commission and Governing Body shall determine whether the proposed use 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:
1. The extent to which there is a need in the community for the proposed use.
 2. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
 3. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements

connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.

4. Suitability of the uses of the property without the proposed conditional use permit.
5. Length of time the subject property has remained vacant without the proposed conditional use permit.
6. The extent to which the proposed use may detrimentally affect nearby property.
7. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.
8. The availability and adequacy of required utilities and services to serve the proposed use. 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.
9. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.
10. The environmental impacts that the proposed use 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.
11. The economic impact of the proposed use on the community.
12. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.
13. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.
14. The recommendation of professional staff. (Ord. 798; 2005)

7.2 Specific District Requirements

In addition to the specific use requirements outlined by zoning district and use type listed below, the applicant **must provide a site plan for review and approval** with special emphasis given to parking, circulation, loading, landscaping and screening. Staff may request additional information deemed necessary to provide a comprehensive review of the conditions listed in Section 7.1c above.

A. Districts A-G, R-1, R-2 and R-3.

1. Bed and Breakfast. (A-G, R-1, R-2, R-3)
 - a. Conditions listed in 7.1 (C) above.
 - b. No more than four (4) **sleeping** units for rent.
 - c. Proprietor must reside on the premises.
 - d. Food service limited to a breakfast meal.
 - e. No change or adaptation to the exterior of the structure that would alter the residential appearance.

- f. Advertising limited to one monument sign ~~no larger than four feet x four feet (4x4)~~ which is subject to the limitations of Article 12 related to "Home Based Businesses."
- 2. In Home Child or Elder Care. (A-G, R-1, R-2, R-3)
 - a. Approved state operating permit.
 - b. No more than 12 children and two supervisors may be employed on the premises.
 - c. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
- 3. Communications Towers Over 60' in Height. (A-G, R-1, R-2, R-3)
 - a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
- 4. Airport or Landing Strip (A-G only)
 - a. ~~Conditions listed in 7.1 (C) above.~~
- 5. Attendant Care ~~of or~~ Nursing Home (A-G, R-1, R-2, R-3)
 - a. ~~Conditions listed in 7.1 (C) above.~~
- 6. ~~Private Commercial~~ Kennels or Animal Sanctuary (A-G only)
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. Operator must maintain a current license.
 - c. ~~Conditions listed in 7.1 (C) above.~~ Facility is subject to inspection by Codes Enforcement/Animal Control Officer twice per calendar year following the provision of reasonable notice.
- 7. Quarries and Sand/Gravel Extraction (A-G, R-1, R-2, R-3)
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. The road network must be capable of supporting the anticipated truck traffic.
 - c. ~~Conditions listed in 7.1 (C) above.~~
- 8. Camps, Travel Trailer or RV Parks (A-G only)
 - a. ~~Conditions listed in 7.1 (C) above.~~
- 9. E.C.H.O (Elderly Cottage Housing Opportunity) Housing. (A-G, R-1, R-2, R-3)
 - a. ~~Conditions listed in 7.1 (C) above.~~

~~10. Nursery Stock – Nursery Office.~~

- ~~a. Conditions listed in 7.1 (C) above.~~
- ~~b. Sufficient off street parking to accommodate all employees.~~
- ~~c. No accessory building located in the front yard.~~

~~11. Riding Academies and Stables – Veterinary and Veterinary Supplies~~

- ~~a. Conditions listed in 7.1 (C) above.~~

Commented [KC1]: These are permitted uses in A-G; not sure why they are listed as CUP required.

10. All other uses Listed as Condition in Article 3 – R-1 Districts

- a. Approval of a site plan that demonstrates adequate parking, circulation, and open space.
- b. Screening and barrier separation as deemed necessary by the Planning Commission.
- c. Conditions listed in 7.1 (C) above.

B. Districts C-1 and C-2 only. C-D, Downtown Commercial District.

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:

- a. Parking and circulation as required by Article 16.
- b. Landscaping Plan as determined by zoning district requirements in Article 4.
- c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
- d. Onsite signage plan for site circulation shall be provided at time of application.

2. All uses in the C (Commercial) zoning districts listed as conditional must submit a site plan for review and approval with special emphasis given to:

- a. Parking and circulation.
- b. Screening of outdoor materials.
- c. Conditions listed in 7.1 (C) above.

3. Adult Entertainment – Sex Oriented Businesses.

- a. Must be located a minimum of 1,000 feet or more from the nearest residence, school, day care center, cemetery, or another adult entertainment/Sex Oriented Business.
- b. No service of alcoholic or cereal malt beverages.

C. Districts C-1, C-2, and C-D C-1, General Commercial District.

1. If a single family residential structure was inhabited and being used as a residence at the time the landowner made application for rezoning, and the residential use was a previously legal conforming use, such use may be continued in such structure with special emphasis given to:

- a. Conditions listed in 7.1 (C) above.
- b. Accessory uses are prohibited except for any existing use which is accessory to a previously legal conforming use.
- c. Use may not be changed, altered, or expanded beyond 25% in area unless the contemplated change would:
 - 1. Results in greater conformity.
 - 2. Correct deficiencies required for licenses or permits.

- ~~3. Correct deficiencies that would endanger the life, safety, or health of the public or property owners.~~

~~Any conditional use permit granted pursuant to this provision shall have a duration of no more than one year after the effective date of the ordinance approving the conditional use permit. (Ord. 845; 2008)~~

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
 - a. Parking and circulation as required by Article 16.
 - b. Landscaping Plan as determined by zoning district requirements in Article 4.
 - c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
 - d. Onsite signage plan for site circulation shall be provided at time of application.

D. ~~Districts B-P, L-P, IG and I-H.~~ C-2, Heavy Service Commercial District.

1. Adult Entertainment – Sex-Oriented Businesses.
 - a. ~~Must be located a minimum of 1,000 feet or more from the nearest residential dwelling, school, day care center, cemetery, liquor store, or another adult entertainment or sex-oriented business.~~
 - b. ~~No service of alcoholic or cereal malt beverages is allowed.~~
 - c. The surrounding land uses, and zoning districts must be provided including distance to nearest structure.
 - d. Additional screening is required on the perimeter of the property. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way. Landscape and screening plan must be submitted at time of application for staff review.
 - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
2. Interstate Pole Sign. Applicant must provide the following details in submission materials:
 - a. The use of the proposed development.
 - b. The height of the proposed principal building.
 - c. The surrounding land uses and zoning districts.
 - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
 - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
 - f. The proposed height and signable area of the pole sign.
 - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
 - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.

Commented [KC2]: These two are the only additional requirements listed in our code today. See where it is deleted out of the prior C-1/C-2 section above which was combined section for those districts.

3. Wireless Facilities/Wireless Support Structures

- a. Facility must not be located in an area used or planned for residential purposes.
- b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
- c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
- d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
- e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

Commented [KC3]: Current requirements; just copied from the AG/R1/R2/R3 section above.

E. Additional Regulations for Conditional Uses C-3, Highway Service Commercial District.

1. Wireless Facilities/Wireless Support Structures

- a. Facility must not be located in an area used or planned for residential purposes.
- b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
- c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
- d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
- e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

2. Campgrounds

- a. A fully developed Site Plan with requirements as listed in Article 10.
- b. Parking and circulation as required by Article 16.
- c. Landscaping Plan as determined by zoning district requirements in Article 4.
- d. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.

3. Outdoor amusement establishments such as miniature golf, driving ranges, pitch and put courses amusement parks and other similar establishments.

- a. A fully developed Site Plan with requirements as listed in Article 10.
- b. Parking and circulation as required by Article 16.
- c. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts.

Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.

