

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
June 27, 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 June 13, 2019 Regular City Council Meeting
5. Approve Minutes for April 1, 2019 Special Council Meeting
6. Approve Ordinance No. 2013 Ordering the Vacation of Right-Of-Way Adjacent to Inland Port VII – Montrose Street and 185th Street
7. Approve Contract with Strategy New Media for IT Services

Regular Agenda

8. **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.
9. **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.

Business Requiring Action

10. **CONSIDER ORDINANCE NO. 2014 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE UPDATED VERSIONS OF ARTICLE 4, SECTIONS 4.1, 4.2, 4.3, 4.4, 4.6 AND 4.7, ARTICLE 10 AND ARTICLE 16**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER APPROVAL OF TYPICAL STREET SECTION FOR 2019 STREET RECONSTRUCTION PROJECT**

Motion: _____ Second: _____ Vote: _____

12. **Report By The City Administrator**

13. **Report By the Mayor**

14. Future Meeting/Event Reminders:

- July 3rd: Edgerton Community Picnic and Fireworks Show - 6PM-11PM
- July 9th: Planning Commission Meeting – 7PM
- July 11th: City Council Meeting – 7PM
- July 13th: Downtown Summer Movie Night feat. The Lego Movie 2 – 8PM
- July 17th: Senior Lunch and Bingo – Noon

15. Adjourn Motion: _____ Second: _____ Vote: _____

City of Edgerton, Kansas
Minutes of City Council Regular Session
June 13, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on June 13, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk Rachel James
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Utilities Superintendent Mike Mabrey

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for May 23, 2019 Regular City Council Meeting
5. Approve Resolution No. 06-13-19A Edgerton's Downtown Summer Movie Nights as "Public Festivals" For the Purposes of the City's Noise Restrictions Pursuant to Section 11-604 of the City Code of the City of Edgerton, Kansas

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

Motion passed 5-0.

REGULAR AGENDA

6. **Public Comments.** None.
7. **Declaration.** None.

BUSINESS REQUIRING ACTION

8. CONSIDER ORDINANCE NO. 2012 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE HOME RULE REVENUE BONDS (LOGISTICS PARK INFRASTRUCTURE PHASE TWO PROJECTS) SERIES 2019A, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$11,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY OR REIMBURSE THE COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS; AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS

Scott Anderson, City Bond Counsel, outlined the changes to the Ordinance in the updated copy that was handed out at the Council meeting. The language was updated to state "amount not to exceed \$11,000,000." Mr. Anderson stated Development Agreement contemplates that the City will issue home rule revenue bonds to reimburse the City for amounts it has been spending and to pay Edgerton Land Holding Company (ELHC) for amounts it has spent on various public infrastructure improvements.

Homestead Lane and 207th Street South of Interstate 35, Big Bull Creek Lift Station, South I-35 Gravity Sanitary Sewer Main, and 207th Street East of Waverly Road are various projects that would be reimbursable from the Home Rule Revenue Bonds. The issuance of the bonds will convert the interest rate accruing on the costs paid by ELHC from a taxable 9.5% interest rate to a tax-exempt rate. This interest savings will ultimately result in more funds being available in the public infrastructure fund. The bonds are payable solely from funds on deposit in the public infrastructure fund and are not a general obligation of the City.

Motion by Longanecker, Second by Lewis to approve Ordinance No. 2012.

Motion passed 5-0.

9. CONSIDER RESERVE POLICY

Karen Kindle, Finance Director, stated that Staff has reviewed the Budget Reserve policy outline in Resolution No. 05-13-10E and has identified updates to reflect recommendations from Raftelis Financial Consultants, Columbia Capital, and guidelines set out by Standard & Poor (S&P).

Ms. Kindle outlined the updates, which are listed in detail in the Agenda Packet.

Councilmember Conus asked for more detail on the portion where the City is self-insuring for \$50,000. Beth Linn, City Administrator, stated that this was for the City Property and Equipment that was designated as self-insured. Councilmember Conus asked if the 17% reserve included the \$50,000 or the reserve would be 17% + \$50,000. Ms. Kindle stated that it was included in the 17% but specifically designated.

Motion by Lewis, Second by Longanecker to approve Reserve Policy.

Motion passed, 5-0.

10. Report by the City Administrator

Beth Linn, City Administrator, informed Council that updates of the Unified Development Code would be handed out in order for them to review over the next two weeks before the next Council meeting. Mayor Roberts thanked Staff for their hard work on the updates.

11. Report by the Mayor

Mayor Roberts wanted to thank Staff for the destruction of two buildings for under \$9,000. Mayor Roberts appreciated staff finding asbestos and lead testing for \$650.00. He compared this to the headlines in the Gardner News about the City of Gardner approving a \$43,000 study on the decommissioning of the old police station.

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, CITY ADMINISTRATOR, AND ASSISTANT CITY ADMINISTRATOR

Motion by Longanecker, Second by Smith 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, and Economic Development Counsel for ten (10) minutes.

Motion was approved, 5-0.

Session recessed at 8:00 pm. Meeting reconvened at 8:10 pm.

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

Motion was approved, 5-0.

Motion by Longanecker, Second by Smith 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, and Economic Development Counsel for an additional ten (10) minutes.

Motion was approved, 5-0.

Session recessed at 8:11 pm. Meeting reconvened at 8:21 pm.

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

Motion was approved, 5-0.

13. CONSIDER DEVELOPMENT AGREEMENT WITH MY STORE III INC.

Beth Linn, City Administrator, introduced the Development Agreement with My Store III, Inc which is a Kansas Corporation which operates a truck stop and gas station in the Kansas City metropolitan area.

My Store III has purchased property along Homestead Lane just north of the Interstate 35 and plans to develop a truck stop including the amenities such as fueling stations for regular and diesel fuel, truck parking, restrooms with showers, truck scale and wash, etc. As part of the Project, the Developer is required to construct Public Infrastructure Improvements. The Development Agreement proposes the Developer petition the City for the creation of a Community Improvement District for a community improvement district sales tax of one percent (1%) on the entire property (approximately 25 acres) to be collected for twenty years as allowed by Kansas Statute. The City would create a special fund to collect these CID revenues. In addition, the City agrees to deposit (subject to annual appropriation) the City's share of retail sales tax actually collected from the Project Site into this same fund. The Development Agreement states the City agrees to reimburse the Developer up to \$750,000 for the cost of making the Public Infrastructure Improvements as described in the agreement. That reimbursement would be paid solely from funds deposited into the CID revenue fund.

Motion by Lewis, Second by Longanecker to approve Resolution No. 06-13-19B adopting the Development Agreement with My Store III, Inc.

Motion passed, 5-0.

14. Future Meeting/Event Reminders:

- June 1st: Summer Kick Off Block Party – 6:30PM
- June 11th: Planning Commission Work Session – 5PM
- June 11th: Planning Commission – 7PM
- June 13th: City Council – 7PM
- June 13th: City Council Budget Work Session – Immediately following Council
- June 14th-15th: Edgerton Frontier Days
- June 19th: Senior Lunch – Noon
- June 27th: City Council – 7PM
- June 27th: City Council Budget Work Session – Immediately following Council
- July 3rd: Community Picnic & Fireworks Show – 6PM to 10:30PM

15. Adjourn

Motion by Smith, Second by Lewis to adjourn.

Motion was approved 5-0. The meeting adjourned at 8:35 pm.

City of Edgerton, Kansas
Minutes of City Council Special Session
April 1, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 1, 2019. The meeting convened at 12:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present via phone
Clay Longanecker	present
Josh Lewis	present via phone
Katee Smith	present via phone
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator Beth Linn
 Development Services Director Katy Crow
 City Clerk Rachel James

2. WELCOME

3. PLEDGE OF ALLEGIANCE

REGULAR AGENDA

4. Public Comments. None.

5. Declaration. None.

BUSINESS REQUIRING ACTION

6. CONSIDER APPOINTMENT OF JOSH BEEM TO PLANNING COMMISSION FOR A TERM ENDING IN SEPTEMBER 2021

Mayor Roberts introduced the item stating it was not on the previous Council's agenda and needed to be passed before the April Planning Commission meeting. Mayor Roberts overviewed Mr. Beem's history with the Planning Commission and his qualifications.

Motion by Longanecker, Second by Smith to approve appointment of Josh Beem to the Planning Commission. Motion was approved, 5-0.

7. Adjourn

Motion by Longanecker, Second by Brown to adjourn.

Motion was approved 5-0. The meeting adjourned at 12:03 pm.

City Council Action Item

Council Meeting Date: June 27, 2019

Department: Community Development

Agenda Item: Consider Ordinance No. 2013 Ordering the Vacation of Right-Of-Way Adjacent to Inland Port VII – Montrose Street and 185th Street

Background/Description of Item: On July 11, 2017 Edgerton Planning Commission recommended approval of Application FP2017-06 Final Plat, Logistics Park Kansas City, Phase VI, Lot 3 (Inland Port VII). On August 24, 2017 Edgerton Governing Body accepted the recommended Final Plat. This Final Plat included the dedication of right of way adjacent to both 185th Street and Montrose Street where an access point entered the future site of Inland Port VII.

On April 9, 2019, Edgerton Planning Commission approved Application FS2019-01 Final Site Plan for IP VII. This Site Plan included plans to remove the drive/intersection access point at 185th Street and Montrose in order to move the access point for the site further west on 185th Street. Removing this access point required the vacation of dedicated right of way and the return of that land to the adjacent property owner, NorthPoint Development, LLC.

A legal description of the area to be vacated has been provided by the engineering firm for the property owner. City Engineer has reviewed the legal description and City Attorney has prepared an Ordinance to formalize this vacation.

Related Ordinance(s) or Statue(s): K.S.A. 12-504 – Additions, Vacation and Lot Frontage

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval Ordinance No. 2013 Ordering the Vacation of Right-Of-Way Adjacent to Inland Port VII – Montrose Street and 185th Street

Enclosed:

- Ordinance 2013

- Driveway Exhibit of Area to be Vacated
- Site Plan with Driveway Location Highlighted
- Legal Description

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2013

AN ORDINANCE VACATING ROAD RIGHT OF WAY EXISTING NEAR THE INTERSECTION OF 185TH STREET AND MONTROSE STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF EDGERTON, KANSAS.

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

SECTION 1. Pursuant to the authority granted under K.S.A. §15-427, the City of Edgerton, Kansas hereby vacates, annuls and discontinues all use of certain road right of way existing near the intersection of 185th Street and Montrose Street, as reflected in the attached Exhibit A, and more particularly described as follows:

All that part of Lot 2, LOGISTICS PARK KANSAS CITY PHASE VI, and all that part of Lot 3, LOGISTICS PARK KANSAS CITY PHASE VI – LOT 3, all in the City of Edgerton, Johnson County, Kansas, being more particularly described as follows:
Commencing at the Southwest corner of said Lot 2; thence North 87°52'10" East, along the south line of said Lot 2, a distance of 12.60 feet to the Point of Beginning; thence South 42°46'43" West a distance of 26.46 feet to a point on the West line of the East half of the Northwest Quarter of Section 35, Township 14 South, Range 22 East, in said City of Edgerton; thence South 89°03'28" West a distance of 76.72 feet; thence North 54°37'38" West, a distance of 57.83 feet to a point on the South right-of-way line of 185th Street, as it now exists; thence North 88°06'09" East, along said South right-of-way line, a distance of 128.66 feet to a point on the East right-of-way line of Montrose Street as it now exists; thence North 02°07'50" West, along said East right-of-way line, a distance of 133.84 feet; thence South 39°33'34" East a distance of 61.74 feet; thence South 02°35'46" East a distance of 76.72 feet; thence South 42°46'43" West a distance of 36.18 feet to the Point of Beginning. Contains 8,293 square feet or 0.19 acres, more or less.

Pursuant to statute, said property to revert to adjoining landowners as provided by law.

SECTION 2. This ordinance will take effect and be in full force from and after its passage, approval and publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 27th day of June, 2019.

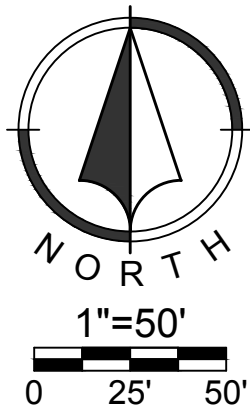
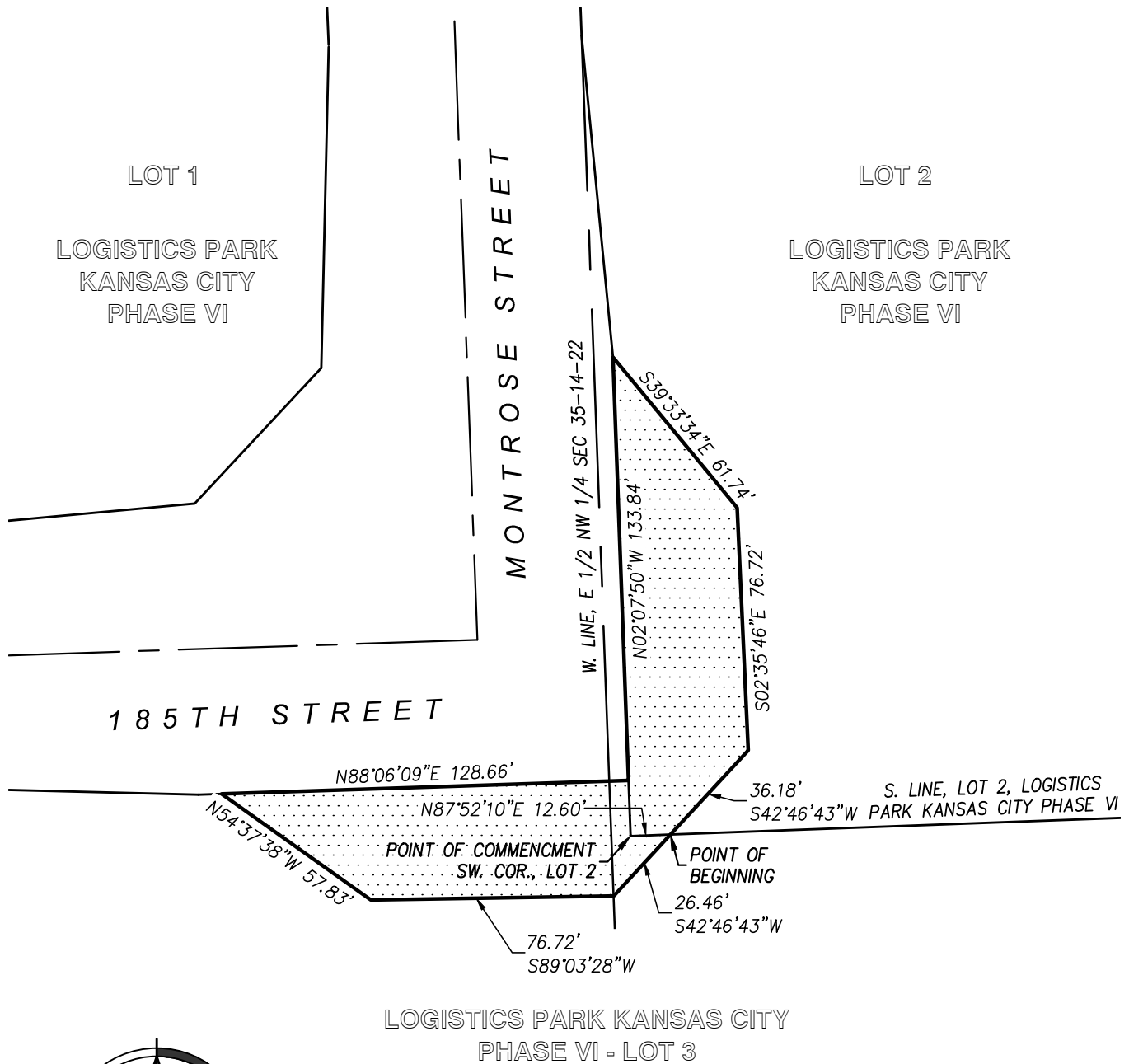
DONALD ROBERTS, MAYOR

ATTEST:

RACHEL JAMES, CITY CLERK

APPROVED AS TO FORM

LEE W. HENDRICKS, CITY ATTORNEY





Property Exhibit

All that part of Lot 2, LOGISTICS PARK KANSAS CITY PHASE VI, and all that part of Lot 3, LOGISTICS PARK KANSAS CITY PHASE VI – LOT 3, all in the City of Edgerton, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 2; thence North 87°52'10" East, along the south line of said Lot 2, a distance of 12.60 feet to the Point of Beginning; thence South 42°46'43" West a distance of 26.46 feet to a point on the West line of the East half of the Northwest Quarter of Section 35, Township 14 South, Range 22 East, in said City of Edgerton; thence South 89°03'28" West a distance of 76.72 feet; thence North 54°37'38" West, a distance of 57.83 feet to a point on the South right-of-way line of 185th Street, as it now exists; thence North 88°06'09" East, along said South right-of-way line, a distance of 128.66 feet to a point on the East right-of-way line of Montrose Street as it now exists; thence North 02°07'50" West, along said East right-of-way line, a distance of 133.84 feet; thence South 39°33'34" East a distance of 61.74 feet; thence South 02°35'46" East a distance of 76.72 feet; thence South 42°46'43" West a distance of 36.18 feet to the Point of Beginning. Contains 8,293 square feet or 0.19 acres, more or less.