- d. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
 - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
4. Interstate Pole Sign. Applicant must provide the following details in submission materials:
- a. The use of the proposed development.
 - b. The height of the proposed principal building.
 - c. The surrounding land uses and zoning districts.
 - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
 - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
 - f. The proposed height and signable area of the pole sign.
 - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
 - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
5. Motor vehicle repair, general.
- a. A fully developed Site Plan with requirements as listed in Article 10.
 - b. Parking and circulation as required by Article 16.
 - c. Landscaping Plan as determined by zoning district requirements in Article 4.
 - d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
 - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
6. Outdoor display and sales of merchandise and equipment
- a. A fully developed Site Plan with requirements as listed in Article 10 is required.
 - b. If applicable, parking and circulation as required by Article 16. If parking spaces are going to be used for outdoor display/sales area, applicant must provide a parking plan which provides for accommodation of lost spaces.
 - c. Signage must be placed in accordance with Article 12.

- d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
- e. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.

F. B-P, Business Park District.

1. Communication Transmission Towers Over Sixty (60) Feet in Height
 - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human occupancy (other than the principal use), and/or any road.
 - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

G. L-P, Logistics Park District

All uses in the L-P (Logistics Park) Zoning District listed as Conditional Uses must submit a site plan for review subject to the following requirements:

1. Communication Transmission Towers Over Sixty (60) Feet in Height
 - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
2. Truck stops with fuel and accessory services
3. Private or public owned playground, 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. ~~Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities:~~ All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as "facilities") shall be subject to the following performance provisions:
 - a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
 - b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
 - c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.
 - d. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.
 - e. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
 1. Paving shall mean concrete or asphalt; and
 2. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.
 - f. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
 - g. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number.
 - h. Chassis Stacking/Racking: Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number.
 - i. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards.
 - j. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:

1. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked);
2. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked);
3. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property;
4. When abutting (~~trouching~~) (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling; and
5. For purposes of Stipulations 3 and 4 above, measurements shall be made between the nearest property line of the residentially zoned property or the nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.
- k. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.
- l. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9.1 (B) (3) of these regulations.
- m. Other Rules and Regulations: All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.
- n. Deviations: In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the performance standards and provisions for the L-P Zoning District, Section 5.4, Sections G through Q in the regulations. The application may only be approved if findings are made by the Governing Body that 1) due to the circumstances of the application, it would be unnecessary to impose the standards(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the regulations are being met, c) that granting the deviation shall not adversely affect adjacent or nearby property, and d) the application shall otherwise comply with all building code(w) and safety requirements. (Ord. 915, 2012)

H. I-G, General Industrial District and I-H, Heavy Industry District.

1. All uses listed as conditional in the I (Industrial) Zoning Districts must comply with the following ~~listed as conditional: must submit a site plan for review and approval with special emphasis given to:~~

- a. Applicant shall submit a site plan for review and approval with special emphasis given to parking, **site** circulation, and loading; and screening of outdoor materials.
- b. Conditions listed in 7.1(C) above. (Ord. 845; 2008)

I. Additional Regulations for Conditional Uses.

- 1. A Conditional Use Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the conditional use application.
- 2. The ~~Board of Zoning Appeals~~/**Governing Body** or Planning Commission may impose any additional condition(s) that it deems necessary to preserve the harmonious design of the community, lessen congestion, or preserve the public health, safety, and welfare.
- 3. The ~~Board of Zoning Appeals~~/**Governing Body** or Planning Commission may recommend denial of any conditional use/special use listed in this Unified Development Ordinance that, in its opinion, would adversely impact the public health, safety, or welfare.

STAFF UPDATE

Date: August 13, 2019
To: Edgerton Planning Commission
From: Katy Crow, Development Services Director
Re: **UDCA 2019-02** Public hearing to consider comments regarding amendments to the Unified Development Code pertaining to Article 4 – *Commercial Zoning Districts, Sections 4.3, 4.4 and 4.6* and Article 7 - *Conditional Uses*.

BACKGROUND INFORMATION

In June of this year, the Planning Commission approved a substantial set of updates to Article 4 – *Commercial Zoning Districts*. In reviewing upcoming development projects staff noted that two corrections were necessary.

First, on pages 4-19 and 4-30 of *Sections 4.3* and *4.4* respectively, there is a reference to Article 12, *Section 12.9* related to pole signs and Conditional Use Permit requirements. With the subsequent revisions made to Article 12 – *Signs Regulations*, this reference is no longer correct. The reference to Article 7 related to conditional uses on those same pages is adequate and accomplishes the intended reference. Staff proposes deleting the sentence red-lined as shown in the attached document.

Additionally, in *Section 4.6 – Awnings & Fencing*, it was noted that staff had neglected to include standing seam metal as an appropriate finish for awnings. We recognize that this type of material should be included in addition to noncombustible fabric. At this time, staff also would like to include a verbiage related to “extended awnings.” An awning would be an apparatus which extends over one window or door, while an extended awning would extend over several windows or doors. Staff feels the distinction is necessary so that an extended awning is not confused with a canopy which has different design features and requirements.

In the continued effort to update Edgerton’s Unified Development Code, staff also brings forward Article 7 – *Conditional Uses*. This Article has been updated to correspond to conditional use updates made to Article 4 in Commercial Development zoning districts. The document included in your packet is a red-lined version which indicates new content in red. Items deleted are in black and lined through.

Conditional uses are called out from permitted uses due to their unique characteristics. Upon review by the Planning Commission, a recommendation may be made to the Governing Body for final approval. Conditional Use permits are reviewed much like a zoning application in that they are reviewed with several things in mind: the impact on the neighborhood, the surrounding area, the public need for such a use, etc. This Article is an important component of the Unified Development Code in that it helps provide the standards by which the conditional use may operate.

Under Section 7.2, *Specific District Requirements*, the Commercial Districts were updated to match the updated uses in Article 4. Some conditional uses were not new, but they may have been reclassified to a different zoning district. Several conditional uses, such as pole signs and detached parking lots, are new conditional uses and as such had to be added to Article 7 so that guidelines for review are in place. In addition, the City Attorney was consulted to determine if amended content was within the legal confines of both state and federal regulations. His revisions have been included.

At this time, staff is requesting that these public hearings be opened, any additional public comments be accepted, and both hearings be closed. Staff requests that any recommendations for changes or revisions be provided and the updates be recommended to the Governing Body for adoption at the August 22, 2019 City Council Meeting.

Ms. Crow stated there is one other item, the height of the light poles. Edgerton UDC states the height of a luminary shall not exceed 25 feet, but the proposed luminaries are shown at 35 feet.

Chairman Daley stated a man door should be added to dumpster enclosure. He is also concerned about the limited access at Homestead Lane and not allowing traffic to make a left turn, but he is aware this issue is being addressed with KDOT.

Mr. Berger motioned to approve Final Site Plan Application FS2019-04 with the following stipulations:

1. The Staff recommendations and comments noted related to infrastructure, landscaping, the stormwater plan and all else discussed as included in the Staff Report are included as stipulations as part of approval of this Final Site Plan;
2. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City;
3. Any items added must comply with the Edgerton UDC and it is the building owner's ultimate responsibility to ensure code compliance;
4. Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easement, 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 notation 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. Any requirements on public or private property by the City of Edgerton or KDOT determined necessary for the improvement of the intersection shall be adhered to;
6. A man door is to be added to the trash dumpster enclosure.

Mr. Crooks seconded the motion to approve with the stipulations. The question of where the water would go from the truck wash station was raised. Mr. Clausen answered all of the water used in the facilities will go through a sand and oil separator then into the sanitary sewer. Mr. Cole inquired about the lighting that could spread to neighboring properties. Ms. Linn replied the UDC does have requirements to minimize the amount of light that can be shed upon neighboring properties and the applicant will have to take appropriate measures to ensure they are meeting the UDC requirements. Final Site Plan Application FS2019-04 was approved, 4-0.

PUBLIC HEARING – APPLICATION UDCA2019-02 – AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC)

Chairman Daley introduced Application UDCA2019-02 being brought forward by the City of Edgerton and consisting of amendments to Article 4 and 7 of the UDC. Ms. Crow stated this application is a continuation of the undertaking of revisions to the UDC. Application UDCA2019-02 consists of updates to all of Article 7 and a small section of Article 4.

Ms. Crow stated the updates to Article 4 are minor. On page 4-19, the list of conditional uses has been updated to include the correct language for Interstate pole signs now that the article on signage has been adopted. The same update was made to page 4-30. Page 4-41 has been updated to state the distinction of an awning and an extended awning. Ms. Crow explained an awning would be an apparatus which extends over one window or door, while an extended awning would extend over several windows or doors. This was clarification was necessary as there is a distinction between

extended awnings and canopies, with different requirements for each. The allowed materials for canopies have also been updated to include matte finish standing seam metal. Ms. Crow stated more updates may be needed as staff works with the UDC while reviewing plans.

Chairman Daley stated there are not many changes to Article 4. Mr. Berger requested information about drive through signage. Ms. Crow answered all the signage requirements are included in Article 12.

Chairman Daley opened the public hearing regarding Application UDCA2019-02.

Ms. Crow presented the updates to Article 7. She stated Article 7 addresses conditional uses. The updates to Article 4 – Commercial Districts, which was approved by the Governing Body, removed some conditional uses while adding others. Staff focused on updates in the section regarding conditional uses in commercial districts. Article 7 outlines what is required for each conditional use permit, and what is required to be submitted for consideration. The other changes in Article 7 are to increase the flow and readability of the article as a whole.

Ms. Crow stated the first major update to Article 7 occurs on page 7-4. The C-D, Downtown Commercial District needed to be added to the article. The only conditional use that is allowed in this district is a parking lot detached from principal use.

The C-1, General Commercial District needed to be included. As with the C-D District, only parking lots detached from the principal use is the only conditional use allowed in the C-1 District.

In the C-2, Heavy Service Commercial District, the 3 different uses needed to be added. There are also additional requirements added to adult entertainment and sex-oriented businesses that were not in the original Article 7. Interstate pole signs is a new conditional use for this district, so it was added with the requirements and stipulations. The requirements for wireless facility and wireless support structures are the same.

Conditional uses in the C-3, Highway Service Commercial District, are wireless facilities/wireless support structures, campgrounds, outdoor amusement establishments, interstate pole signs, motor vehicle repair, and outdoor display and sales of merchandise and equipment.

Ms. Crow informed the Commission to voice any additional requirements or changes to City Staff so Article 7 can be amended.

Mr. Berger inquired about the requirements for adult entertainment business and if there are any additional requirements for adult bookstore signage, specifically billboards. Ms. Linn stated that per the sign code billboards are no longer allowed, but that sign content related to obscene material is governed by state statute and the City Attorney has recommended that these types of businesses remain a conditional use in this district with the added requirements and stipulations so both the Planning Commission and Governing Body will have a chance to review.

Ms. Crow stated there are no major changes in any other section of Article 7. The signage in Article 12 and conditional uses in Article 7 will be updated after the articles for each zoning district is updated.

Mr. Crook inquired about existing homes with businesses located in them. Ms. Crow answered that a transitional use district will be brought forth as a zoning designation for these types of buildings. She explained as the zoning level use intensity goes up, the requirements for landscaping and screening increases as well. She used the example of On the Go Travel Center and the change Staff saw from the initial plan to what was brought forth to the Commission.

Mayor Roberts came before the Commission and stated transitional zones used to be heavily sought after by communities, but it seems to be slowly drifting away. He explained there are other ways to ease the transition between in-home businesses from the surrounding residential or commercial buildings they neighbor through the use of berms and landscaping. Ms. Linn stated berms are used in LPKC to help screen the projects from residences nearby. Mayor Roberts stated every homeowner has rights and the Planning Commission gets to choose if a project will be a good use for the land and if it infringes on the rights of the neighboring homeowner. He used the example of a neighbor who does not want a garage built. It may be legal for a garage to be established, but the Planning Commission gets to decide if the location and use of the land is a good use and does not intrude on the neighbor's rights as well as the homeowner's rights.

Mayor Roberts stated the same goes with zoning. The Planning Commission has to ask itself if it is a useful change. He understands these topics can become heated and personal, but the Commission has a massive responsibility to minimize the impact against neighboring residential properties. Mayor Roberts explained the Constitution allows others the rights to want things that we may personally disagree with - things like adult entertainment and adult bookstores, but the Planning Commission has to look at all property owners' rights, even those who want to develop land for a sex orientated business. He understands this part of the Planning Commission isn't necessarily the most exciting thing to consider but it is best to look at the community as a whole and not for their personal gain or their own personal beliefs. Mayor Roberts explained the City is unable to decide who or what company decides to purchase land in the City. The investor and property owner get to decide what they invest in.

Ms. Linn stated the hard work of the Planning Commission has come to fruition with the travel center project that was presented at this meeting. City Staff and the members of the Commission could see the difference the Commission was making. Mr. Berger commended Staff on how amazing of a job and the great work that has been put forth on the UDC updates and the plan reviews. Mayor Roberts agreed this allows the City to be a good neighbor to nearby communities. He stated it is difficult for people to spend their money in the City as there is little commercial space, but the City has come a long way, and this is what must be done so Edgerton can continue to grow and prosper. He feels the approval of a travel center is a monumental step forward. Mayor Roberts commented that the City Council has been impressed with the Planning Commission and Staff with the work everybody has put into the community.

Mr. Berger motioned to close the public hearing and Mr. Crooks seconded. The public hearing was closed, 4-0.

Mr. Berger motioned to recommended approval of Application UDCA2019-02 to the Governing Body, Mr. Little seconded. Application UDCA2019-02 was recommended for approval to the Governing Body, 4-0.

Ms. Crow stated a copy of the amended Articles will be provided to the Governing Body at the August 22, 2019 meeting and be voted at the September 12, 2019 meeting.

Ms. Crow informed the Commission that Article 12 regarding the sign code went to the Governing Body. There was one change the Governing Body requested. The minimum height of an interstate pole sign was changed to a minimum of 60 feet and the maximum stayed the same at 100 feet.

FUTURE MEETING

The next meeting is scheduled for September 10, 2019 at 7:00 p.m.

ADJOURNMENT

Motion by Mr. Berger, seconded by Mr. Little, to adjourn. Motion was approved, 4-0.

The meeting adjourned at 8:24 p.m.

Submitted by: Chris Clinton, Planning and Zoning Coordinator

ORDINANCE NO. 758

AN ORDINANCE AMENDING THE CODE OF THE CITY OF EDGERTON, CHAPTER XVI, ARTICLE 1, SECTIONS 16-101 AND 16-102 AND ADOPTING BY REFERENCE THE **EDGERTON, KANSAS UNIFIED DEVELOPMENT CODE, MARCH 3, 2004 EDITION**, PREPARED BY THE EDGERTON PLANNING COMMISSION, AND REPEALING FORMER CHAPTER XVI, ARTICLE 1, SECTIONS 16-101 AND 16-102. THE UNIFIED DEVELOPMENT CODE CONTAINS THE OFFICIAL ZONING AND SUBDIVISION REGULATIONS FOR THE CITY OF EDGERTON, KANSAS; AND ADOPTING BY REFERENCE AN **OFFICIAL ZONING MAP** SHOWING THE BOUNDARIES OF THE ZONING DISTRICTS CONTAINED IN THE UNIFIED DEVELOPMENT CODE.