City Council Action Item

Council Meeting Date: 06-27-19

Department: Administration

Agenda Item: Consider Contract with Strategy New Media for IT Services

Background/Description of Item:

In April of 2019 Staff sent out an RFP for IT services for all City of Edgerton facilities. After the bid process had ended, only one company had submitted a bid: Strategy New Media. The City of Edgerton has been working with Strategy for the last three years and has developed a successful partnership between the City and Strategy. While the City only received one bid, staff is comfortable moving forward with a recommendation to continue using Strategy as the City of Edgerton's IT Consultant.

Tasks that Strategy will be involved in include, but are not limited to:

- Server backup, monitoring, and servicing for all of the City's servers.
- Equipment replacement
- Budgeting for IT needs and services
- Network device monitoring and maintenance
- Remote unlimited helpdesk support
- New staff IT onboarding

Overall, the total cost to the City will decrease by about \$300 each month currently, although any additions to staff or more complicated IT projects may increase this price. The total overall cost is determined per "user", where users are defined broadly by a person who uses at least one city-owned computer and may at some time reach out to Strategy for IT help. As such, City Councilmembers are not considered "users" by the contract, and therefore the City does not pay for them under this contract even though they have official email accounts. The total monthly cost, before separate projects that aren't included in the monthly cost, is \$2,545 per month, or \$30,540 per year. Additional projects that may incur additional expenses to the City would include the onboarding of any new staff, or any kind of wiring or IT setup for a new City facility, such as the Greenspace. The total budgeted amount for IT services for 2019 is \$40,000, so the cost of the contract plus any additional projects is well covered within the current budget.

One significant change that Strategy is recommending as part of this proposal is switching to a different company to provide backup services to the City's servers. This will save Edgerton about \$550 a month by switching away from the current backup provider. The extra cost per

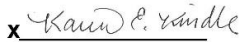
month with the current provider guarantees instant backup services in the event of a catastrophic failure of the City's servers. Switching to this new service only guarantees backup within a 24-hour timeframe. While there is certainly a risk that the City's servers may be down for a few hours at some point, the overall cost savings makes the switch worth it in the eyes of City Staff.

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

Funding Source: General Fund-IT-Professional Services, Water Fund-IT-Professional Services, Sewer Fund-IT-Professional Services

Budget Allocated: \$40,000

Finance Director Approval:

x 
Karen Kindle, Finance Director

<p>Recommendation: Approve Contract with Strategy New Media for IT Services</p>
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Enclosed:

Contract with Strategy New Media

- Scope of Services
- NDA Agreement with Strategy

Prepared by:

Scott Peterson * Assistant City Administrator

GOAL

Our goal is to enable the City of Edgerton to THRIVE.

We will do this by developing tailored, innovative, and creative services to automate and oversee business operations, so the city staff can focus more on what they do best.

One of the resulting services of this goal is our 'Managed Services'. This service is designed to dramatically reduce or eliminate computer problems in your business while maximizing your network's speed, performance, security, and stability, without the expense of a full-time IT staff.

Strategy is committed to help PREVENT computer problems from escalating into unexpected downtime, data loss, interruptions in business and financial loss.

This program is ideal for business owners who:

- Value being proactive.
- Need their computer network, email, database and Internet access up and running 24/7/365 without problems.
- Value the security of their data and want to do everything possible to prevent loss, corruption or theft.
- Want to maximize the speed, availability and performance of their network.

Benefits you can expect:

- Less expensive repairs and recoveries.
- Technology will perform faster, have fewer glitches, and have practically zero downtime.
- The experience of having an in-house IT department – without the costs.
- A reduction in emergency and reactive issues, increasing the overall productivity of end users.

QUESTIONS OR COMMENTS? GET IN TOUCH WITH US TODAY!

BUDGET SUMMARY

ITEM	QTY	AMOUNT
Remote Monitoring & Maintenance Bundle - Workstations Combines preventative maintenance support and professional monitoring to detect failing hardware, security vulnerabilities, system failures, and to ensure the latest security patches stay up to date. Also includes daily backups* of all critical document files with full versioning and no data limits. And finally, includes total desktop security solution including Anti-Virus, Anti- Malware, Hosted Intrusion Protection, and Risk Intelligence to help meet regulatory compliance requirements.	22	\$440.00
Remote Monitoring & Maintenance (RMM) - Servers Combines preventative maintenance support and professional monitoring to detect failing hardware, security vulnerabilities, and system failures to ensure the latest security patches stay up to date.	1	\$125.00
Remote Monitoring & Maintenance (RMM) - Mobile Devices Combines preventative maintenance support and professional monitoring to provide remote assistance and detect system failures.	10	\$50.00
Comprehensive Backup - Servers** Provides a fully customizable solution to backup entire systems or select files and databases, allowing you to meet your exact business needs and regulatory requirements.	1	\$175.00
Comprehensive Backup 500GB Add-on This service provides a fully customizable solution to backup entire systems or select files and database allowing you to meet the exact needs of your business and regulatory requirements.	1	\$75.00
Network Device Monitoring & Maintenance Combines preventative maintenance support and professional monitoring to detect failing hardware and system failures for network devices such as firewalls, switches, printers, WiFi controllers, security camera systems, etc.	7	\$385.00
Unlimited Help Desk - Per User*** Provides unlimited number of support tickets for staff using managed technology.	37	\$1,295.00
Monthly Total		\$2,545.00

*Unlimited Documents *ONLY* backs up the following file types:

- **Documents** – .DOC | .DOCX | .ODT | .PAGES | .RTF | .TXT | .WPD | .WPS
- **Data Files** – .CSV | .PPS | .ODC | .ODF
- **Page Layout Files** – .PDF | .ODG
- **Presentations** – .KEY | .ODP | .PPT | .PPTX
- **Spreadsheets** – .XLP | .ODS | .XLS | .XLSX | .numbers

**Comprehensive Backup includes 100GB for workstations, and 500GB for servers. Additional storage will be quoted if necessary.

*** The scope of work not covered by help desk is defined in Services not Covered.

NOTE: All covered equipment listed in this budget is based on currently known inventory. Any changes in inventory will result in appropriate changes to monthly fees.

QUESTIONS OR COMMENTS? GET IN TOUCH WITH US TODAY!

BILLING

Invoices are due net 15. New projects are billed 35% down along with first month's fees if applicable. Additional invoices will be sent in installments during the life of the project based on work completed. A monthly late charge (the greater of, 1.5% of the overdue amount, or \$15/month) will be assessed on outstanding invoices over 60 days old. Payments can be made online at www.strategynewmedia.com/payments.

TIMELINE

Invoices are due net 15. New projects are billed 35% down along with first month's hosting if applicable. Rush production fees may be applied to any project that requires expedited production and will be noted at the time of the estimate. A minimum fee of \$175 or 50%, whichever is greater, will be applied to such projects. Additional invoices will be sent in equal installments during the life of the project. Hosting or other monthly fees will be charged to a credit card on a monthly recurring basis on the 1st or 15th of each month. A monthly late charge (the greater of 1.5% of the overdue amount or \$15/month) will be assessed on outstanding invoices over 60 days old. Services may be terminated if more than two (2) monthly payments are missed. Payments can be made online at www.strategynewmedia.com/payments.

SERVICE LEVEL AGREEMENT

Strategy's normal business hours of operation are between the hours of 8:00am – 6:00pm, Monday through Friday, excluding public holidays. Network monitoring services will be provided 24/7/365.

Support and Escalation

Strategy will respond to the client's support tickets as detailed below, and with best effort after hours or on holidays. Tickets must be opened by the client's designated I.T. contact person(s), by email to our help desk, or by phone if email is unavailable. Each issue will be assigned a ticket number for tracking. If a non-designated person submits a ticket, the ticket must be approved by the designated person(s).

Escalation process:

Issue	Priority	Response Time (in hours)	Resolution Time (in hours)	Escalation Time (in hours)
Service not available, all systems down (all users and functions unavailable)	1	Within 1 hr	ASAP: Best Effort	2
Significant degradation of service (large number of users or business critical functions affected)	2	Within 2 hrs	ASAP: Best Effort	8
Limited degradation of service (limited number of users or functions affected, business process can continue)	3	Within 8 hrs	ASAP: Best Effort	48
Small service degradation (business process can continue, one user affected)	4	Within 24 hrs	ASAP: Best Effort	96

QUESTIONS OR COMMENTS? GET IN TOUCH WITH US TODAY!

Service outside Business Hours

Requested services performed outside the hours of 8:00am – 6:00pm Monday through Friday excluding public holidays, shall not be subject to the escalation process outlined above. In addition, any work done that is required by the client outside of business hours will be subject to the hourly rates outlined below.

After Hours Category	Regular Hours	After Hours	Holiday Hours
Standard Help Desk	\$90/hr	\$135/hr	\$180/hr
Network Admin/Engineer	\$125/hr	\$187.50/hr	\$250/hr

Monitoring Services

Strategy will provide ongoing monitoring and security services of all critical devices as indicated in Appendix A. Strategy will provide monthly reports as well as document critical alerts, scans and event resolutions to the Client upon their request. Should a problem be discovered during monitoring, Strategy shall make every attempt to rectify the condition in a timely manner.

Minimum Standards Required for Service

For the client's existing environment to qualify for Strategy's managed services, the following requirements must be met:

1. All Servers with Microsoft Windows Operating Systems must be running Windows Server 2008 or later and have all of the Microsoft Service Packs and Critical Updates installed.
2. All desktop PC's and notebooks/laptops/tablets with Microsoft Windows Operating Systems must be running Windows 7 Pro, Apple OS X, or later, and have all of the latest Service Packs and Critical Updates installed.
3. All server and desktop software must be genuine, licensed, and vendor-supported.
4. The environment must have a currently licensed, up-to-date, and vendor-supported server-based antivirus solution protecting all servers, desktops, notebooks/laptops/tablets, and email.
5. The environment must have a currently licensed, vendor-supported server-based backup solution that can be monitored and send notifications on job failures and successes.
6. The environment must have a currently licensed, vendor-supported hardware firewall between the internal network and the internet.
7. All wireless data traffic in the environment must be securely encrypted.

If these requirements are not met, Strategy can bring the environment up to these standards at an additional cost to be estimated based on issues to resolve.

QUESTIONS OR COMMENTS? GET IN TOUCH WITH US TODAY!

Services Not Covered

Service rendered under this agreement does not include:

1. Parts, equipment, or software not covered by vendor/manufacture warranty or support.
2. The cost of any parts, equipment, or shipping charges of any kind.
3. The cost of any software, licensing, software renewal, or upgrade fees of any kind.
4. The cost of any 3rd party vendor, manufacturer support, or incident fees of any kind.
5. The cost to bring the client's environment up to minimum standards required for services.
6. Failure due to acts of God, building modifications, power failures, or other adverse environmental conditions or factors.
7. Service and repair made necessary by alterations or modifications other than those authorized by Strategy, including alterations, software installations, or modifications of equipment made by the client's employees or anyone other than Strategy.
8. Installation or upgrades of application or operating system software packages, whether acquired from Strategy or any other source unless specified in Appendix A.
9. Programming (modification of software code) and program (software) maintenance unless specified in Appendix A.
10. Training services of any kind.
11. Travel expenses of any kind outside a 15-mile radius from Strategy's office located at 16500 Indian Creek PKWY, Olathe, KS 66062

RIGHTS FOR USE FOR SELF PROMOTION

Strategy, LLC reserves the right to use any final product for use in self-promotion unless a non-disclosure agreement is required by the Client and signed by Strategy, LLC before work has begun. Strategy and its agents will not use or disclose the Client's information, except as necessary to or consistent with providing the contracted services, and will protect against unauthorized use.

GOVERNANCE

This agreement shall be governed by the laws of the State of Kansas. It constitutes the entire agreement between the client and Strategy for monitoring/maintenance/service of all equipment listed in "Appendix A." Its terms and conditions shall prevail should there be any variance with the terms and conditions of any order submitted by the client. Strategy is not responsible for failure to render services due to circumstances beyond its control including, but not limited to, acts of God.

QUESTIONS OR COMMENTS? GET IN TOUCH WITH US TODAY!

LIMITATION OF LIABILITY

In no event shall Strategy be held liable for indirect, special, incidental or consequential damages arising out of service provided hereunder, including but not limited to loss of profits or revenue, loss of use of equipment, lost data, costs of substitute equipment, or other costs.

APPENDIX A

Services Offered Under Managed Services Agreement

The following table shows the services included with a Managed Services Agreement for those devices listed in the “budget summary” section.

Description	Frequency	Included
General		
Document Hardware and Software Changes	As performed	Yes
Test Backups with Restore (if current backup system in place)	Monthly	Yes
Custom monthly reports per request	Monthly	Yes
Servers		
Monitor servers	Ongoing	Yes
Check print queues	As needed	Yes
Monitor specific server services per request	Ongoing	Yes
Keep Microsoft Service Packs, patches, and hotfixes current	Monthly	Yes
Check event log of every server and identify any potential issues	As needed	Yes
Monitor Hard Drive free space on servers	Ongoing	Yes
Monitor Active Directory Replication	As needed	Yes
Monitor DNS and WINS Replication	As needed	Yes
Reboot Servers if Needed	As needed	Yes
System tune up schedule	As needed	Yes
Scheduled off-line server maintenance	As needed	Yes
Determine logical directory structure, implement, map, and Detail	As needed	Yes
Check Status of Backups (if current backup system is in place)	Daily	Yes
Alert Client to Dangerous Conditions	As needed	Yes
- Memory running low		
- Hard drive showing signs of failure		
- Hard drive running out of disk space		
- Controllers losing interrupts		
- Network cards report unusual collision activity		
Educate and correct user errors (deleted files, etc.)	As needed	Yes
Clean and prune directory structure, keep efficient and active	As needed	Yes
Disaster Recovery		
Alert Client to Dangerous Conditions	As needed	Yes
Devices		

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Manage Desktops	Ongoing	Yes
Manage Network Printers (if listed in "budget summary")	Ongoing	Yes
Manage Other Network Devices (if listed in "budget summary" Equipment")	Ongoing	Yes
Networks		
Check Router Logs	As needed	Yes
Performance Monitoring	As needed	Yes
Monitor CSU/DSUs, Routers, Switches, Internet Connectivity to ensure that everything is functioning properly (on devices managed by Strategy)	As needed	Yes
Security		
Monitor firewall logs	As needed	Yes
Confirm that Antivirus definition auto updates have occurred	As needed	Yes
Confirm that Anti-Spyware updates have occurred	As needed	Yes
Create new directories, shares and security groups, new accounts, disable/delete old accounts, manage account policies	As needed	Yes
Permissions and File System Management	As needed	Yes
Setup new users, including login restrictions, passwords, etc.	As needed	Yes
Set up and change security for users and applications	As needed	Yes

EXPERTISE / HISTORY

Created in 2011 by founders Jason and Valorie Wilson and Ed and Karmalene Roche, Strategy brings over 100 years of combined IT experience to your organization. Since its inception, Strategy has served over 300 clients ranging from nonprofits to Fortune 500 companies all the way from Hawaii to Dubai; however, our heart is in serving the communities in and around the Kansas City Metro.

We currently serve clients in the following industries:

- Arts, Entertainment, and Recreation
- Construction
- Education
- Health
- Manufacturing / Distribution
- Nonprofit
- Professional Services / Insurance
- Retail / Ecommerce
- Services / B2B and B2C
- Government
- Technology

Two of our premier IT clients are Infiniti of Kansas City and Catholic Charities of NE Kansas. Catholic Charities has 12 offices throughout the Kansas City metro ranging from Emporia to Atchison, and we partner with them to provide managed services, help desk support, and to implement any required IT solutions. We provide the same services to the Infiniti dealership in Kansas City. In addition to these clients, we have extensive experience managing networks for a variety of clients including small business offices, manufacturing plants, medical facilities, nursing homes, government offices, and non-profits.

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TEAM BIOGRAPHIES

Jason Wilson – Solution Architect / Partner. Jason has worked in the technology and marketing industry since 1997. He has extensive experience in crafting and managing large technology and marketing efforts for businesses, nonprofits, and other organizations. Jason functions as the team's solution architect and will provide his years of experience and expertise in consulting for technology, marketing and web projects.

Ed Roche – Strategy Evangelist / Partner

Ed has a degree in Business Administration and Computer Science from MidAmerica Nazarene University and has been serving IT clients since 1980. Along with Jason, Ed will provide consultation and assist in any major installations.

Scott Leverich – Senior Technician / Network Engineer

Scott has over 12 years of IT experience and is Strategy's lead technician. With experience in SonicWALL firewalls and multi-site solutions, he partners with Jason as our network architect. In addition, Scott will provide support on any Tier 2 or above help desk tickets, including VMWare, Windows Server, and Exchange tickets.

Jordan List – Technology Director

Jordan is always striving to inspire greatness and innovation with every encounter. After acquiring an Associates of Computer Science degree and CompTIA A+ Certification he continued to gain more than 15 years of experience in computer support, network administration, business management, account management, sales, and team leadership. He now leads the technology department while also fostering client relationships.

Drew Brooks – Support Technician / Project Manager

Drew has over 20 years of IT experience and specializes in network systems. With a background in networking and a Cisco CCNA certification, Drew provides our First and Second Tier of support and network troubleshooting. Having worked in various capacities in the IT industry, he brings a wide range of knowledge and customer service experience to our team.

Ben Lagle – Support Technician / System Analyst

Ben gets the job done and done with excellence. In addition to his exceptional customer service, he has professional training from Centriq, a Microsoft Technology Associate (MTA) certification, CompTIA A+ certification, and has a constant drive for attaining more knowledge. Ben is currently excelling with Tier 1 and 2 help desk issues while also managing the data integrity of our clients technology systems.

Carrick Wilson – Support Technician

Carrick has been working in technology services for three years. He is experienced in cabling, hardware and software installation, and Tier 1 support tasks.

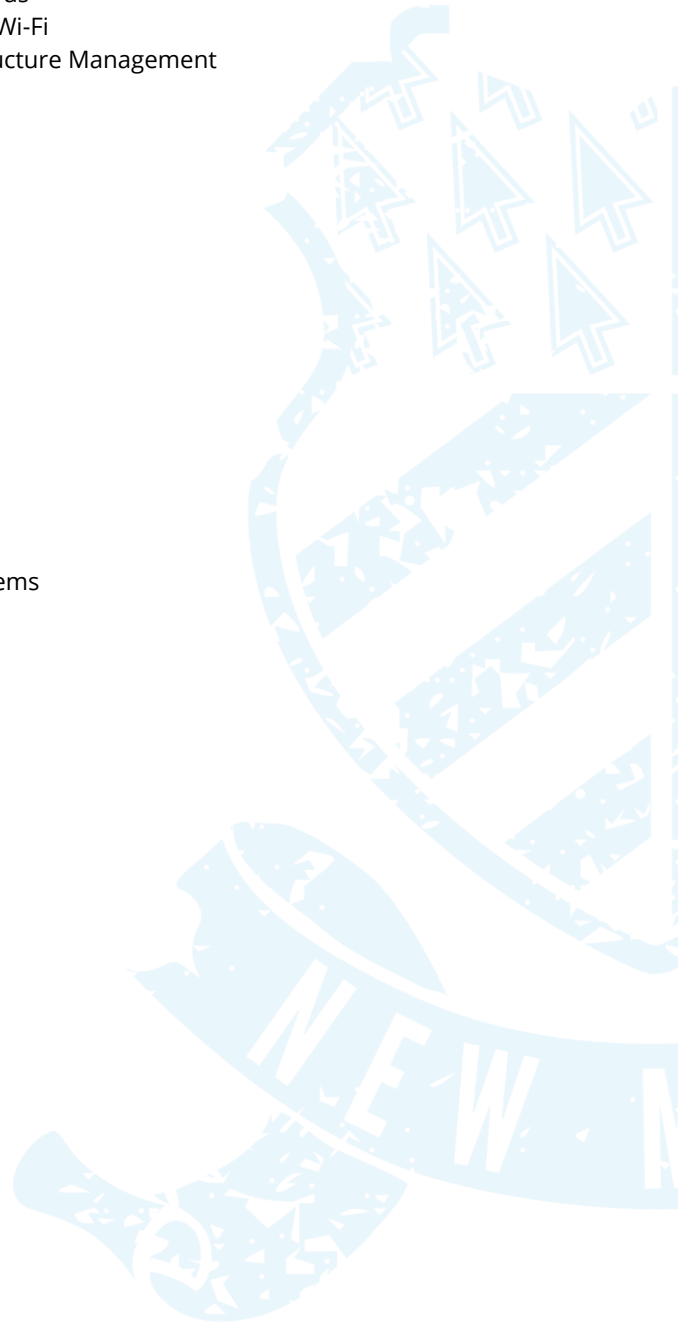
Zach Gillam – Developer / Technology Installer

Zach has 7 years of IT experience and is pursuing a degree in Computer Science. Zach is one of our developers and assists on our cable installs and major hardware deployments as needed.

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SYSTEM EXPERTISE

- Windows Vista, XP, 7, 8, and 10
- Windows Server 2003, 2008, 2012, 2016
- Active Directory
- Group Policy
- Microsoft SQL Server
- MySQL Server
- Office 365
- Microsoft Office Products
- SharePoint (on-prem & hosted)
- Microsoft Dynamics (CRM)
- QuickBooks (on-prem & online)
- IIS Administration
- MS Exchange Server (on-prem & hosted)
- Adobe Creative Cloud
- SonicWALL Firewall & Access Points
- Cisco Firewalls & Access Points
- WatchGuard Firewalls & Access Points
- Ubiquiti Firewalls & Access Points
- Analog and Digital Phone Systems Administration
- On-Prem VoIP System Administration
- Hosted Voice Over IP
- VPN Setup and Management
- Network Engineering and Administration
- Datto Backup and Business Continuity Systems
- Symantec Backup Exec
- Symantec Endpoint Protection
- Synology NAS
- EqualLogic
- Trend Micro Antivirus
- LAN, WAN, WLAN, Wi-Fi
- Cable and Infrastructure Management
- Network Printing
- Citrix GoToAssist
- Managed Services
- Kaseya RMM
- SolarWinds RMM
- C#
- Visual Basic Script
- CSS
- JQUERY
- HTML
- JavaScript
- XML
- PowerShell
- Cellular Boosters
- Security Cameras
- Audio / Visual Systems
- Printers
- Fax Machines
- Scanners / Copiers
- PHP
- Mac OS X
- Android
- SolarWinds RMM
- VMWare
- Hyper-V



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FAMILIARITY

Proximity + familiarity

Strategy has been providing technology solutions for the City of Edgerton since 2011. Located only 17.8 miles away from City Hall in Olathe, KS, Strategy has designed and implemented the entire existing network infrastructure as well as all computers, servers, phones, WiFi, site-to-site VPN tunnels, backup solutions, and a variety of other technology assets.

In addition to the infrastructure, Strategy is intimately familiar with the City's software needs as well. These needs include but are not limited to; CIC, Neptune,

REFERENCES

Gabrielle Havellana

Catholic Charities of NE Kansas
IT Manager
9720 W. 87th Street
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913.433.2003

Richard Webb

Infiniti of Kansas City
Owner
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Merriam, KS 66203
913.712.0429

Tricia Laudick

Keller Williams Realty Diamond Partners, Inc.
IT Manager / Office Administrator
13671 S Mur-Len Rd
Olathe, KS 66062
913.322.5115

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CONTRACT ACCEPTANCE

This project can be accepted via affirmative email response or printed, signed, and delivered to Strategy, LLC.

CLIENT:

Signature: _____ Date: _____

Printed Name: _____ Title: _____

STRATEGY LLC:

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Client agrees that the liability of Strategy, LLC, to the client for acts and omissions, whether willful or negligent on the part of Strategy, LLC, shall be limited to actual and not consequential nor punitive damages and shall not exceed the greater (1) of the fees paid by the client to Strategy, LLC, or (2) the available proceeds of any insurance coverage.

If mailing acceptance, please mail with deposit to:

Strategy, LLC

16500 Indian Creek PKWY
Olathe, KS 66061
Suite 104
Fax: 913.324.5899

If accepting via email (please note: project work will not begin until deposit is received):

sales@strategynewmedia.com

QUESTIONS OR COMMENTS? GET IN TOUCH WITH US TODAY!

CONFIDENTIAL NON-DISCLOSURE AGREEMENT

THIS AGREEMENT dated June 27th, 2019, between the City of Edgerton, Kansas ("EDGERTON") and Strategy, LLC ("STRATEGY").

1. Background. Contemporaneously with the signing of this Agreement, EDGERTON and STRATEGY entered into an agreement for the providing of services by STRATEGY to EDGERTON for the period of July 1, 2019 through December 31, 2020. Given the confidential nature of information regarding the citizens of EDGERTON which may exist in the relationship between the parties, EDGERTON has decided to require this Non-Disclosure Agreement, not only to protect the confidential information of the citizenry of Edgerton in those matters discussed in that provision, but to agree to non-disclosure by STRATEGY of City information in any and all other instances unless it obtains the written approval of EDGERTON.

2. Confidential Information. As used in this Agreement, the term "Confidential Information" shall mean all personal records of said citizens, businesses and any other parties related to the functioning of the City of Edgerton, all information that either has been identified in writing as confidential or is of such a nature, or has been disclosed in such a way that it is obvious to STRATEGY, or a reasonable person, that it is claimed as confidential by EDGERTON.

3. Disclosure of Confidential Information. STRATEGY shall hold in confidence, and shall not disclose (or permit or suffer its personnel to disclose) to any person outside its organization, any Confidential Information of EDGERTON. STRATEGY and its personnel shall use such Confidential Information only for the purpose for which it was disclosed and shall not use or exploit such Confidential Information for its own benefit or the benefit of another without the prior written consent of EDGERTON. Without limitation of the foregoing, STRATEGY shall not use any of its final product involving EDGERTON for use in any self-promotion, nor shall STRATEGY remove, overprint or deface any notice of copyright, trademark, logo, legend, or other notices of ownership from any original information or copies of Confidential Information obtained from EDGERTON. STRATEGY shall disclose Confidential Information received by it under the agreement between the parties only to persons within its organization who have a need to know such Confidential Information in the course of the performance of their duties and who are bound by a written agreement to protect the confidentiality of such Confidential Information.

4. Limitation on Confidential Information. Confidential Information shall not include any information which:

- (a) is generally known to the public at the time of disclosure or becomes generally known through no act on the part of STRATEGY;
- (b) is already in STRATEGY's possession at the time of disclosure by EDGERTON;
- (c) becomes known to STRATEGY through disclosure by sources other than EDGERTON having the legal right to disclose such Confidential Information;
- (d) is required to be disclosed by STRATEGY to comply with applicable laws or governmental regulations, provided that STRATEGY provides prior written notice of

such disclosure to EDGERTON so that EDGERTON may take reasonable and lawful actions to avoid and/or minimize the extent of such disclosure.

(e) is independently developed by STRATEGY without any use of Confidential Information.

5. Ownership of Confidential Information. STRATEGY agrees that EDGERTON is and shall remain the exclusive owner of its Confidential Information and all patent, copyright, trade secret, trademark and other intellectual property rights therein. No license or conveyance of any such rights to STRATEGY is granted or implied under this Agreement.

6. Return of Documents. STRATEGY shall, at the request of EDGERTON, return to EDGERTON all documents, drawings and other tangible manifestations of Confidential Information received by STRATEGY pursuant to this Agreement (and all copies and reproductions thereof).

7. Miscellaneous.

(a) This Agreement supersedes all prior agreements, written or oral, between EDGERTON and STRATEGY relating to the subject matter of this Agreement.

(b) This Agreement shall be construed and interpreted in accordance with the laws of the State of Kansas.

(c) This Agreement shall be effective during the term of the Master Agreement between the parties, and STRATEGY additionally agrees not to disclose any information received from EDGERTON during that period of time, or any future contract extensions or renewals, to any party outside of STRATEGY's organization at any time during or thereafter.

(d) This Agreement may only be modified in a writing signed by both parties.

EXECUTED as a sealed instrument as of the day and year first set forth above.

CITY OF EDGERTON, KANSAS

BY: _____
DONALD ROBERTS, Mayor

ATTEST:

RACHEL A. JAMES, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

STRATEGY, LLC.

BY: _____

Printed Name: _____

Title: _____

STATE OF KANSAS)
) SS
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this _____ day of _____, 2017, before me, the undersigned Notary Public in and for the County and State aforesaid, appeared _____ of Strategy, LLC, to me personally known, who being duly sworn did state that he/she has the authority to execute the foregoing document and that he/she acknowledged he/she fully understands the content and meaning of the within instrument and acknowledged that said instrument is his/her free act and deed.

N WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

NOTARY PUBLIC

My Appointment Expires:

City Council Action Item

Council Meeting Date: June 27, 2019

Department: Community Development

Agenda Item: Approval of Ordinance 2014 adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include Updated Versions of Article 4 - Sections 4.1, 4.2, 4.3, 4.4, 4.6 and 4.7, Article 10 and Article 16.

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 five times. The most recent revisions occurred in 2018 with the change in size of the Planning Commission. There has not been significant change made to the UDC in quite some time, including development design standards in many of the zoning districts. However, it is important for the UDC to remain relevant as it relates to growth and development within the boundaries of the City of Edgerton. In keeping in line with that, the City of Edgerton staff has been working to update the UDC in a manner that compliments Edgerton's Comprehensive Plan, other planning documents and the Governing Body's vision for the growth of Edgerton.

This was a multi-step process which was undertaken with the input, direction, guidance and oversight of the Planning Commission. Discussions were held during several Planning Commission public hearings and work sessions.

Staff began the process with a review of *Article 10 – Site Plans and Design Standards*. Staff focused the revisions towards content that should be required from the applicant to produce a quality, reviewable Site Plan. Staff's goal was to create a chapter in Edgerton's UDC that would cover all the requirements of a Site Plan, and then direct applicants to the individual zoning regulations for specifics related to that particular type of development. During the revision process it was decided that in order for *Article 10* to be fully focused on Site Plan requirements, parking specifications and requirements should be moved to their own article and include additional clarification and content. This resulted in the creation of *Article 16 - Parking and Loading Regulations*. The City Engineer's input was obtained related to both parking regulations and stormwater requirements.