WHEREAS, the Edgerton Governing Body is authorized by K.S.A. 12-741 to adopt zoning regulations and the official zoning map for the incorporated area of Edgerton, Kansas, upon the recommendation of the Edgerton Planning Commission; and

WHEREAS, the Edgerton Governing Body is authorized by K.S.A. 12-749 to adopt subdivision regulations for the incorporated area of Edgerton, Kansas, upon the recommendation of the Edgerton Planning Commission; and

WHEREAS, the Edgerton Planning Commission held a public hearing as required by law and has made recommendations to the Governing Body for the adoption of such zoning and official zoning map, and subdivision regulations; and

WHEREAS, the Edgerton Governing Body desires to and hereby does accept the recommendations of the Edgerton Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON:

SECTION ONE: CODE AMENDED. That Chapter XVI, Article 1, Sections 16-101 and 16-102 of the Code of the City of Edgerton, Kansas are hereby amended to read as follows:

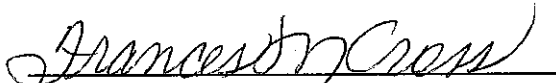
16-101. UNIFIED DEVELOPMENT CODE. There is hereby adopted in its entirety a standard code of zoning and subdivision regulations for the incorporated area of the City of Edgerton, Kansas entitled: **"EDGERTON, KANSAS UNIFIED DEVELOPMENT CODE, MARCH 3, 2004 EDITION"** containing Chapter 1, Zoning Regulations, Article 1 to 12, and Chapter 2, Subdivision Regulations, Article 13 to 15. Said Code is hereby referred to as the **"UDC"**. The UDC is hereby made applicable to the entire incorporated area of the City of Edgerton, Kansas. No fewer than three (3) copies of the UDC shall be marked **"Official Copy as Adopted by Ordinance No. 758"**, with a copy of the adopting ordinance attached shall be in the office of the city clerk and open to inspection and available to the public at all reasonable hours.

16-102. OFFICIAL ZONING DISTRICT MAP. There is hereby adopted by reference an official zoning map showing the boundaries of the zoning districts contained in the Unified Development Code. The zoning map shall be marked "Official Copy of Edgerton, Kansas, Zoning District Map as Adopted by Ordinance No. 758" and filed in the office of the City Clerk.

SECTION TWO: REPEAL. Former Chapter XVI, Article 1, Sections 16-101 and 16-102 of the Code of the City of Edgerton are hereby repealed in their entirety.

SECTION THREE: EFFECTIVE DATE. The ordinance shall take effect and be in force from and after its approval, adoption, and publication in the official city newspaper.

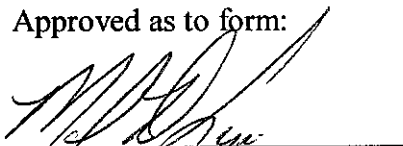
PASSED AND APPROVED by the Governing Body of the City of Edgerton, Kansas this 26th day of February, 2004.


Frances M. Cross, Mayor

ATTEST:


Rita M. Moore, City Clerk

Approved as to form:


Mark D. Lewis, City Attorney

ORDINANCE NO. 2024

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE AN UPDATED VERSIONS OF ARTICLE 4 - SECTIONS 4.3, 4.4, 4.6 and 4.7 AND ARTICLE 7 – SECTIONS 7.1 THROUGH 7.2.

WHEREAS, on August 13, 2019 the City of Edgerton Planning Commission met, held a public hearing, and reviewed proposed updates to the City of Edgerton Unified Development Code. More specifically it considered revisions to Article 4 *Commercial Zoning Districts - Sections 4.3, 4.4, 4.6 and 4.7* and Article 7 *Conditional Uses – Sections 7.1 through 7.2*; and

WHEREAS, at that meeting the Edgerton Planning Commission voted to approve the above described amendments to the City of Edgerton Unified Development Code and has recommended to the City Council approval of the same; and

WHEREAS, the City Governing Body, upon recommendation of the Planning Commission, and after reviewing the proposed amendments to the City of Edgerton Unified Development Code, finds that the amendments to the City of Edgerton Unified Development Code should be approved.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. The proposed amendments to Article 4 *Commercial Zoning Districts - Sections 4.3, 4.4, 4.6 and 4.7* and Article 7 *Conditional Uses – Sections 7.1 through 7.2* of the City of Edgerton Unified Development Code are hereby approved by the Council.

Section 2. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning Regulations of the City of Edgerton, Kansas which are inconsistent or in conflict herewith are hereby repealed.

Section 3. A copy of the above amendments to Article 4 are available to the public at City Hall and on the website for the City of Edgerton.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 12th day of September, 2019.

DONALD ROBERTS, MAYOR

ATTEST:

RACHEL A. JAMES, CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY

City Council Action Item

Council Meeting Date: September 12, 2019

Department: Administration

Agenda Item: Consider Resolution No. 9-12-19A Establishing Fees and Rates for Permits, Licenses and Services with the City of Edgerton, Kansas

Background/Description of Item:

Water/Wastewater Rates for 2020

In 2019, staff worked with Raftelis Financial Consultants to update the rate study for both the water and wastewater utilities. In their report, Raftelis recommends a small rate increase in each year of the forecast period in order to avoid large rate increases in the later years of the forecast period. The rate increases recommended for 2020 are listed below. The 2020 Budget adopted by the Council on August 22, 2019, includes these rate increases. The wholesale wastewater rate remains unchanged at \$3.36 per 1,000 gallons. The attached fee resolution formally adopts the rate increases and sets the effective date as the **January 1, 2020, utility bills.**

Utility	2020 Rate Increase	Typical Customer Bill 2020 (3,000 gallons)	Typical Customer Bill Current (3,000 gallons)
Water	4%	\$39.05	\$37.52
Wastewater	1.5%	\$29.29	\$28.83

Enclosed is a chart that compares the amount of a typical customer bill for Edgerton and other nearby cities.

Code Enforcement Abatement Fee

Staff recommends the addition of an item that is in the City Code but was not included in the initial drafts of the fee resolution. Edgerton Municipal Code Article 9, Section 8-903(b)(4) states that if the owner, occupant or agent in control of the property does not cut or destroy the weeds or fails to request a hearing within the allowed time the city or its authorized agent will cut or destroy the weeds and assess the cost of the cutting or destroying the weeds, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property. The Codes Enforcement Officer adds this fee to the cost incurred when a contractor is brought in to abate the tall grass and weeds condition. This administrative fee is

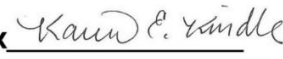
used to cover the cost of sending certified mail notifications and publication in the City of Edgerton's newspaper of record, The Gardner News. Staff has used \$50 as the amount of the administrative fee charged during the abatement process. Staff recommends that the Governing Body include this fee on the Fee Schedule under the Public Offenses section.

An excerpt of the proposed changes to the resolution is attached as well as the draft resolution.

Related Ordinance(s) or Statue(s): Ordinance No. 1006

Funding Source: n/a

Budget Allocated: n/a

x 

Finance Director Approval:

Karen Kindle, Finance Director

Recommendation: Approve Resolution No. 9-12-19A Establishing Fees and Rates for Permits, Licenses and Services Within the City of Edgerton, Kansas.