Article 4 – Commercial Zoning Districts was also reviewed. With the addition of new commercial development of Edgerton, staff recommended updating the content of this chapter as it relates to the Downtown Commercial, General Commercial, Heavy Service Commercial, and Highway Service Commercial zoning districts. Staff and the Planning Commission specifically focused on design standards including building materials, articulation, and landscaping. These were all areas where the Edgerton UDC needed additional content which would provide guidelines for developers interested in building in the Edgerton community. Staff researched the development code of several other cities and provided the Planning Commission with photos of different design standards. Revisions to this article include updated content which reflects input and guidance received.

At the December 11, 2018 Planning Commission Meeting, a public hearing was opened for Application UDCA2018-01 regarding revisions to *Article 4 – Commercial Zoning Districts* and *Article 10 – Site Plans and Design Standards* of the City of Edgerton's Uniform Development Code (UDC). The public hearing was continued during the January 8, 2019 Planning Commission Meeting and was closed during the February 12, 2019 Planning Commission meeting. During each continuance of the public hearing, an opportunity for the public to provide input was given. No public comments were provided.

At the June 11, 2019 Planning Commission Meeting, the Commissioners voted in favor of recommending adoption of the revisions made to *Article 4 – Commercial Zoning Districts*, specifically (Section 4.1 *C-D Downtown Commercial District*, Section 4.2 *C-1 General Commercial District*, Section 4.3 *C-2 Heavy Service Commercial District*, and Section 4.4 *C-3 Highway Service Commercial*), *Article 10 – Site Plans and Design Standards*, and *Article 16 – Parking and Loading Regulations*. The City Attorney has reviewed the entire content of the revisions to these articles, and determined that no content is in conflict with Kansas State Statute.

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 2014 adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include Updated Versions of Article 4 - Sections 4.1, 4.2, 4.3, 4.4, 4.6 and 4.7, Article 10 and Article 16.

Enclosed: Revised *Article 4 - Commercial Districts - Sections 4.1, 4.2, 4.3, 4.4, 4.6 and 4.7*
Revised *Article 10 - Site Plans and Design Standards*
Revised *Article 16 - Parking and Loading Regulations*
Planning Commission Staff Report – June 9, 2019 Meeting
Draft Minutes of June 9, 2019 Planning Commission Meeting
Ordinance 758 (original adoption of Unified Development Code)
Ordinance 2014

Prepared by: Katy Crow, Development Services Director

Article 4

Commercial Zoning Districts

- Section 4.0 Reserved for Future Use
- Section 4.1 C-D Downtown Commercial District
- Section 4.2 C-1 General Commercial District
- Section 4.3 C-2 Heavy Service Commercial District
- Section 4.4 C-3 Highway Service Commercial District
- Section 4.5 Reserved for Future Use
- Section 4.6 Awnings and Fencing
- Section 4.7 Fuel Stations, Convenience Stores and/or Drive-Throughs

4.1 C-D, Downtown Commercial District

- A. Purpose.** This district is intended to accommodate civic, limited commercial services, housing, and offices in Downtown. Uses are restricted to civic, housing, light retail, offices, personal services, and public services to serve the needs of Edgerton residents. The intent is to allow creative reuse and rehabilitation of existing buildings.
- B. Use Restrictions.** In District C-D, 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 as follows in sections C and D below.
- C. Permitted Uses.**
1. Uses listed in C-1, General Commercial District, except for the following:
 - i. Convenience stores, with or without gasoline sales.
 - ii. Drive through food service.
 - iii. Restaurants and other eating establishments, can include drive through facilities.
 2. Farmers Markets
 3. Restaurants without drive-through facilities.
 4. Bed and breakfast.
- 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. Parking lots detached from the principal use.

E. Setback, Yard and Area Regulations.

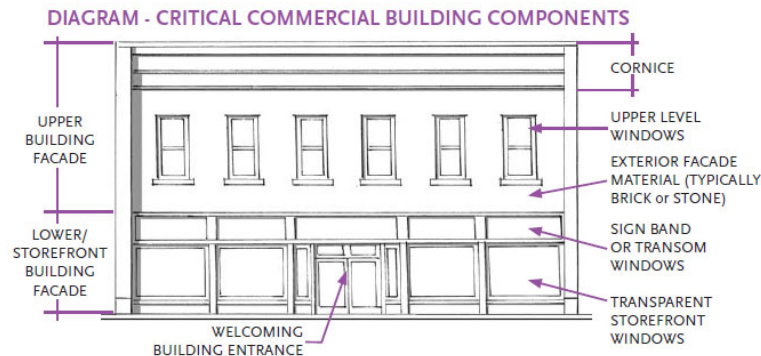
Table 4-4 - Setbacks, Yards, and Area for C-D Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
No front yard setback is required. If a setback is desired, maximum allowed distance is five (5) feet.	Required side yard setback is ten (10) feet, with the following exceptions: <ul style="list-style-type: none"> - No side yard is required when adjacent buildings share a common wall. - When a side lot line abuts a residential property, a fifteen (15) foot side yard setback is required. 	Required rear yard setback is twenty (20) feet from the building wall and/or mechanical equipment used to service the premises when the lot abuts a residential property. When adjacent to other commercial, the rear setback shall be 10 (ten) feet).	No building in the C-D district shall be constructed to a height greater than 2 stories.

F. District Regulations. No merchandise or equipment shall be stored or displayed outside a building. However, the Zoning Administrator may issue a Temporary Sales Permit for outdoor displays and sales of merchandise up to four times a year with a limit of seven days per each sales permit issuance. Permit periods may run in succession. Uses which would detract from the desired functionality and character of Downtown are not allowed.

G. Design Guidelines. The Downtown Commercial District in Edgerton provides for a unique opportunity to embrace the past while bridging the future. The design of proposed buildings in the Downtown Commercial District should be inspired by the characteristics of existing traditional buildings but should not try to recreate traditional building style with new construction. Infill buildings should ensure that setbacks, building heights and land coverage are sensitive to the surrounding spatial context. Development within the Downtown Commercial District should incorporate the following items in implementing development design:

1. Commercial buildings should continue traditional building elements displayed in traditional buildings such as storefront display and transom windows, sign boards, upper level windows, and cornices.
2. Street level transparency should be maintained through building design. Blocking storefront windows with opaque materials is not allowed.
3. Infill buildings located in the Downtown Commercial District should be designed and constructed in a manner which complements existing traditional architecture using context sensitive materials and architectural elements.
4. Infill buildings should front the sidewalk zone in line with adjacent buildings.
5. Proposed buildings with non-traditional architectural styles should visually complement the character of existing traditional buildings.
6. Multiple architectural styles should not be mixed within the façade of a single building or continuous storefront.
7. Buildings should be massed at limited heights to prevent overwhelming adjacent existing buildings. Building heights should vary to create an attractive rhythm for the building blocks as a whole.
8. Entrance doors are encouraged to be recessed to emphasize entry and reduce potential pedestrian conflicts.
9. All areas used for refuse collection shall be screened from view.

10. Primary entrances to buildings at ground level shall face street rights-of-way rather than parking lots.



Building Materials - Façade materials for proposed buildings should be predominantly composed of materials which complement traditional buildings. Building materials should be high quality, timeless and well maintained. Building colors should be non-intrusive and compliment other colors present in the surrounding context and adjacent properties. The following are recommended building materials for the Downtown Commercial District:

- Brick with an appropriate range of colors
- Stone veneer, cast stone, or architectural concrete
- High quality and appropriately sized wood or fiber cement siding
- Wood, composite wood, vinyl, stone or fiber cement trim and accent materials
- Cast or wrought iron accent materials
- Sheet metal coping
- Clear glass windows
- Textured, beveled, stained, faceted or glass block windows should only be used as accents or for portions of windows.

Vertical or panel siding, imitation building materials, sheet metal, mirrored or opaque glazing and plastic materials are not allowed.

Roofing - Roofing materials in the Downtown Commercial District are limited to asphalt shingles, standing-seam metal, membrane or slate roofing materials. Sheet metal coping should be used at roof edges. Wood shakes and/or clay tile roofing are not allowed.

Awnings - If awnings are to be used as a design element, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to awning design guidelines.

Fencing – If fencing is used, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to fencing design guidelines.

Architectural Design Standards - Design Guidelines: The majority of the building(s) of a development shall possess an architectural character that respects traditional design principles, such as:

1. Variation in the building form such as recessed or projecting bays;
2. Expression of architectural or structural modules and detail;
3. Diversity of window size, shape or patterns that relate to interior functions;
4. Emphasis of building entries through projecting or recessed forms, detail, color or materials;

5. Variations of material, material modules, expressed joints and details, surface relief, color, and texture to scale;
6. Tight, frequent rhythm of column/bay spacing, subdividing the building façade into small, human scaled elements.
7. Building walls facing a street, pedestrian walkway, or adjacent residential development shall incorporate architectural features such as columns, ribs, pilaster or piers, changes in plane, changes in texture or masonry pattern, or an equivalent element that subdivides the wall into human scale proportions.

Service Areas – Service areas in the Commercial Downtown District shall utilize the following guidelines related to service areas:

1. Service areas and refuse storage areas shall not front onto streets and public open spaces.
2. Service areas shall be located to the rear or side of buildings and screened from view from the street and/or public open space.
3. Ground-based mechanical equipment shall be located away from property lines adjacent to public streets and screened from view at the street.
4. Refuse storage and pick-up areas shall be combined with other service and loading areas.
5. Developments shall provide access for service vehicles via alleys or parking lots.

H. Site Plan Approval.

1. All development proposals in the C-D District shall be subject to approval of a site plan in accordance with Article 10.
2. If application is made for a building permit for a building or structure, that does not require site plan approval and whose architectural style or exterior materials in the opinion of the Zoning Administrator varies substantially from such style and materials which have been used previously on said building or is not of the quality acceptable to the Zoning Administrator, the plans for said building or structure shall be submitted to the Planning Commission for site plan approval in accordance with Article 10.

I. Parking and Loading. Uses in the C-D District are exempt from Article 16, Section 16.3 *Required Spaces* and Section 16.4 *Off-Street Loading and Unloading*. The following parking stipulations are required in the C-D District:

1. Off-street parking is not required in the C-D District.
2. Off-street parking shall be located behind or to the side of buildings.
3. Surface parking areas must be screened from the street by low hedges or walls at least three (3) feet and up to four (4) feet in height.
4. Parking structures with exposed street frontage shall not be oriented toward residential uses.

J. Signs. See Article 12 for *Sign Regulations*.

K. Landscaping. Landscaping is important to the Downtown Commercial District in that it softens the hardness of the roadway and sidewalk paving materials, improves the visual appearance, and contributes to a sense of place. Street tree canopy provides shade during hot summer months, reduces heat island effect, and helps with traffic calming efforts. Below are the recommended guidelines to follow when implementing landscaping and street trees in the Downtown Commercial District:

1. Landscape plans should be designed to require minimal maintenance.
2. Native plantings should be considered for use where possible since these are most adapted to the local conditions and will generally require the least amount of maintenance.
3. It is recommended that an automatic irrigation system be used for landscaping and street trees located with Commercial Downtown District, as part of streetscape improvement project. Water-efficient irrigation components such as drip irrigation should be used.
4. Landscape beds and street tree planting areas should ensure that adequate volumes of high-quality planting soil is provided to allow for optimum plant growth.
5. Landscape beds should consist of large masses of durable low maintenance, preferably native plantings. It is recommended to limit the number of plant species in landscape beds to two or three species to help reduce maintenance needs.
6. Trees and shrubs that produce profuse amounts of fruit are not allowed.
7. Tree species with invasive roots systems are not allowed adjacent to pavements and building foundations.
8. Street trees and landscaping must be located and pruned appropriately to prevent screening of and encroachment on adjacent properties.
9. Tree canopies must be pruned to maintain a minimum 7 (seven) foot clearance from ground level as the tree matures in size. Newly planted trees in a streetscape setting should be selected to ensure this clearance requirement can be achieved as quickly as possible.
10. Landscaping adjacent to businesses, intersections, cross streets, and business entries should not be taller than 3 (three) feet.
11. Clump form trees and evergreen plantings should be avoided. Exception may be made in areas where visibility of adjacent property is undesirable (i.e. screening of utility sub stations, dumpster enclosures).
12. Larger shrubs (greater than 3 (three) feet) should be used sparingly to prevent sight conflicts at intersections and blocking of businesses. Larger shrubs may be used to screen utilities or other areas where sight conflicts are not an issue.
13. Landscaping materials, open space buffering, and/or screening materials are required for all buildings that abut a residential property.

Recommended Planting Palette - Deciduous plants should be mixed with evergreen plants, and spring with fall blooming plants to help create year-round interest. The following is a recommended planting palette for consideration when creating a landscape plan for areas containing Downtown Commercial District zoning designation.

1. Appropriate mature size and growth habit (Low profile desired)
2. Ornamental characteristics (Flowering, Fall Color, Etc.)
3. Hardiness and resistance to disease/pests
4. Adaptability to different soil types
5. Tolerant of urban conditions (Air pollution, salt tolerance, tolerant of poor soil)
6. Drought tolerance
7. Species which provide options for various environmental conditions (wet, dry, sun , shade, etc.)
8. Low maintenance
9. Non-invasive

4.2 C-1, General Commercial District

A. Purpose. This district is intended to provide limited commercial services and offices to the community or residential neighborhoods. Uses are restricted to light retail, offices, personal services, and public services to serve the daily needs of residents. The intent is to encourage harmonious integration of retail centers at a neighborhood scale or accommodate limited commercial services and sale of goods situated along thoroughfares in the City. Operations and all equipment must be wholly contained within the building and the conduction of operations outside is strictly prohibited.

B. Use Restrictions. In District C-1, 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. Alterations and tailoring.
2. Ambulance service.
3. Amusement and video arcades.
4. Antiques.
5. Apartments located above the first floor of a business.
6. Apparel.
7. Appliance and electronics repair.
8. Art galleries and studios.
9. Automated teller machine.
10. Automotive parts, retail only.
11. Bakeries and confectionery establishments.
12. Barbers, hair styling and similar personal services.
13. Books and periodicals sales.
14. Bus passenger station.
15. Café.
16. Cameras and photo equipment.
17. Carpeting and floor covering.
18. Caterer.
19. Church or place of worship.
20. Clubs or cultural group.
21. Convenience stores, with or without gasoline sales.
22. Computer sales and service.
23. Crafts.
24. Discount stores.
25. Drive through food service.
26. Drugs and cosmetics.
27. Dry cleaners.
28. Exterminator, pest.
29. Financial institutions, including drive-through banks.
30. Florist and gift shops.
31. Food store.
32. Fuel stations, no car wash.
33. Funeral home, mortuary.
34. Furniture store.
35. Greeting cards and stationery stores.

36. Hardware stores.
37. Health or fitness clubs.
38. Health related sales and services.
39. Home lighting and fixtures stores.
40. Housewares and kitchenware stores.
41. Interior decorating studios.
42. Internet providers - customer service operations.
43. Jewelry stores.
44. Laundry, self-serve or drop off.
45. Locksmiths.
46. Medical services and offices.
47. Microbrewery.
48. Music and musical instruments – lessons, service, sales.
49. Neighborhood market.
50. Office, general.
51. Office supplies.
52. Optical shops.
53. Package sales of alcoholic liquor or cereal malt beverages.
54. Paint and wallpaper.
55. Pet stores.
56. Photocopying and retail printing.
57. Picture framing.
58. Postal and mailing services.
59. Publicly owned and operated offices, community buildings, public museums, public libraries, or meeting facilities.
60. Restaurants and other eating establishments, can include drive through facilities.
61. Shoe repair.
62. Sporting goods and bicycles.
63. Taverns and bars.
64. Taxidermist.
65. Theaters, indoor.
66. Toys and hobby supply stores.
67. Public utilities, offices only.
68. U.S. Post offices.
69. Veterinarian (domesticated pets only).
70. Video rentals, except adult videos.
71. Accessory uses related to the permitted uses listed.
72. Any commercial or office use that meets the intent and purpose of this section and is keeping with the general character of the district. (Ord. 843; 2008)

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. Parking lots detached from the principal uses

E. Setback, Yard and Area Regulations.

Table 4-5 - Setbacks, Yards, and Area for C-1 Zoning District				
Minimum Open Space	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
20 percent of net site area.	Twenty-five (25) feet	No side yard is required, except: - When a side lot line abuts residential property, a twenty (20) foot side yard setback is required. - On a corner lot, a side yard setback of fifteen (15) feet is required adjacent to the side street.	All buildings in the C-1 District shall maintain a twenty-five (25) foot rear yard setback from the building wall and/or equipment used to service the premises.	Thirty-five (35) feet

F. District Regulations.

1. No merchandise or equipment shall be stored or displayed outside a building. However, the Zoning Administrator may issue a *Temporary Sales Permit* for outdoor displays and sales of merchandise up to four times a year with a limit of seven days per each sales permit issuance. Permit periods may run in succession.
2. Building tones and color shall be in keeping with the general appearance of the adjacent properties.

- G. Design Guidelines.** Design standards provided are the minimum requirements. Applicants are encouraged to use higher quality materials, more frequent building articulation, higher connectivity, a greater amount of open or civic spaces, or a greater percentage of sustainable or green building design or materials. Building tones and scale shall be in keeping with the general appearance of neighboring properties.

Building Materials Building material standards are required to ensure appropriate quality and visually appealing building design. Permitted high quality building materials for the primary (front) and secondary (sides and rear) building façades shall be selected from **Table 4-6** below according to the percentage specified for each façade and material type. Applicant must provide percentage calculations for each material type. Fuel Stations, Convenience Stores and/or Drive-Throughs have additional Design Guidelines. See section 4.7 “*Fuel Stations, Convenience Stores and/or Drive-Throughs (Permitted Use in Districts Zoned C1, C2, and C3 only)*” for additional requirements.

Table 4-6 – C-1 District Permitted Building Materials by Materials Category

	Materials Category 1 Primary - 80% (must include 30% transparent glass) Secondary - 60%	Materials Category 2 Primary - 20% Secondary - 40%
Masonry		
Brick, solid	✓	✓
Brick, modular	✓	✓
Brick, panel/veneer		✓
Stone, modular	✓	✓
Stone, veneer	✓	✓
Stone, synthetic	✓	✓
Stucco, genuine, detailed	✓	✓
Stucco, synthetic/panels		✓
Concrete, plain finish		✓
Concrete, detailed	✓	✓
Concrete Masonry Unit, split faced		✓
Concrete Masonry Unit, burnished	✓	✓
Cement fiber board		✓
Glass & Tile		
Clear Glass	✓	✓
Architectural panels	✓	✓
Architectural block		✓
Mirror glass	✓	✓
Opaque glass	✓	✓
Tile	✓	✓
Wood		

	Materials Category 1 Primary - 80% (must include 30% transparent glass) Secondary - 60%	Materials Category 2 Primary - 20% Secondary - 40%
Other Synthetics		
Synthetic stucco EIFS (detail only)		✓

Awnings - If awnings are used as a design element, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to awning design guidelines.

Fencing – If fencing is used, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to fencing design guidelines.

Roofing - Mansard and other visibly sloped roofs for commercial or mixed uses shall consist of tile, slate, standing seam metal, or textured metal that resembles asphalt or tile. Metal, asphalt or composition shingle, or other materials with a synthetic or plastic appearance are not allowed.

Gutters and Downspouts

1. The location and design of exposed gutters and downspouts shall be identified on building elevations submitted for approval.
2. Exposed gutters and downspouts that are located on the primary façades of nonresidential structures shall meet the following criteria:
 - a. Downspouts are to be incorporated as part of a column, an architectural design element or encased within a column.
 - b. Exposed downspouts must be designed by the architect as decorative architectural elements that are an integral component of the building design and coordinated with vertical elements such as towers, columns, or pilasters; or located only at interior corners of the building and painted to match or coordinate with the façade in order to minimize their appearance.
 - c. Exposed gutters and downspouts shall be constructed of high-quality, commercial-grade metal.
 - d. Exposed gutters are prohibited for use with flat roofs.



Rooftop Screening - All applications for preliminary or final development plan approval shall include information regarding anticipated rooftop equipment, including mechanical units, vents, pipes, and other appurtenances. Such equipment shall be indicated on building elevations where the size and location of such equipment is known, and any anticipated equipment or equipment locations not yet determined shall be described in the notes on the building elevations along with the estimated maximum dimensions of such equipment and the intended methods of screening.

1. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture and integral to the overall appearance of the building. An example includes a parapet wall that includes the same building materials as the lower levels of the building façade.
2. For purposes of this Article, the phrase “architectural treatment compatible with the building architecture” does not include painted or prefinished rooftop equipment.
3. For rooftop equipment not adequately screened by the parapet, a supplementary screen shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls, or similar building materials.
4. The height of the screen shall be no lower than the height of the equipment.
5. Screening shall not interfere with Fire Department access to the roof.
6. In the event that any rooftop equipment has not yet been determined at the time of final development plan approval, or changes are made to rooftop equipment after the final development plan is approved, the applicant must provide suitable screening to meet the above criteria, subject to review and approval by the Zoning Administrator.

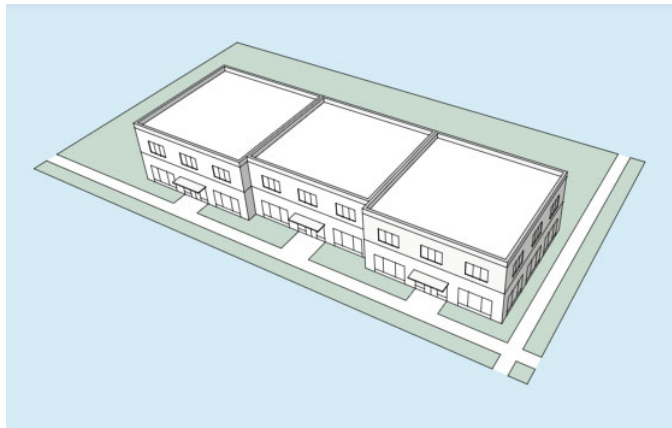
Ground or Building Mounted Equipment - Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities’ meter banks and coolers shall be screened from public view with three (3) sided landscaping or with an architectural treatment compatible with the building architecture. Utility structures shall be located on the interior façade of the building, away from arterial or collector streets, and when possible, recessed into the wall of the structure. Utility structures shall not be placed along collector or arterial streets except when approved by the City. Utility structures shall be located behind the sidewalk and are subject to approval by the City Engineer. When requested within

public right-of-way a landscaping plan shall be required with the right-of-way permit. Landscaping selected for screening shall be provided for on three (3) sides of the structure and shield the structure from public view.

Horizontal and Vertical Articulation - All buildings must incorporate horizontal and vertical primary façade articulation to divide building mass into human scale modules.

1. **Horizontal Articulation:** One or more of the following horizontal articulation tools must be used a minimum of every 50 feet of linear façade width:

- a. *Wall offset* – a horizontal wall plane offset of at least 4 feet extending for the full height of the façade;

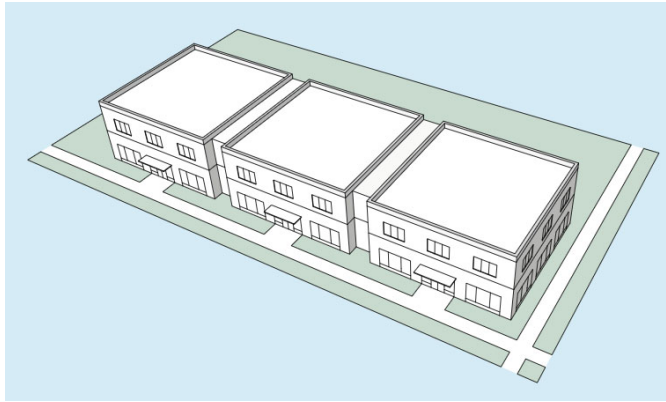


- b. *Wall notch* – a setback or notch in the wall plane at least 4 feet deep and 8 feet wide for the full height of the façade

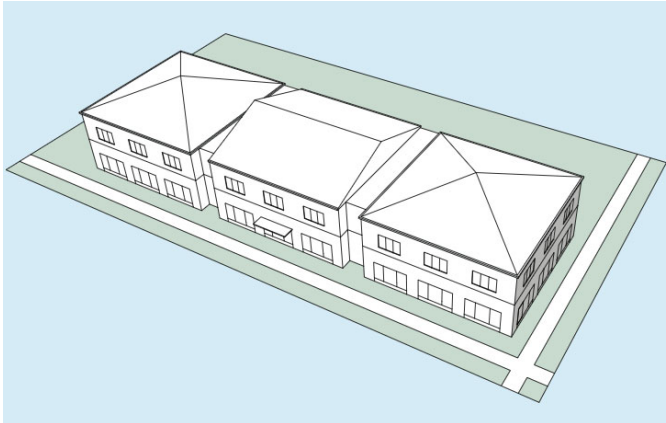


2. **Vertical Articulation.** One or more of the following vertical articulation tools must be used a minimum of every 50 feet of linear façade width:

- a. *Variation in Height as viewed from the street* – A variation in building or parapet height of at least 2 feet (or 4 feet for buildings greater than two stories in height).



- b. *Variations in Roof Form* - Use of more than one roof form to express different building modules



Focal Point Elements - All buildings must incorporate focal point design elements to help define the character of the structure. Select one or more of the following focal point design elements:

1. *Tower or Raised Parapet Element* - Towers or raised roof parapets that produce variations in building height of at least 4 feet and project at least 1 foot from the front and rear of the primary façade plane.



2. **Cap Element** - A design element projecting above the roofline and incorporating clerestory windows or other transparent areas.



3. **Pitched Roof Elements** - A design element incorporating a pitched roof or gable roof end.



H. Site Plan Approval.

1. All development proposals in the C-1 General Commercial District shall be subject to approval of a site plan in accordance with Article 10.
2. If application is made for a building permit for a building or structure that does not require site plan approval and whose architectural style or exterior materials in the opinion of the Zoning Administrator varies substantially from such style and materials that have been used previously on said building or is not of the quality acceptable to the Zoning Administrator, the plans for said building or structure shall be submitted to the Planning Commission for site plan approval in accordance with Article 10.

I. Parking and Loading. See Article 16 for *Parking and Loading Regulations*.

J. Signs. See Article 12 for *Sign Regulations*.

K. Landscaping. All land area subject to a Final Site Plan and issued a building permit, which is not paved or covered by buildings, shall be brought to finished grade and planted with turf, native grasses, or other appropriate ground covers. Trees, shrubs and other landscaping materials depicted on the approved Final Site Plan are considered site improvements in the same manner as parking, building materials and other details. If landscaping is not installed, maintained and replaced as needed to

comply with the approved plan and/or building permit plans, the owner and its agent or agents are considered in violation of the terms of the certificate of occupancy and in violation of the Unified Development Code.

The following conditions apply to all landscaping within the C-1 General Commercial District:

1. Landscape design and species shall be used to create visual continuity throughout the development with landscape coordination occurring among all phases of the development area.
2. A variety of different species (including both deciduous and evergreen species) shall be incorporated into the site design to provide visual interest, as well as disease and pest resistance. At least one-third ($\frac{1}{3}$) of the plantings shall be evergreen species.
3. Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.
4. Earthen berms and existing topography shall, whenever practical, be incorporated into the landscape treatment of a site.
5. Required landscape plantings shall be coordinated with the location of utilities, driveways and traffic sight distance triangle areas.
6. Trees shall not be placed within public utility easements, but within adjacent areas that do not conflict with such public easements and meet site landscaping requirements.
7. Planting design shall coordinate the locations of trees to allow access to utilities with minimal disruption to the trees and their supporting root systems, while avoiding increased service costs to the utilities.
8. The Zoning Administrator may approve exceptions to the location and spacing of trees to accommodate the location of public utilities.
9. Any area of a site not intended for a specific use, including a commercial pad site intended for future development, shall be seeded unless retained in its natural state. In all cases the site shall be maintained.
10. Vegetative stabilization and management techniques shall be used at a site after construction is completed. The applicant shall protect disturbed areas from any unnecessary run-on of stormwater from adjacent sites.
11. Selected species should be adaptable to the climate and growing conditions of northeastern Kansas and not an invasive species.
12. Landscaping materials, open space buffering, and/or screening materials are required for all buildings that abut a residential property.
13. Prohibited plants include those that are invasive or potentially damaging to streets, sidewalks, utilities, drainage improvements, and foundations.
14. All buildings or additions shall provide a solid screen fence or wall at least six (6) feet in height adjacent to all rear yards abutting property zoned for residential purposes. The screening shall be placed so the required perimeter landscape area is located between the fence/wall and the development. The screening shall not be placed on property lines and shall not extend in front of the building line of adjacent dwellings. The screening is not required where similar screening exists on the abutting residential property or where a screened storage lot is provided.
15. All buildings or additions shall provide landscape screening and/or berming adjacent to all side yards abutting property zoned for residential purposes. The landscaping shall be placed so that it is located between the property line and any parking or pavement areas. The screening shall not be placed on property

lines and shall not extend in front of the building line of adjacent dwellings. The screening is not required where similar screening exists on the abutting residential property or where a screened storage lot is provided.

16. Landscaping utilized as screening around ground or building mounted equipment are subject to planting specifications and maintenance requirements outlined in this section.

Minimum Plant Specifications - Required landscaping as outlined in this Article shall be installed at the minimum planting specifications listed as follows:

Category	Specifications
Deciduous shade trees	2½- to 3-inch caliper measured 6 inches above ground (the minimum size of newly installed street trees may be reduced to two (2) inch caliper)
Evergreen trees	6 to 8 feet in height
Small deciduous or ornamental trees	1- to 1½-inch caliper measured 6 inches above ground. For multi-trunk clusters (3 or more trunks) the smallest trunk shall be ¾ inch.
Deciduous and Evergreen Shrubs	24-inch-high plant size. Spacing from 3 to 5 feet apart depending upon species. Native plants should use the largest size available in the area. The seed stock for native plants shall be grown within a 200-mile radius of the job site.
Ground cover plants	Ground cover shall be planted in a number as appropriate by species to provide 50 percent surface coverage.

Landscape Buffers. Landscape buffering is required along all lot lines of abutting uses and varies depending upon adjacent zoning district. In addition to the below criteria, see table 4-7 Landscape Buffer Requirements in the C-1 – General Commercial District for minimum landscape buffer requirements.

1. The required perimeter landscape area shall be located outside of any required fenced area of the development between the fence and the street.
2. The buffer may be included in the required yard or building setback.
3. Parking is permitted within the building setback but not within the minimum width of the buffer.
4. The buffer requirements may be reduced where a buffer exists on an abutting property, and the net buffer satisfies the minimum buffer requirements of this section.
5. The applicant may either plant new trees or plants, or preserve existing trees or plants, within the required buffer which meet the requirements of this subsection.
6. A double row of evergreen trees may be substituted for a screening wall but may not be counted toward minimum requirements for trees, shrubs, and ornamental grasses.

Table 4-7 Landscape Buffer Requirements in the C-1 – General Commercial District

Adjacent Zoning or Land Use	Minimum Buffer Width	Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet	Shrubs and Ornamental Grasses per 100 Linear Feet	Additional Features
Adjacent to Public Right of Way <u>or</u> Private Street	2 lane/4 lane Undivided – 10' 4 Lane Divided – 15' 6 Lane Divided – 20'	1	1	1	15	Clustering of trees shall be allowed & encouraged to create a more natural appearing environment.
A-G	10'	1	1	1	20	None
R-1, R-2, R-3, MHP	Front – 10' Side – 10' Rear – 10'	2	1	2	35	6' Berm
C-D	N/A	N/A	N/A	N/A	N/A	None
C-O, C-1, C-2	Front – 10' Side – 10' Rear – 10'	1	1	1	20	None
C3,	10	3	3	3	35	
C4	Front – 10' Side – 10' Rear – N/A	2	3	2	35	None
B-P, L-P	25'	4	2	3	40	9' Wall and Berm Combination
IG, IH	40'	5	4	5	50	11' Wall and Berm Combination

Building Façade/Foundation Landscaping - Landscaping and planting areas provide a buffer between the parking lot or drives and building walls or pedestrian circulation. Landscape areas may be placed adjacent to the building wall or adjacent to the curb to coordinate with building overhangs and canopies, if any.