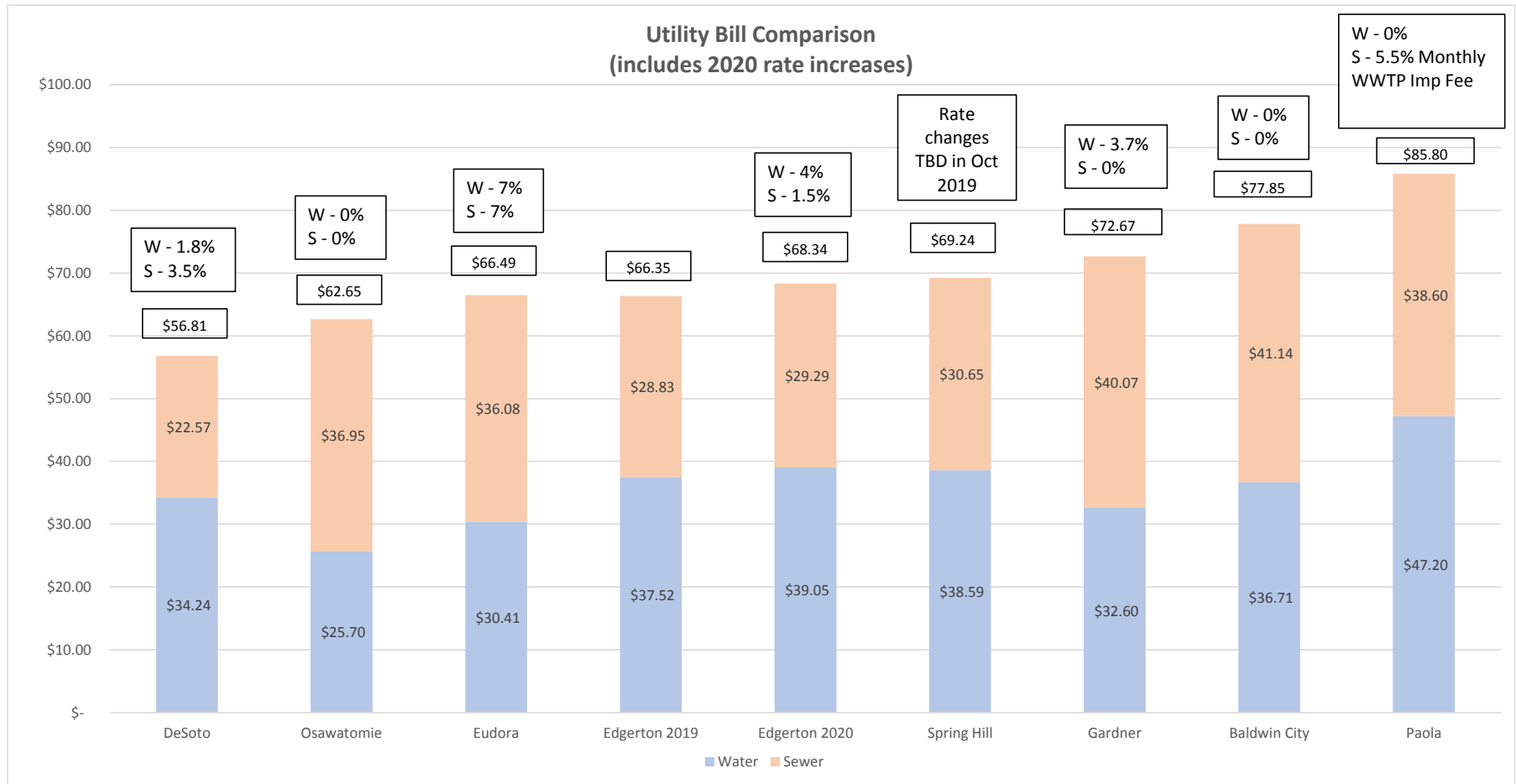
Enclosed: Utility Bill Comparison Chart
Excerpt of the proposed changes to the resolution
Resolution No. 9-12-19A

Prepared by:

Karen Kindle * Finance Director

City of Edgerton
Comparison of Utility Rates - Water and Wastewater
9/4/2019

Service	City								
	DeSoto	Osawatomie	Eudora	Edgerton 2019	Edgerton 2020	Spring Hill	Gardner	Baldwin City	Paola
Water	\$ 34.24	\$ 25.70	\$ 30.41	\$ 37.52	\$ 39.05	\$ 38.59	\$ 32.60	\$ 36.71	\$ 47.20
Sewer	\$ 22.57	\$ 36.95	\$ 36.08	\$ 28.83	\$ 29.29	\$ 30.65	\$ 40.07	\$ 41.14	\$ 38.60
Total	\$ 56.81	\$ 62.65	\$ 66.49	\$ 66.35	\$ 68.34	\$ 69.24	\$ 72.67	\$ 77.85	\$ 85.80



Block Party

FIREWORKS

Fireworks – Temporary Retail Sale Application Fee	\$500.00
Fireworks – Temporary Retail Sale Bond	\$1000.00
Public Display Application Fee	\$100.00

SOLID WASTE

Customer Unit Charge – Monthly (One trash container and one recycle container)	\$7.50
Extra Container Charge – Monthly	\$5.00
Extra Recycle Container – Monthly	\$1.00

PUBLIC PROPERTY

Community Hall Rental – Residents (24-hrs midnight)	\$100.00
Community Hall Rental – Non-Residents (24 -hrs midnight)	\$150.00
Rental Deposit Required for Rental (Refundable) (Due at time of Reservation)	\$50.00
Overnight Camping (by special permit)	\$10.00
Martin Creek Park Lights	
-Ball field #1 Lights	\$20 / hour
-Horse Shoe Pit Lights	\$20 / hour
Right-Of-Way Permit	\$100.00

PUBLIC OFFENSES

Worthless Check/Returned Check/Dishonored Instrument	\$25.00
---	---------

Abatement Administrative Fee \$50.00 per abatement

Formatted: Indent: Left: 0.25"

UTILITIES - WATER

Water Rate

WATER

[Customer Service Charge + Vol. Rate = Monthly Bill]

Customer Service Charge

Meter Size	Inside City	Outside City
5/8"	\$20.02 20.83	\$30.02 31.23
3/4"	\$21.27 22.13	\$31.91 33.19
1"	\$23.80 24.76	\$35.70 37.13
1 1/2"	\$30.09 31.30	\$45.14 46.95
2"	\$37.66 39.17	\$56.49 58.75
3"	\$55.30 57.52	\$82.94 86.26
4"	\$80.49 83.71	\$120.74 125.57
6"	\$143.48 149.22	\$215.21 223.82
8"	\$219.08 227.84	\$328.61 341.76

Volumetric Rate

Tiers	Inside City	Outside City
0-2,000	\$4.12 4.29	\$6.18 6.43
2,001-10,000	\$9.26 9.64	\$13.89 14.45
>10,000	\$12.78 13.30	\$19.16 19.93

Water System Development Fees

System Development Fee (based on size of water meter)

METER SIZE	CHARGES
5/8"	\$4,300
3/4"	\$6,600
1"	\$10,750
1.5"	\$21,500
2"	\$34,400
3"	\$64,500
4"	\$107,500
6"	\$215,000
8"	\$344,000

Water Connection Fees

UTILITIES - WASTEWATER

Wastewater Rate

WASTEWATER

[Customer Service Charge + Vol. Rate = Monthly Bill]

Customer Service Charge

\$6.456.55

Volumetric Rate

\$7.467.58 [per 1,000 gallons]¹

LPKC Infrastructure

\$1.00 [per 1,000 gallons]

¹ For residential use properties, Section 15-305(b) of Article 3 of Chapter XV of the City Code will determine the level of gallons.

Wastewater System Development Fees

System Development Fee (based on size of water meter)

METER SIZE	CHARGES
5/8"	\$4,800
3/4"	\$6,600
1"	\$12,000
1.5"	\$24,000
2"	\$38,400
3"	\$72,000
4"	\$120,000
6"	\$240,000
8"	\$384,000

Wastewater Connection Fees

Connection Charge and Inspection Fee \$750.00

Wholesale Wastewater Rate \$3.36 [per 1,000 gallons]

Private Disposal System Fees

Installation Permit	\$250.00
Significant Alteration and Repair Permit	\$100.00
Minor Repair	\$50.00
Non-Residential Annual Operation Permit	\$50.00
Septic/Holding Tank Removal	\$100.00

Street/Stormwater	Actual cost of inspection + 2% administrative fee
Water/Sewer	Actual cost of inspection
Land Disturbance (greater than one acre)	\$250.00
Flood Plain Development Permit	\$75.00
Zoning Verification Letter	\$75.00 per request

Sign Fees

Home Occupation Sign	\$35.00
Temporary/Banner Sign	\$35.00
Pole Sign	\$125.00
Monument Sign	\$35.00
Façade/Wall Sign	\$35.00
Mobile Home Park Sign	\$35.00
Subdivision Name Sign	\$35.00
Apartment Complex Name Sign	\$35.00
Billboard Sign	\$125.00

SECTION 2: Effective Date. This Resolution shall become effective upon its approval with the ~~changes to the water and wastewater rates Zoning Verification Letter fee~~ becoming effective ~~beginning on the April January 1, 2019~~ 2020 utility bill.

SECTION 3: Repealer. Any fees or resolutions inconsistent herewith are hereby repealed and said City Code references (along with other specific fee references throughout the City Code that will now be controlled by the Fee Resolution) will be formally withdrawn via a future ordinance.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS ON THIS ~~11~~¹²~~th~~ DAY OF ~~APRIL~~SEPTEMBER, 2019.

DONALD ROBERTS, MAYOR

ATTEST:

RACHEL A. JAMES, CITY CLERK

APPROVED AS TO FORM:

RESOLUTION NO. 09-12-19A

A RESOLUTION ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS.

WHEREAS, pursuant to Ordinance No. 1006, the City Council indicated that all City Fees that previously were spread throughout the City Code, and would require an Ordinance amending that particular part of the Code to change the fee, would instead be consolidated into a City Fee Resolution such that all fees could be better monitored and, any revisions thereto, could be accomplished via resolution instead of an ordinance; and

WHEREAS, City Staff continues to work on consolidating said fees into this Fee Resolution and, as those fees are added in, revised versions of this Resolution will be presented for Council approval.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF EDGERTON, KANSAS:

SECTION 1: FEES.

The following fees shall be due and payable to the City Clerk:

OPEN RECORDS

Inspection Fee, if item is not readily available	\$20.00 per request
Copying Fee (no charge for first ten (10) pages)	\$0.10 per page after first ten
Mailing Fee	Actual mailing costs
Facsimile charges	\$1.00 / \$0.10 per page
Searches by staff, three (3) hours or more	\$25.00 per hour

ANIMAL CONTROL

Animal Registration Fees:

Neutered/Spayed dog or cat	\$5.00
Unneutered/Non-spayed dog or cat	\$25.00
Seniors (60 plus) with neutered/spayed dog or cat	\$No Charge
Chicken registration	\$50.00
Breeder Fee	\$500.00
Late Registration Fee	\$25.00
Duplicate Tag Fee	\$1.00

Animal Redemption Fees:

Registered	
First pick up	\$No charge
Second pick up	\$50.00
Third pick up	\$100.00

Non-Registered, Neutered/Spayed First pick up	\$50.00
Non-Registered, Unneutered/unspayed First pick up	\$100.00
City provided rabies vaccination	\$50.00
Habitual Violator (dog picked up more than three times in one year)	\$250.00
Boarding Fee	\$10.00 per day

BEVERAGES

Cereal Malt Beverages

General Retailer – Consumption	\$100.00
General Retailer – Not for Consumption on premises	\$35.00
Change of Location Fee	\$5.00

Drinking Establishments

License Fee – Biennial occupation tax	\$500.00
---------------------------------------	----------

Private Club

License Fee – Class A Biennial occupation tax	\$500.00
License Fee – Class B Biennial occupation tax	\$500.00

Special Event

Permit Fee	\$50.00
------------	---------

Caterer

Permit Fee	\$250.00
------------	----------

Retail

Permit Fee Biennial occupation tax	\$500.00
------------------------------------	----------

BUILDINGS AND CONSTRUCTION

Permit Fees – Non-Residential Building

<i>Total Valuation</i>	<i>Fee</i>
\$1.00 to \$500	\$22.00
\$501.00 to \$2,000.00	\$22.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001 to \$50,000.00	\$352.00 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fractions thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$580.00 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,000.00 to \$1,000,000.00	\$2,855 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,000.01 and up	\$4,955.00 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00, or fraction thereof

Other Inspections and Fees

Inspections outside of normal business hours (minimum charge – two hours)	\$50.00 per hour
--	------------------

Re-inspection fees assessed	\$50.00 per hour
-----------------------------	------------------

Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$50.00 per hour
--	------------------

Additional plan review required by changes, additions or revisions to plans (or total hourly cost to the juris- diction, whichever is greatest. Cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved)	\$50.00 per hour
--	------------------

For use of outside consultants for plan checking Actual Costs
or inspections (costs include administrative and
overhead costs)

Permit Fees – Residential Building

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$500	\$13
\$501 to \$2,000	\$13 for first \$500.00 plus \$1.50 for each additional \$100.00 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$35.50 for the first \$2,000.00 plus \$8.00 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$219.50 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$381.00 for the first \$50,000 plus \$4.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$582.00 for the first \$100,000 plus \$3.00 for each additional \$1,000 or fraction

	thereof, to and including \$500,000.
\$500,000 and up	\$1782.00 for the first \$500,000 plus \$2.00 for each additional \$1,000 or fraction thereof.

Other Inspections and Fees

Inspections outside of normal business hours (minimum charge – two hours)	\$50.00 per hour
Re-inspection fees assessed	\$50.00 per hour
Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$50.00 per hour
Additional plan review required by changes, additions or revisions to plans (or total hourly cost to the jurisdiction, whichever is greatest. Cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved)	\$50.00 per hour
For use of outside consultants for plan checking or inspections (costs include administrative and overhead costs)	Actual Costs
Certificate of Occupancy	\$10.00
Fire Review and Inspection - Core and Shell 100 square feet to 12,500 square feet Multi-Family (R-3) Commercial Zoning Districts (C-D, C-1, C-2) Industrial Zoning Districts (B-P, L-P, I-G, I-H)	\$250.00
Fire Review and Inspection - Tenant Finish 100 square feet to 12,500 square feet Multi-Family (R-3) Commercial Zoning Districts (C-D, C-1, C-2) Industrial Zoning Districts (B-P, L-P, I-G, I-H)	\$250.00
Fire Review and Inspection - Core and Shell 12,501.00 square feet or greater Multi-Family (R-3)	\$0.02 per square foot

Commercial Zoning Districts (C-D, C-1, C-2)
Industrial Zoning Districts (B-P, L-P, I-G, I-H)

Fire Review and Inspection	\$0.02 per square foot
- Tenant Finish	
12,501 square feet or greater	
Multi-Family (R-3)	
Commercial Zoning Districts (C-D, C-1, C-2)	
Industrial Zoning Districts (B-P, L-P, I-G, I-H)	

Permit Fees - Fuel Gas Code

Issuance of Permit	\$50.00
Supplemental Permit	\$50.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

Permit Fees – Plumbing Code

Issuance of Permit	\$50.00
Supplemental Permit	\$50.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

Permit Fees – Mechanical Code

Issuance of Permit	\$50.00
Supplemental Permit	\$50.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions	\$50.00 per hour

or revisions to approved plans (minimum charge – one hour)

Permit Fees – Electrical Code

Issuance of Permit	\$50.00
Supplemental Permit	\$50.00
Issuance of annual permit	\$250.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

Moving Buildings

House/building/derrick or other structure permit	\$5.00
--	--------

Oil and Gas Wells

Permit Fee	\$150.00 per well
License Fee	\$25.00 per well

Fire Insurance Proceeds Fund

Final Settlement Funds (K.S.A. 40-3901 <u>et seq.</u>)	\$5000.00 or 10% of covered claim payment, whichever is less
---	--