1. Building landscaping is encouraged to include a variety of shrubs, ornamental trees and/or shade trees. Any trees used should accommodate pedestrian circulation.
2. Along any building façade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building façade or foundation. The landscape area may be a continuous area or comprised of several areas. Applicant shall provide calculations to show coverage area.
3. Building façades along service areas are excluded, unless the service area fronts upon a public right-of-way or common access drive.
4. Landscape areas may be placed adjacent to the building wall or adjacent to the curb, with walkways, overhangs or canopies between the landscape area and building wall. Landscape areas shall generally not be placed under overhangs and canopies.

5. Each landscape area shall be planted with shrubs capable of reaching three (3) feet in height above the adjacent parking area or drive, covering a minimum of seventy-five (75) percent of the length of the landscape area.
6. A mixture of evergreen and deciduous shrubs shall be used to maintain seasonal interest.
7. Ornamental trees (where appropriate), or shade trees should be included in the landscape design to further buffer the building façade from the drives and parking lot areas. In areas where pedestrian circulation is anticipated, trees with a branching habit conducive to walking under shall be used. For example, Pin Oaks are not acceptable due to their descending branching habit.
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.

4.3 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. 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.

F. District Regulations.

1. No merchandise or equipment shall be stored or displayed outside a building. However, the Zoning Administrator may issue a Temporary Sales Permit for outdoor displays and sales of merchandise up to four times a year with a limit of seven days per each sales permit issuance. Permit periods may run in succession.
2. A Seasonal Outdoor Storage Permit may be issued annually to businesses who wish to conduct onsite seasonal sales of landscaping equipment and supplies, and seasonal materials. Administrative approval for a Seasonal Outdoor Storage Permit is granted by the Zoning Administrator upon the submission of a permit application which includes, but is not limited to, parking regulations, time parameters (hours of operation and duration of display), signage, pedestrian traffic flow, lighting requirements, security, maintenance of merchandise and fencing. Seasonal Outdoor Storage areas must be indicated on Site Plan. See Article 10 for further information.
3. All building composed of stone, brick, wood, custom siding, tile or a combination of these materials.
4. Landscaping materials, open space buffering, and/or screening materials are required for all buildings that abut residential property.
5. Building tones and color shall be in keeping with the general appearance of the adjacent properties.

G. Design Guidelines.

Building Materials - Building material standards are required to ensure appropriate quality and visually appealing building design. Permitted high quality building materials for the primary (front) and secondary (sides and rear) building façades shall be selected from **Table 4-9** below according to the percentage specified for each façade and material type. Applicant must provide percentage calculations for each material type. Fuel Stations, Convenience Stores and/or Drive-Throughs have additional Design Guidelines. See section 4.7 “*Fuel Stations, Convenience Stores and/or Drive-Throughs (Permitted Use in Districts Zoned C1, C2, and C3 only)*” for additional requirements.

Table 4-9 – C-2 District Permitted Building Materials by Materials Category

	Materials Category 1 Primary - 70% (must include 20% transparent glass) Secondary - 60%	Materials Category 2 Primary - 30% Secondary - 40%
Masonry		
Brick, solid	✓	✓
Brick, modular	✓	✓
Brick, panel/veneer		✓

	Materials Category 1 Primary - 70% (must include 20% transparent glass) Secondary - 60%	Materials Category 2 Primary - 30% Secondary - 40%
Stone, modular	✓	✓
Stone, veneer	✓	✓
Stone, synthetic	✓	✓
Stucco, genuine, detailed	✓	✓
Stucco, synthetic/panels		✓
Concrete, plain finish		✓
Concrete, detailed	✓	✓
Concrete Masonry Unit, split faced		✓
Concrete Masonry Unit, burnished	✓	✓
Cement fiber board		✓
Glass & Tile		
Clear Glass	✓	✓
Architectural panels	✓	✓
Architectural block		✓
Mirror glass	✓	✓
Opaque glass	✓	✓
Tile	✓	✓
Wood		
Other Synthetics		
Synthetic stucco EIFS (detail only)		✓

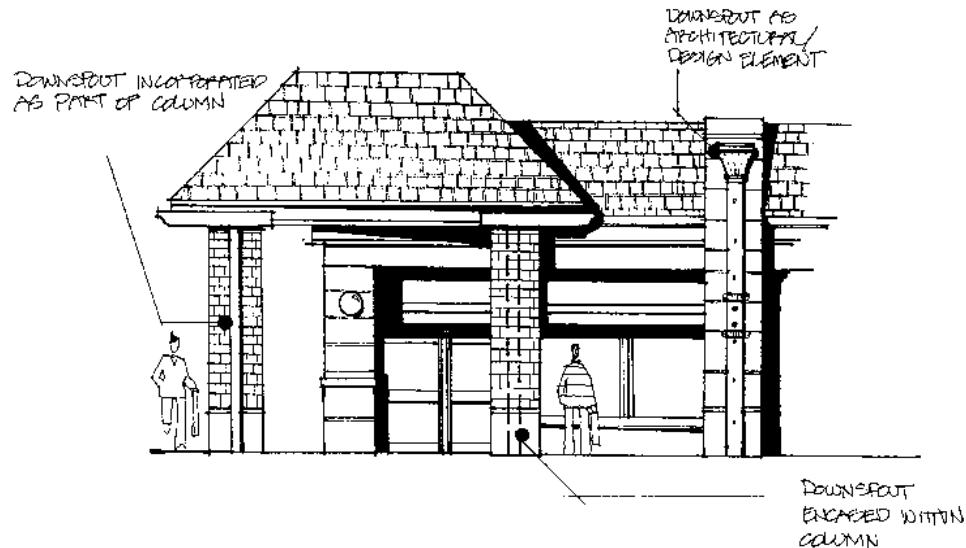
Awnings - If awnings are used as a design element, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to awning design guidelines.

Fencing – If fencing is used, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to fencing design guidelines.

Roofing - Mansard and other visibly sloped roofs for commercial or mixed uses shall consist of tile, slate, standing seam metal, or textured metal that resembles asphalt or tile. Metal, asphalt or composition shingle, or other materials with a synthetic or plastic appearance are not allowed.

Gutters and Downspouts

1. The location and design of exposed gutters and downspouts shall be identified on building elevations submitted for approval.
2. Exposed gutters and downspouts that are located on the primary façades of nonresidential structures shall meet the following criteria:
 - a. Downspouts are to be incorporated as part of a column, an architectural design element or encased within a column.
 - b. Exposed downspouts must be designed by the architect as decorative architectural elements that are an integral component of the building design and coordinated with vertical elements such as towers, columns, or pilasters; or located only at interior corners of the building and painted to match or coordinate with the façade in order to minimize their appearance.
 - c. Exposed gutters and downspouts shall be constructed of high-quality, commercial-grade metal.
 - d. Exposed gutters are prohibited for use with flat roofs.



Rooftop Screening. All applications for preliminary or final development plan approval shall include information regarding anticipated rooftop equipment, including mechanical units, vents, pipes, and other appurtenances. Such equipment shall be indicated on building elevations where the size and location of such equipment is known, and any anticipated equipment or equipment locations not yet determined shall be described in the notes on the building elevations along with the estimated maximum dimensions of such equipment and the intended methods of screening.

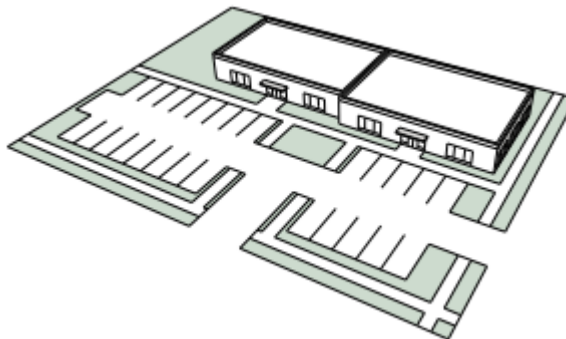
1. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture and integral to the

- overall appearance of the building. An example includes a parapet wall that includes the same building materials as the lower levels of the building façade.
2. For purposes of this Article, the phrase “architectural treatment compatible with the building architecture” does not include painted or prefinished rooftop equipment.
 3. For rooftop equipment not adequately screened by the parapet, a supplementary screen shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls, or similar building materials.
 4. The height of the screen shall be no lower than the height of the equipment.
 5. Screening shall not interfere with Fire Department access to the roof.
 6. In the event that any rooftop equipment has not yet been determined at the time of final development plan approval, or changes are made to rooftop equipment after the final development plan is approved, the applicant must provide suitable screening to meet the above criteria, subject to review and approval by the Zoning Administrator.

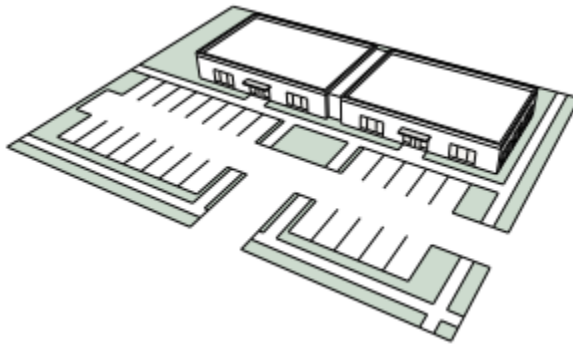
Ground or Building Mounted Equipment. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities’ meter banks and coolers shall be screened from public view with three (3) sided landscaping or with an architectural treatment compatible with the building architecture. Utility structures shall be located on the interior façade of the building, away from arterial or collector streets, and when possible, recessed into the wall of the structure. Utility structures shall not be placed along collector or arterial streets except when approved by the City. Utility structures shall be located behind the sidewalk and are subject to approval by the City Engineer. When requested within public right-of-way a landscaping plan shall be required with the right-of-way permit. Landscaping selected for screening shall be provided for on three (3) sides of the structure and shield the structure from public view.

Horizontal and Vertical Articulation. All buildings must incorporate horizontal and vertical primary façade articulation to divide building mass into human scale modules.

1. **Horizontal Articulation:** One or more of the following horizontal articulation tools must be used a minimum of every 75 feet of linear façade width:
 - a. *Wall offset* – a horizontal wall plane offset of at least 4 feet extending for the full height of the façade;

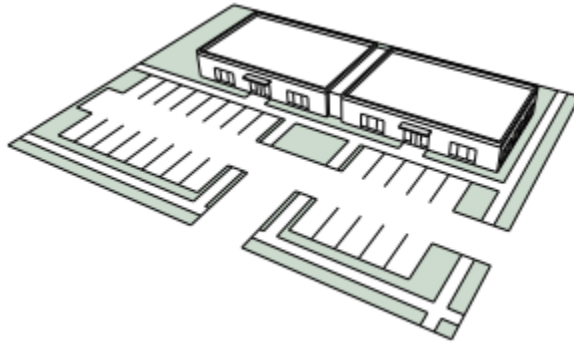


- b. *Wall notch* – a setback or notch in the wall plane at least 4 feet deep and 8 feet wide for the full height of the façade.

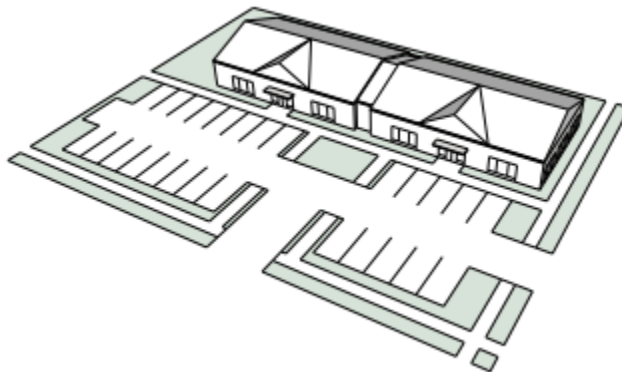


2. Vertical Articulation. One or more of the following vertical articulation tools must be used a minimum of every 75 feet of linear façade width:

- a. *Variation in Height as viewed from the street* – A variation in building or parapet height of at least 2 feet (or 4 feet for buildings greater than two stories in height).

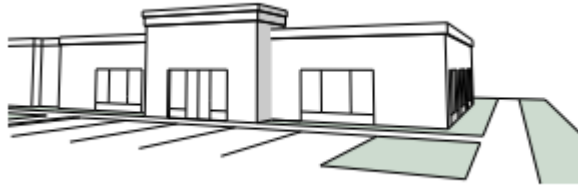


- b. *Variations in Roof Form* - Use of more than one roof form to express different building modules

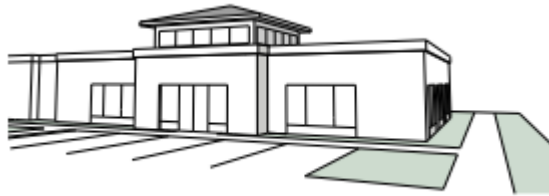


Focal Point Elements. All buildings must incorporate focal point design elements to help define the character of the structure. Select one or more of the following focal point design elements:

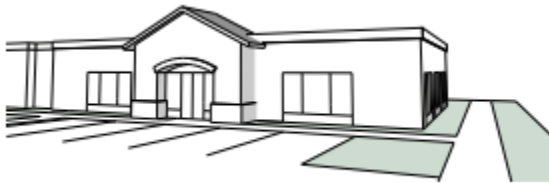
1. *Tower or Raised Parapet Element* - Towers or raised roof parapets that produce variations in building height of at least 4 feet and project at least 1 foot from the front and rear of the primary façade plane.



2. *Cap Element* - A design element projecting above the roofline and incorporating clerestory windows or other transparent areas.



3. *Pitched Roof Elements* - A design element incorporating a pitched roof or gable roof end.



H. Site Plan Approval.

1. All development proposals in the C-2 Heavy Service Commercial District shall be subject to approval of a site plan in accordance with Article 10.
2. If application is made for a building permit for a building or structure, that does not require site plan approval and whose architectural style or exterior materials in the opinion of the Zoning Administrator varies substantially from such style and materials that have been used previously on said building or is not of the quality acceptable by the Zoning Administrator, the plans for such building or structure shall be submitted to the Planning Commission for site plan approval in accordance with Article 10.

I. Parking and Loading. See Article 16 for *Parking and Loading Regulations*.

J. Signs. See Article 12 for *Sign Regulations*.

K. Landscaping. All land area subject to a Final Site Plan and issued a building permit, which is not paved or covered by buildings, shall be brought to finished grade and planted with turf, native grasses, or other appropriate ground covers. Trees, shrubs and other landscaping materials depicted on the approved Final Site Plan are

considered site improvements in the same manner as parking, building materials and other details. If landscaping is not installed, maintained and replaced as needed to comply with the approved plan and/or building permit plans, the owner and its agent or agents are considered in violation of the terms of the certificate of occupancy and in violation of the Unified Development Code.

The following conditions apply to all landscaping within the C-2 Heavy Service Commercial District:

1. Landscape design and species shall be used to create visual continuity throughout the development with landscape coordination occurring among all phases of the development area.
2. A variety of different species (including both deciduous and evergreen species) shall be incorporated into the site design to provide visual interest, as well as disease and pest resistance. At least one-third ($\frac{1}{3}$) of the plantings shall be evergreen species.
3. Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.
4. Earthen berms and existing topography shall, whenever practical, be incorporated into the landscape treatment of a site.
5. Required landscape plantings shall be coordinated with the location of utilities, driveways and traffic sight distance triangle areas.
6. Trees shall not be placed within public utility easements, but within adjacent areas that do not conflict with such public easements and meet site landscaping requirements.
7. Planting design shall coordinate the locations of trees to allow access to utilities with minimal disruption to the trees and their supporting root systems, while avoiding increased service costs to the utilities.
8. The Zoning Administrator may approve exceptions to the location and spacing of trees to accommodate the location of public utilities.
9. Any area of a site not intended for a specific use, including a commercial pad site intended for future development, shall be seeded unless retained in its natural state. In all cases the site shall be maintained.
10. Vegetative stabilization and management techniques shall be used at a site after construction is completed. The applicant shall protect disturbed areas from any unnecessary run-on of stormwater from adjacent sites.
11. Selected species should be adaptable to the climate and growing conditions of northeastern Kansas and not an invasive species.
12. Landscaping materials, open space buffering, and/or screening materials are required for all buildings that abut a residential property.
13. Prohibited plants include those that are invasive or potentially damaging to streets, sidewalks, utilities, drainage improvements, and foundations.
14. All buildings or additions shall provide a solid screen fence or wall at least six (6) feet in height adjacent to all rear yards abutting property zoned for residential purposes. The screening shall be placed so the required perimeter landscape area is located between the fence/wall and the development. The screening shall not be placed on property lines and shall not extend in front of the building line of adjacent dwellings. The screening is not required where similar screening exists on the abutting residential property or where a screened storage lot is provided.
15. All buildings or additions shall provide landscape screening and/or berming adjacent to all side yards abutting property zoned for residential purposes. The

landscaping shall be placed so that it is located between the property line and any parking or pavement areas. The screening shall not be placed on property lines and shall not extend in front of the building line of adjacent dwellings. The screening is not required where similar screening exists on the abutting residential property or where a screened storage lot is provided.

16. Landscaping utilized as screening around ground or building mounted equipment are subject to planting specifications and maintenance requirements outlined in this section.

Minimum Plant Specifications - Required landscaping as outlined in this Article shall be installed at the minimum planting specifications listed as follows:

Category	Specifications
Deciduous shade trees	2½- to 3-inch caliper measured 6 inches above ground (the minimum size of newly installed street trees may be reduced to two (2) inch caliper)
Evergreen trees	6 to 8 feet in height
Small deciduous or ornamental trees	1- to 1½-inch caliper measured 6 inches above ground. For multi-trunk clusters (3 or more trunks) the smallest trunk shall be ¾ inch.
Deciduous and Evergreen Shrubs	24-inch-high plant size. Spacing from 3 to 5 feet apart depending upon species. Native plants should use the largest size available in the area. The seed stock for native plants shall be grown within a 200-mile radius of the job site.
Ground cover plants	Ground cover shall be planted in a number as appropriate by species to provide 50 percent surface coverage.

Landscape Buffers. Landscape buffering is required along all lot lines of abutting uses and varies depending upon adjacent zoning district. In addition to the below criteria, see table 4-7 Landscape Buffer Requirements in the C2 – Heavy Service Commercial District for minimum landscape buffer requirements.

1. The required perimeter landscape area shall be located outside of any required fenced area of the development between the fence and the street.
2. The buffer may be included in the required yard or building setback.
3. Parking is permitted within the building setback but not within the minimum width of the buffer.
4. The buffer requirements may be reduced where a buffer exists on an abutting property, and the net buffer satisfies the minimum buffer requirements of this section.
5. The applicant may either plant new trees or plants, or preserve existing trees or plants, within the required buffer which meet the requirements of this subsection.
6. A double row of evergreen trees may be substituted for a screening wall but may not be counted toward minimum requirements for trees, shrubs, and ornamental grasses.

Table 4-10 Landscape Buffer Requirements in the C-2 – Heavy Service Commercial District

Adjacent Zoning	Minimum Buffer Width	Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet	Shrubs and Ornamental Grasses per 100 Linear Feet	Additional Features
Adjacent to Public Right of Way or Private Street	2 lane/4 lane Undivided – 10' 4 Lane Divided – 15' 6 Lane Divided – 20'	1	1	1	15	Clustering of trees shall be allowed & encouraged to create a more natural appearing environment.
A-G	10	1	1	1	20	None
R-1, R-2, R-3, MHP	Front – 10' Side – 10' Rear – 10'	2	1	2	35	6' Berm
C-D	N/A	N/A	N/A	N/A	N/A	None
C-O, C-1, C-2	Front – 10' Side – 10' Rear – 10'	1	1	1	20	None
C3,	10	3	3	3	35	
C4	Front – 10' Side – 10' Rear – N/A	2	3	2	35	None
B-P, L-P	25	4	2	3	40	9' Wall and Berm Combination
IG, IH	40	5	4	5	50	11' Wall and Berm Combination

Building Façade/Foundation Landscaping - Landscaping and planting areas provide a buffer between the parking lot or drives and building walls or pedestrian circulation. Landscape areas may be placed adjacent to the building wall or adjacent to the curb to coordinate with building overhangs and canopies, if any.

1. Building landscaping is encouraged to include a variety of shrubs, ornamental trees and/or shade trees. Any trees used should accommodate pedestrian circulation.
2. Along any building façade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building façade or foundation. The landscape area may be a continuous area or comprised of several areas. Applicant shall provide calculations to show coverage area.
3. Building façades along service areas are excluded, unless the service area fronts upon a public right-of-way or common access drive.

4. Landscape areas may be placed adjacent to the building wall or adjacent to the curb, with walkways, overhangs or canopies between the landscape area and building wall. Landscape areas shall generally not be placed under overhangs and canopies.
5. Each landscape area shall be planted with shrubs capable of reaching three (3) feet in height above the adjacent parking area or drive, covering a minimum of seventy-five (75) percent of the length of the landscape area.
6. A mixture of evergreen and deciduous shrubs shall be used to maintain seasonal interest.
7. Ornamental trees (where appropriate), or shade trees should be included in the landscape design to further buffer the building façade from the drives and parking lot areas. In areas where pedestrian circulation is anticipated, trees with a branching habit conducive to walking under shall be used. For example, Pin Oaks are not acceptable due to their descending branching habit.
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 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.

4.4 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. Pole signs subject to the conditions set out in Article 12 Section 12.9
6. Motor vehicle repair, general.
7. Outdoor display and sales of merchandise and equipment.

E. Setback, Yard and Area Regulations

Table 4-11 - Setbacks, Yards, and Area for C-3 Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
A twenty-five (25) foot front yard setback is 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; -On a corner lot, a side yard setback of 15 feet is required adjacent to the side street.	All buildings in the C-3 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-3 district shall be constructed to a height greater than thirty-five (35) feet.

F. District Regulations.

1. No merchandise or equipment shall be stored or displayed outside a building. However, the Zoning Administrator may issue a Temporary Sales Permit for outdoor displays and sales of merchandise up to four times a year with a limit of seven days per each sales permit issuance. Permit periods may run in succession.
2. A Seasonal Outdoor Storage Permit may be issued annually to businesses who wish to conduct onsite seasonal sales of landscaping equipment and supplies, and seasonal materials. Administrative approval for a Seasonal Outdoor Storage Permit is granted by the Zoning Administrator upon the submission of a permit application which includes, but is not limited to, parking regulations, time parameters (hours of operation and duration of display), signage, pedestrian traffic flow, lighting requirements, security, maintenance of merchandise and fencing. Seasonal Outdoor Storage areas must be indicated on Site Plan. See Article 10 for further information.
3. Permanent outdoor storage areas, attached to the main structure and enclosed with screening or fencing, may be allowed if the enclosure meets aesthetic guidelines. Permanent outdoor storage areas must be indicated on the Site Plan. See Article 10 for further information.
4. All building elevations shall be composed of stone, brick, wood, custom siding, tile or a combination of these materials.
5. Landscaping materials, open space buffering, and/or screening materials are required for all buildings that abut an area zoned or planned for residential zoning and public right of way.
6. Building tones and color shall be in keeping with the general appearance of the adjacent properties.

G. Design Guidelines

Building Materials - Building material standards are required to ensure appropriate quality and visually appealing building design. Permitted high quality building materials for the primary (front) and secondary (sides and rear) building façades shall be selected from **Table 4-12** below according to the percentage specified for each façade and material type. Applicant must provide percentage calculations for each material type. Fuel Stations, Convenience Stores and/or Drive-Throughs have additional Design Guidelines. See section 4.7 “*Fuel Stations, Convenience Stores and/or Drive-Throughs (Permitted Use in Districts Zoned C1, C2, and C3 only)*” for additional requirements.

Table 4-12 – C-3 District Permitted Building Materials by Materials Category

	Materials Category 1 Primary - 70% (must include 20% transparent glass) Secondary - 60%	Materials Category 2 Primary - 30% Secondary - 40%
Masonry		
Brick, solid	✓	✓
Brick, modular	✓	✓
Brick, panel/veneer		✓
Stone, modular	✓	✓
Stone, veneer	✓	✓
Stone, synthetic	✓	✓
Stucco, genuine, detailed	✓	✓
Stucco, synthetic/panels		✓
Concrete, plain finish		✓
Concrete, detailed	✓	✓
Concrete Masonry Unit, split faced		✓
Concrete Masonry Unit, burnished	✓	✓
Cement fiber board		✓
Glass		

	Materials Category 1 Primary - 70% (must include 20% transparent glass) Secondary - 60%	Materials Category 2 Primary - 30% Secondary - 40%
Clear Glass	✓	✓
Architectural panels	✓	✓
Architectural block		✓
Mirror glass	✓	✓
Opaque glass	✓	✓
Wood		✓
Other Synthetics		
Synthetic stucco/EIFS (detail only)		✓

Awnings - If awnings are used as a design element, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to awning design guidelines.

Fencing – If fencing is used, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to fencing design guidelines.

Roofing - Mansard and other visibly sloped roofs for commercial or mixed uses shall consist of tile, slate, standing seam metal, or textured metal that resembles asphalt or tile. Metal, asphalt or composition shingle, or other materials with a synthetic or plastic appearance are not allowed.

Gutters and Downspouts

1. The location and design of exposed gutters and downspouts shall be identified on building elevations submitted for approval.
2. Exposed gutters and downspouts that are located on the primary façades of nonresidential structures shall meet the following criteria:
 - a. Downspouts are to be incorporated as part of a column, an architectural design element or encased within a column.
 - b. Exposed downspouts must be designed by the architect as decorative architectural elements that are an integral component of the building design and coordinated with vertical elements such as towers, columns, or pilasters; or located only at interior corners of the building and painted to match or coordinate with the façade in order to minimize their appearance.
 - c. Exposed gutters and downspouts shall be constructed of high-quality, commercial-grade metal.
 - d. Exposed gutters are prohibited for use with flat roofs.



Rooftop Screening. All applications for preliminary or final development plan approval shall include information regarding anticipated rooftop equipment, including mechanical units, vents, pipes, and other appurtenances. Such equipment shall be indicated on building elevations where the size and location of such equipment is known, and any anticipated equipment or equipment locations not yet determined shall be described in the notes on the building elevations along with the estimated maximum dimensions of such equipment and the intended methods of screening.

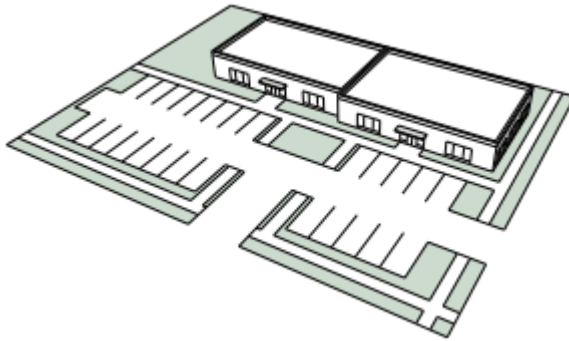
1. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture and integral to the overall appearance of the building. An example includes a parapet wall that includes the same building materials as the lower levels of the building façade.
2. For purposes of this Article, the phrase “architectural treatment compatible with the building architecture” does not include painted or prefinished rooftop equipment.
3. For rooftop equipment not adequately screened by the parapet, a supplementary screen shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls, or similar building materials.
4. The height of the screen shall be no lower than the height of the equipment.
5. Screening shall not interfere with Fire Department access to the roof.
6. In the event that any rooftop equipment has not yet been determined at the time of final development plan approval, or changes are made to rooftop equipment after the final development plan is approved, the applicant must provide suitable screening to meet the above criteria, subject to review and approval by the Zoning Administrator.

Ground or Building Mounted Equipment. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities’ meter banks and coolers shall be screened from public view with three (3) sided landscaping or with an architectural treatment compatible with the building architecture. Utility structures shall be located on the interior façade of the building, away from arterial or collector streets, and when possible, recessed into the wall of the structure. Utility structures shall not be placed along collector or arterial streets except when approved by the City. Utility structures shall be located behind the

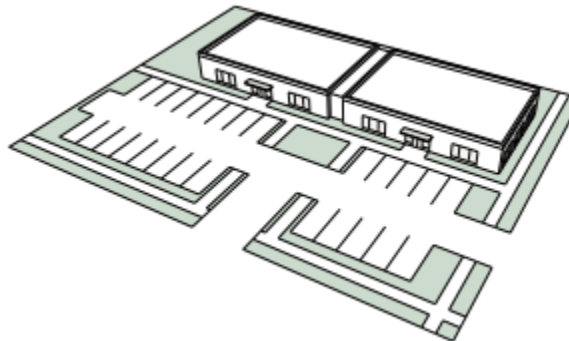
sidewalk and are subject to approval by the City Engineer. When requested within public right-of-way a landscaping plan shall be required with the right-of-way permit. Landscaping selected for screening shall be provided for on three (3) sides of the structure and shield the structure from public view.

Horizontal and Vertical Articulation. All buildings must incorporate horizontal and vertical primary façade articulation to divide building mass into human scale modules.

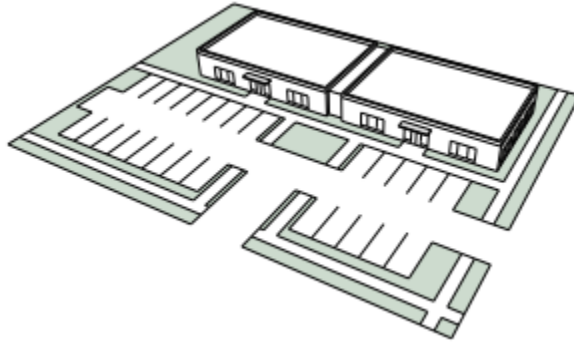
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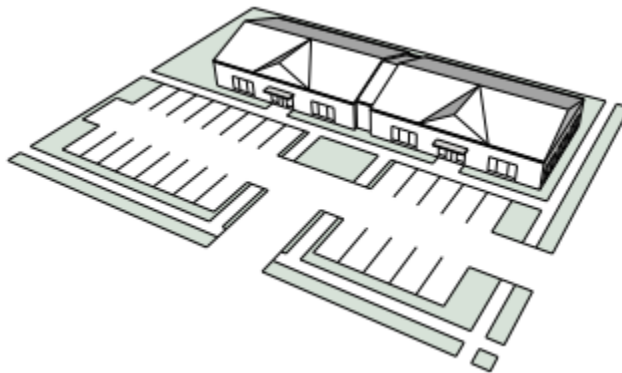
- b. *Wall notch* – a setback or notch in the wall plane at least 4 feet deep and 8 feet wide for the full height of the façade.



2. **Vertical Articulation.** One or more of the following vertical articulation tools must be used a minimum of every 75 feet of linear façade width:
 - a. *Variation in Height as viewed from the street* – A variation in building or parapet height of at least 2 feet (or 4 feet for buildings greater than two stories in height).

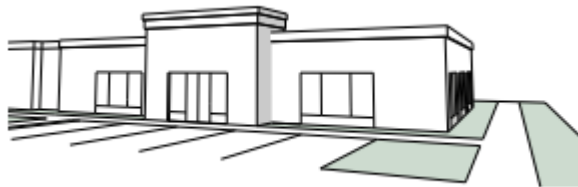


- b. *Variations in Roof Form* - Use of more than one roof form to express different building modules



Focal Point Elements. All buildings must incorporate focal point design elements to help define the character of the structure. Select one or more of the following focal point design elements:

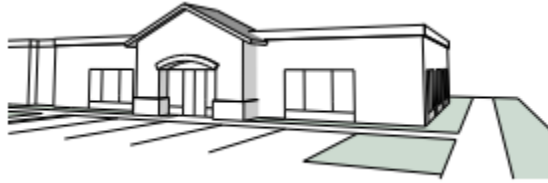
1. *Tower or Raised Parapet Element* - Towers or raised roof parapets that produce variations in building height of at least 4 feet and project at least 1 foot from the front and rear of the primary façade plane.



2. *Cap Element* - A design element projecting above the roofline and incorporating clerestory windows or other transparent areas.



3. *Pitched Roof Elements* - A design element incorporating a pitched roof or gable roof end.



H. Site Plan Approval.

1. See Article 10 for site plan approval requirements.
2. If application is made for a building permit for a building or structure that does not require site plan approval and whose architectural style or exterior materials in the opinion of the Zoning Administrator varies substantially from such style and materials which have been used previously on said building or is not of the quality desired by the Zoning Administrator, the plans for such building or structure shall be submitted to the Planning Commission for site plan approval in accordance with Article 10.

I. Parking and Loading. See Article 16 for *Parking and Loading Regulations*.

J. Signs. See article 12 for *Sign Regulations*.

K. Landscaping. All land area subject to a Final Site Plan and issued a building permit, which is not paved or covered by buildings, shall be brought to finished grade and planted with turf, native grasses, or other appropriate ground covers. Trees, shrubs and other landscaping materials depicted on the approved Final Site Plan are considered site improvements in the same manner as parking, building materials and other details. If landscaping is not installed, maintained and replaced as needed to comply with the approved plan and/or building permit plans, the owner and its agent or agents are considered in violation of the terms of the certificate of occupancy and in violation of the Unified Development Code.

The following conditions apply to all landscaping within the C-3 Highway Service Commercial District:

1. Landscape design and species shall be used to create visual continuity throughout the development with landscape coordination occurring among all phases of the development area.
2. A variety of different species (including both deciduous and evergreen species) shall be incorporated into the site design to provide visual interest, as well as disease and pest resistance. At least one-third ($\frac{1}{3}$) of the plantings shall be evergreen species.
3. Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.
4. Earthen berms and existing topography shall, whenever practical, be incorporated into the landscape treatment of a site.

5. Required landscape plantings shall be coordinated with the location of utilities, driveways and traffic sight distance triangle areas.
6. Trees shall not be placed within public utility easements, but within adjacent areas that do not conflict with such public easements and meet site landscaping requirements.
7. Planting design shall coordinate the locations of trees to allow access to utilities with minimal disruption to the trees and their supporting root systems, while avoiding increased service costs to the utilities.
8. The Zoning Administrator may approve exceptions to the location and spacing of trees to accommodate the location of public utilities.
9. Any area of a site not intended for a specific use, including a commercial pad site intended for future development, shall be seeded unless retained in its natural state. In all cases the site shall be maintained.
10. Vegetative stabilization and management techniques shall be used at a site after construction is completed. The applicant shall protect disturbed areas from any unnecessary run-on of stormwater from adjacent sites.
11. Selected species should be adaptable to the climate and growing conditions of northeastern Kansas and not an invasive species.
12. Landscaping materials, open space buffering, and/or screening materials are required for all buildings that abut a residential property.
13. Prohibited plants include those that are invasive or potentially damaging to streets, sidewalks, utilities, drainage improvements, and foundations.
14. All buildings or additions shall provide a solid screen fence or wall at least six (6) feet in height adjacent to all rear yards abutting property zoned for residential purposes. The screening shall be placed so the required perimeter landscape area is located between the fence/wall and the development. The screening shall not be placed on property lines and shall not extend in front of the building line of adjacent dwellings. The screening is not required where similar screening exists on the abutting residential property or where a screened storage lot is provided.
15. All buildings or additions shall provide landscape screening and/or berming adjacent to all side yards abutting property zoned for residential purposes. The landscaping shall be placed so that it is located between the property line and any parking or pavement areas. The screening shall not be placed on property lines and shall not extend in front of the building line of adjacent dwellings. The screening is not required where similar screening exists on the abutting residential property or where a screened storage lot is provided.
16. Landscaping utilized as screening around ground or building mounted equipment are subject to planting specifications and maintenance requirements outlined in this section.

Minimum Plant Specifications - Required landscaping as outlined in this Article shall be installed at the minimum planting specifications listed as follows:

Category	Specifications
Deciduous shade trees	2½- to 3-inch caliper measured 6 inches above ground (the minimum size of newly installed street trees may be reduced to two (2) inch caliper)
Evergreen trees	6 to 8 feet in height

Category Specifications

Small deciduous or ornamental trees	1- to 1½-inch caliper measured 6 inches above ground. For multi-trunk clusters (3 or more trunks) the smallest trunk shall be ¾ inch.
Deciduous and Evergreen Shrubs	24-inch-high plant size. Spacing from 3 to 5 feet apart depending upon species. Native plants should use the largest size available in the area. The seed stock for native plants shall be grown within a 200-mile radius of the job site.
Ground cover plants	Ground cover shall be planted in a number as appropriate by species to provide 50 percent surface coverage.

Landscape Buffers. Landscape buffering is required along all lot lines of abutting uses and varies depending upon adjacent zoning district. In addition to the below criteria, see table 4-7 Landscape Buffer Requirements in the C-3 – Highway Service Commercial District for minimum landscape buffer requirements.

1. The required perimeter landscape area shall be located outside of any required fenced area of the development between the fence and the street.
2. The buffer may be included in the required yard or building setback.
3. Parking is permitted within the building setback but not within the minimum width of the buffer.
4. The buffer requirements may be reduced where a buffer exists on an abutting property, and the net buffer satisfies the minimum buffer requirements of this section.
5. The applicant may either plant new trees or plants, or preserve existing trees or plants, within the required buffer which meet the requirements of this subsection.
6. A double row of evergreen trees may be substituted for a screening wall but may not be counted toward minimum requirements for trees, shrubs, and ornamental grasses.

Table 4-13 Landscape Buffer Requirements in the C-3 – Highway Service Commercial District

Adjacent Zoning	Minimum Buffer Width	Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet	Shrubs and Ornamental Grasses per 100 Linear Feet	Additional Features
Adjacent to Public Right of Way <u>or</u> Private Street	2 lane/4 lane Undivided – 10' 4 Lane Divided – 15' 6 Lane Divided – 20'	1	1	1	15	Clustering of trees shall be allowed & encouraged to create a more natural appearing environment.
A-G	10	1	1	1	20	None

Adjacent Zoning	Minimum Buffer Width	Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet	Shrubs and Ornamental Grasses per 100 Linear Feet	Additional Features
R-1, R-2, R-3, MHP	Front – 10' Side – 10' Rear – 10'	2	1	2	35	6' Berm
C-D	N/A	N/A	N/A	N/A	N/A	None
C-O, C-1, C-2	Front – 10' Side – 10' Rear – 10'	1	1	1	20	None
C3,	10	3	3	3	35	
C4	Front – 10' Side – 10' Rear – N/A	2	3	2	35	None
B-P, L-P	25	4	2	3	40	9' Wall and Berm Combination
IG, IH	40	5	4	5	50	11' Wall and Berm Combination

Building Façade/Foundation Landscaping - Landscaping and planting areas provide a buffer between the parking lot or drives and building walls or pedestrian circulation. Landscape areas may be placed adjacent to the building wall or adjacent to the curb to coordinate with building overhangs and canopies, if any.

1. Building landscaping is encouraged to include a variety of shrubs, ornamental trees and/or shade trees. Any trees used should accommodate pedestrian circulation.
2. Along any building façade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building façade or foundation. The landscape area may be a continuous area or comprised of several areas. Applicant shall provide calculations to show coverage area.
3. Building façades along service areas are excluded, unless the service area fronts upon a public right-of-way or common access drive.
4. Landscape areas may be placed adjacent to the building wall or adjacent to the curb, with walkways, overhangs or canopies between the landscape area and building wall. Landscape areas shall generally not be placed under overhangs and canopies.
5. Each landscape area shall be planted with shrubs capable of reaching three (3) feet in height above the adjacent parking area or drive, covering a minimum of seventy-five (75) percent of the length of the landscape area.
6. A mixture of evergreen and deciduous shrubs shall be used to maintain seasonal interest.
7. Ornamental trees (where appropriate), or shade trees should be included in the landscape design to further buffer the building façade from the drives and parking lot areas. In areas where pedestrian circulation is anticipated, trees with a branching habit conducive to walking under shall be used. For example, Pin Oaks are not acceptable due to their descending branching habit.

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 & Fencing

Awnings - 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.

A. General Guidelines

1. For new developments, awnings should be included on the approved site plan and indicated on any building elevations.
2. For existing buildings, the addition of 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 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 should be an enhancement to the building façade and should be of a proportional width and complimentary to nearby buildings and awnings.
6. 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.
8. In multi-tenant shopping centers, awnings should be coordinated to complement the overall architecture of the center.

B. Awning Appearance, Materials & Maintenance

1. Awning materials with reflective or shiny finishes are prohibited; standard residential aluminum awnings are not allowed.
2. Awning shall be composed of noncombustible acrylic fabric, in a matte finish, suitable for outdoor use and U/V resistant.
3. The awning color should complement and enhance the building, not overwhelm the building scheme or call more attention to the awnings than the building.
4. 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 color.
7. Awnings should have open ends (shed awnings) which allow a less obstructed view of storefronts. Wrapped awnings are allowed if they compliment 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 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 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 Design Examples



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. 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.
7. All walls and fences must be an earth tone, neutral, or natural color.
8. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.
9. Any fence determined by the City not to be a standard or customarily styled or constructed fence is prohibited.

C. Minimum Fencing Design Standards

1. In Commercial Districts no chain-link, woven wire, or similar type fence shall be permitted where visible from a public street.
2. Any fence over four (4) feet tall located in any yard adjacent to a public street or located closer to a public street than the closest corner of any structure, shall meet one of the follow conditions:
 - a. Columned: Masonry columns with a minimum cross section of 16 inches by 16 inches placed at a maximum interval of 24 feet on center along the length of the fence. Additional columns shall also be required at all fence corners and turning points and at all fence termination points.
 - b. Capped and Trimmed: Upgraded wood fences, including exposed wood posts, top caps, and trim boards.
 - c. Decorative Metal: Wrought iron and decorative metal style fencing.



Capped and trimmed wood fence

D. Retaining Walls

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 o 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.

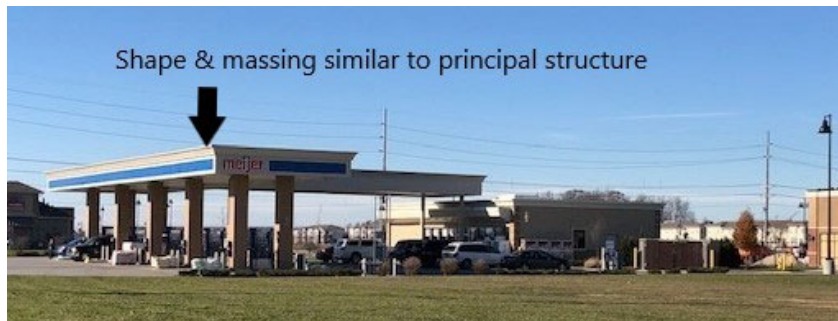
B. Canopy Design Standards

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 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.
 - c. Columns must be at least eighteen (18) inches in width.
6. Canopy sides or top may not be illuminated in any way. Canopies shall not contain strips or bands of light (neon or otherwise).
7. All light fixtures mounted on the canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, or the lighting of the canopy shall use indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy by light fixtures that are shielded so that illumination is focuses exclusively on the underside of the canopy. Glare should not be created, and spillover to adjacent residential properties must be minimized.
8. Illuminance under the canopy shall be no more than an average of thirty-five (35) footcandles.
9. Canopies may contain illuminated signage which contains either the business logo and/or a digital display which reflects the price per gallon of fuel sold. See Article 12 *Sign Regulations* of the UDC for complete regulations related to allowed signage.

Canopy Design Examples





C. Car or Truck Washes

1. Downgrading of exterior materials for ancillary structures such as car or truck washes is not permitted.
2. Car or truck wash elements shall be located to the rear or back portion of side yards or service centers to mitigate the impact of traffic.
3. Where they are adjacent to residential uses, orientation and design shall minimize noise and lighting impacts.
4. Car or truck wash exits must face away from abutting residential properties or be fully screened from neighboring residential views.
5. Lighting for drive-through bays used for car or truck wash, must be fully shielded so as not to spillover onto adjacent residentially zoned parcels.

Article 10

Site Plans and Design Standards

Section 10.1	Site Plans
Section 10.2	Streets and Access
Section 10.3	Building Permit
Section 10.4	Final Approved Site Plan

10.1 Site Plans

- A. Obligation.** The Site Plan (i.e., scaled drawings of existing and proposed buildings/structures, landscaping, outdoor lighting, parking areas, utilities, easements, roads and other city requirements used in physical development), when approved by the Planning Commission, or the Governing Body when required, shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the Site Plan instrument. The applicant prior to the issuance of any development or building permit shall provide a final approved Site Plan (paper and electronic) containing the authorized signature of the developer or applicant.
- B. When Site Plans Are Required.** Site Plans are required for all of the following application types:
1. All development applications involving mixed-use development (when more than one type of land use is to be integrated into one site); Planned Unit Development; Multi-family residential; Office; Commercial; and Industrial projects.
 2. All new buildings and proposed expansions and enlargements of more than ten percent (10%) of the existing floor area of the existing building or structure except single-family dwellings, two-family dwellings, group homes and residential designed single-family and two-family manufactured homes shall prepare and submit a Site Plan for Planning Commission approval in accordance with Article 10 prior to the issuance of a building permit.
 3. When required by the specific provisions of this Unified Development Code.
 4. For a proposed change in use to determine if additional requirements are necessary for site access, parking, etc.
- C. Preliminary and Final Site Plans.** Whether a Preliminary and/or Final Site Plan is required depends upon the type of development.
- a. Preliminary Site Plans may be utilized to determine the acceptability of a detailed design concept and are reviewed by staff for compliance with the Unified Development Code prior to presentation to the Planning Commission. Preliminary Site Plans are required when a development contains multiple buildings, several streets/roads, complex layout, extensive landscaping, trails, sidewalks, etc. Preliminary Site Plans are required for office, commercial, business complexes, planned unit developments, and multi-family developments. If a Preliminary Site Plan is approved with conditions or stipulations, the applicant should incorporate those conditions/stipulations into a Final Site Plan for staff review. If all conditions/stipulations are met by the submitted Final Site Plan, staff may provide final administrative approval. The Planning Commission shall have the final decision on whether a Preliminary Site Plan is required.
 - b. Final Site Plans may be used in lieu of a Preliminary Site Plan if the detailed

design concept is fairly simple and does not involve multiple buildings. The Final Site Plan is also reviewed by staff for compliance with the Unified Development Code prior to presentation to the Planning Commission. Once approved by the Planning Commission, any conditions or stipulations outlined during the review process must be made and an amended Final Site Plan must be submitted. If all conditions/stipulations are met by the submitted Final Site Plan, staff may review and provide final administrative approval.

D. Public Hearing.

1. A public hearing is required for Site Plan applications at either the Preliminary or Final Site Plan stage, depending upon which is submitted first.
2. Notice of the public hearing shall be published in the official city newspaper at least twenty (20) days prior to the date of the hearing.
3. The public hearing shall be conducted in accordance with Article 8, Section 8.1.F.1 through 3, *The Conduct of Hearings*.
4. The Planning Commission may approve the Site Plan, deny or approve with conditions/stipulations.

E. Submission Requirements.

1. A fully completed Site Plan Application with the Site Plan Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with a complete set of Site Plan