BUSINESS LICENSE

General License	\$5.00
Solicitor's License – Investigation Fee	\$50.00
Solicitor's License – Issuance Per day	\$25.00
Solicitor's License – Six Months	\$250.00
Adult Entertainment Business License	\$250.00
Adult Entertainment Manager's License	\$20.00
Adult Entertainers License	\$20.00
Adult Entertainment Service's License	\$20.00
Mobile Food Vender License	\$100.00

Block Party

FIREWORKS

Fireworks – Temporary Retail Sale Application Fee	\$500.00
Fireworks – Temporary Retail Sale Bond	\$1000.00
Public Display Application Fee	\$100.00

SOLID WASTE

Customer Unit Charge – Monthly (One trash container and one recycle container)	\$7.50
Extra Container Charge – Monthly	\$5.00
Extra Recycle Container – Monthly	\$1.00

PUBLIC PROPERTY

Community Hall Rental – Residents (24-hrs midnight)	\$100.00
Community Hall Rental – Non-Residents (24 -hrs midnight)	\$150.00
Rental Deposit Required for Rental (Refundable) (Due at time of Reservation)	\$50.00
Overnight Camping (by special permit)	\$10.00
Martin Creek Park Lights	
-Ball field #1 Lights	\$20 / hour
-Horse Shoe Pit Lights	\$20 / hour
Right-Of-Way Permit	\$100.00

PUBLIC OFFENSES

Worthless Check/Returned Check/Dishonored Instrument	\$25.00
Abatement Administrative Fee	\$50.00 per abatement

UTILITIES - WATER

Water Rate

WATER

[Customer Service Charge + Vol. Rate = Monthly Bill]

Customer Service Charge

Meter Size	Inside City	Outside City
5/8"	\$20.83	\$31.23
3/4"	\$22.13	\$33.19
1"	\$24.76	\$37.13
1 1/2"	\$31.30	\$46.95
2"	\$39.17	\$58.75
3"	\$57.52	\$86.26
4"	\$83.71	\$125.57
6"	\$149.22	\$223.82
8"	\$227.84	\$341.76

Volumetric Rate

Tiers	Inside City	Outside City
0-2,000	\$4.29	\$6.43
2,001-10,000	\$9.64	\$14.45
>10,000	\$13.30	\$19.93

Water System Development Fees

System Development Fee (based on size of water meter)

<u>METER SIZE</u>	<u>CHARGES</u>
5/8"	\$4,300
3/4"	\$6,600
1"	\$10,750
1.5"	\$21,500
2"	\$34,400
3"	\$64,500
4"	\$107,500
6"	\$215,000
8"	\$344,000

Water Connection Fees

Connections Charge: Inside City - Regular ($\frac{3}{4}$ -inch service, with $\frac{3}{4}$ -inch by $\frac{5}{8}$ inch-meter)	\$1,250.00
Connections Charge: Outside City - Regular ($\frac{3}{4}$ -inch service, with $\frac{3}{4}$ -inch by $\frac{5}{8}$ -inch meter)	\$7,500.00
Connections Charge: Other Sizes	TBD by Governing Body
Water Service Application (inside city limits)	\$30.00
Water Service Application (outside city limits)	\$75.00
Reconnection Fee, during normal business hours	\$25.00
Reconnection Fee, during non-business hours	\$100.00
Meter Testing (if meter is correct)	\$10.00
Hydrant Meter Refundable Deposit	\$1,500.00

UTILITIES - WASTEWATER

Wastewater Rate

WASTEWATER

[Customer Service Charge + Vol. Rate = Monthly Bill]

Customer Service Charge

\$6.55

Volumetric Rate

\$7.58 [per 1,000 gallons]¹

LPKC Infrastructure

\$1.00 [per 1,000 gallons]

¹ For residential use properties, Section 15-305(b) of Article 3 of Chapter XV of the City Code will determine the level of gallons.

Wastewater System Development Fees

System Development Fee (based on size of water meter)

<u>METER SIZE</u>	<u>CHARGES</u>
5/8"	\$4,800
3/4"	\$6,600
1"	\$12,000
1.5"	\$24,000
2"	\$38,400
3"	\$72,000
4"	\$120,000
6"	\$240,000
8"	\$384,000

Wastewater Connection Fees

Connection Charge and Inspection Fee \$750.00

Wholesale Wastewater Rate

\$3.36 [per 1,000 gallons]

Private Disposal System Fees

Installation Permit	\$250.00
Significant Alteration and Repair Permit	\$100.00
Minor Repair	\$50.00
Non-Residential Annual Operation Permit	\$50.00
Septic/Holding Tank Removal	\$100.00

Inspection, non-business hours (2-hour charge minimum, additional to inspection fee)	\$15.00 per hour
---	------------------

ZONING AND DEVELOPMENT FEES

Manufactured Home Park License	\$100.00
Temporary Mobile Home Fee	\$25.00
Planned Unit Development: Conceptual Plan/Preliminary Plat Fee	\$200.00 plus \$2.00 per lot
Final Plan/Final Plat Fee	\$300.00 plus \$5.00 per lot
Board of Zoning Appeals Variance or Appeal Fee	\$100.00
Rezoning Fee	\$250.00
Conditional/Special Use Permit Fee	\$250.00
Temporary Construction Activities Application	\$100.00
Temporary Construction Activities Permit Fee	\$200.00
Blasting Permit (six (6) months)	\$25.00
Blasting Permit (one (1) year)	\$50.00
Home Occupation Permit Fee	\$5.00
Site Plan Fee	\$200.00 plus \$10.00 per acre
Preliminary Plat Fee	\$300.00 plus \$10.00 per lot
Final Plat Fee	\$300.00 plus \$10.00 per lot
Lot Split Fee	\$100.00
Street Excise Tax	\$0.10 per square foot of final plat
Park Impact Fee/Residential	\$300.00 per lot
Park Impact Fee/Commercial	\$0.08 per square foot of building
Park Impact Fee/Industrial	\$0.08 per square foot of building
New Street Light Fee	\$250.00
New Public Improvement Inspection Fee	

Street/Stormwater	Actual cost of inspection + 2% administrative fee
Water/Sewer	Actual cost of inspection
Land Disturbance (greater than one acre)	\$250.00
Flood Plain Development Permit	\$75.00
Zoning Verification Letter	\$75.00 per request

Sign Fees

Home Occupation Sign	\$35.00
Temporary/Banner Sign	\$35.00
Pole Sign	\$125.00
Monument Sign	\$35.00
Façade/Wall Sign	\$35.00
Mobile Home Park Sign	\$35.00
Subdivision Name Sign	\$35.00
Apartment Complex Name Sign	\$35.00
Billboard Sign	\$125.00

SECTION 2: Effective Date. This Resolution shall become effective upon its approval with the changes to the water and wastewater rates becoming effective on the January 1, 2020 utility bill.

SECTION 3: Repealer. Any fees or resolutions inconsistent herewith are hereby repealed and said City Code references (along with other specific fee references throughout the City Code that will now be controlled by the Fee Resolution) will be formally withdrawn via a future ordinance.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS ON THIS 12th DAY OF SEPTEMBER, 2019.

DONALD ROBERTS, MAYOR

ATTEST:

RACHEL A. JAMES, CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY

City Council Action Item

Council Meeting Date: September 12, 2019

Department: Public Works

Agenda Item: Consider Resolution No. 09-12-19B Pursuant to K.S.A. 26-201 Setting Forth The Necessity For Condemnation Of Private Property And Authorizing Preparation Of A Survey And Legal Descriptions Of The Property To Be Condemned

Background/Description of Item:

At the 2017 Capital Improvement Program Work Session, the City Council provided direction to allocate \$150,000 of the Maintenance Fee towards Parks and Recreation Projects for 2017 and 2018. During the Capital Improvement Program discussion on June 7, 2018, City Council provided direction to move forward with the design of a multi-use path along Highway 56 to provide pedestrian/bicycle access from neighborhood/residences along Highway 56 to Dollar General, Edgerton Elementary, and other future development.

The Project requires acquisition of easements from several property owners along the corridor. Staff has spoken with all the property owners on the south side of 56 Highway that are affected by the project and continues to negotiate easements with the property owners as the preferred method to acquire the easements. However, in case negotiations do not reach a conclusion that satisfies both parties, staff recommends moving forward with the condemnation process.

The first step in that process would be for City Council to pass a resolution confirming the necessity for condemnation and authorizing the preparation of survey and legal description. In an effort to meet the tight project schedule, staff is requesting that City Council approve this resolution for all easements on property west of Edgerton Elementary. Passing the resolution does not prohibit the City from continuing to negotiate and/or acquire the easements – it simply authorizes the preparation of the descriptions.

Staff would anticipate that any remaining easements not acquired would be included in the ordinance to authorize the use of condemnation. Neither of these actions prevents the City from continuing to negotiate the easements.

Enclosed with the packet is a draft resolution. A final version of the Resolution will be distributed to City Council at the September 12, 2019 meeting with legal descriptions included of those easements that remain outstanding.

Related Ordinance(s) or Statue(s): N/A

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

**Recommendation: Resolution No. 09-12-19B Pursuant to K.S.A. 26-201
Setting Forth The Necessity For Condemnation Of Private Property And
Authorizing Preparation Of A Survey And Legal Descriptions Of The
Property To Be Condemned**

Enclosed: Draft Resolution

Prepared by: Dan Merkh, Public Works Director
Trey Whitaker, Public Works Superintendent

RESOLUTION NO. 09-12-19B

A RESOLUTION PURSUANT TO K.S.A. § 26-201 SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED

WHEREAS, K.S.A. § 26-201 authorizes a City to acquire by condemnation any interest in real property when it is deemed necessary, for use by the City, by the governing body of the City; and

WHEREAS, the City wishes to construct a pedestrian trail running parallel to U.S. Highway 56 on the south side of said highway from Edgerton Road to 1st Street, said location being within the city limits of the City of Edgerton, Kansas; and

WHEREAS, the City additionally has determined it necessary to acquire water line easements along the same line of properties to ensure that city water lines currently running on the properties are fully within water line easements held by the City; and

WHEREAS, in order to complete the pedestrian trail and protect the city water lines, the City needs to obtain permanent pedestrian, water line and storm-water easements generally located across property bordering the south side of U.S. Highway 56 from Edgerton Road to 1st Street within the City and Johnson County, Kansas; and

WHEREAS, the City has attempted, and will continue to attempt, to negotiate with the private landowners for the rights-of-way and easements needed for the Project but to date such negotiations have been unsuccessful with some of the owners.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Edgerton, Kansas:

SECTION 1: That pursuant to K.S.A. § 26-201, the City declares that the easements are necessary for the Project.

SECTION 2: That the locations of the permanent pedestrian, water line and storm-water easements needed are generally located across property bordering the south side of U.S. Highway 56 from Edgerton Road to 1st Street within the City of Edgerton, Johnson County, Kansas, and are more specifically described below.

Permanent Water Line and Pedestrian Easement

THE NORTH 12.5 FEET OF LOT 10, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,650 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

THE NORTH 12 FEET OF LOT 9, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,765 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 8, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 8 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56 N.88°04'51"E. (BEING AN ASSUMED BEARING) 243.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE ALONG THE EAST LINE OF SAID LOT 8 S.01°45'17"E. 15.90 FEET; THENCE N.84°05'35"W. 36.01 FEET; THENCE S.88°04'51"W. 42.93 FEET; THENCE S.81°45'22"W. 40.24 FEET; THENCE S.88°04'51"W. 5.22 FEET; THENCE N.85°35'39"W. 40.24 FEET; THENCE S.88°04'51"W. 57.52 FEET; THENCE S.82°05'43"W. 10.05 FEET; THENCE S.88°04'51"W. 5.15 FEET; THENCE N.85°56'00"W. 6.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE ALONG THE WEST LINE OF SAID LOT 8 N.01°42'51"W. 11.36 FEET TO THE POINT OF BEGINNING, CONTAINING 2,977 SQUARE FEET.

Permanent Water Line, Storm-Water and Pedestrian Easement

A TRACT OF LAND IN LOT 7, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 7 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56 N.88°10'58"E. (BEING AN ASSUMED BEARING) 219.63 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE ALONG THE EAST LINE OF SAID LOT 7 S.01°50'59"E. 15.94 FEET; THENCE N.79°43'38"W. 14.02 FEET; THENCE S.88°10'58"W. 98.26 FEET; THENCE S.76°19'14"W. 35.69 FEET; THENCE S.87°58'43"W. 39.06 FEET; THENCE N.84°05'35"W. 19.89 FEET; THENCE S.01°45'17"E. 12.28 FEET; THENCE S.88°14'43"W. 14.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7 N.01°45'17"W. 30.06 FEET TO THE POINT OF BEGINNING, CONTAINING 3,653 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 14, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14 S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.18 FEET; THENCE N.46°30'24"W. 16.18 FEET; THENCE N.83°28'15"W. 4.62 FEET; THENCE S.88°09'32"W. 95.61 FEET; THENCE S.78°41'47"W. 24.33 FEET; THENCE S.88°09'32"W. 6.38 FEET TO THE WEST LINE OF SAID LOT 14; THENCE ALONG THE WEST LINE OF SAID LOT 14 N.01°50'59"W. 16.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE ALONG THE NORTH LINE OF SAID LOT 14 N.88°09'32"E. 141.96 FEET TO THE POINT OF BEGINNING, CONTAINING 1,852 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 1, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1
N.88°09'32"E. (BEING AN ASSUMED BEARING) 149.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1
S.01°43'25"E. 16.01 FEET; THENCE
S.88°11'06"W. 12.01 FEET; THENCE
N.84°11'46"W. 30.13 FEET; THENCE
S.88°09'32"W. 87.14 FEET; THENCE
S.79°37'41"W. 11.81 FEET; THENCE
S.38°26'56"W. 13.86 FEET TO THE WEST LINE OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1
N.01°47'02"W. 24.32 FEET TO THE POINT OF BEGINNING, CONTAINING 1,977 SQUARE FEET.
SQUARE FEET.

Permanent Water Line, Storm-Water and Pedestrian Easement

A TRACT OF LAND IN TRACT A AS SHOWN ON A LOT SPLIT CERTIFICATE OF SURVEY RECORDED ON PAGE 3124 IN BOOK 201712 AT THE JOHNSON COUNTY REGISTER OF DEEDS IN JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT A AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE WEST LINE OF SAID TRACT A
S.01°49'35"E. (BEING AN ASSUMED BEARING) 15.00 FEET; THENCE
N.88°11'06"E. 27.34 FEET TO THE POINT OF BEGINNING; THENCE
N.88°11'06"E. 15.00 FEET; THENCE
S.01°48'54"E. 15.53 FEET; THENCE
S.88°11'06"W. 15.00 FEET; THENCE
N.01°48'54"W. 15.53 FEET TO THE POINT OF BEGINNING, CONTAINING 233 SQUARE FEET.

SECTION 3: City Staff is authorized to have a survey conducted and a description of the land and easements to be condemned to be prepared by a competent engineer. Both the survey and the description of the property to be condemned shall be filed with the City Clerk upon their completion.

SECTION 4: The City Clerk is hereby directed to publish this Resolution once in the City's official newspaper.

SECTION 5: This Resolution shall be effective upon its approval and adoption.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS
ON THIS 12th DAY OF SEPTEMBER, 2019.

DONALD ROBERTS, MAYOR

ATTEST:

RACHEL A. JAMES, CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY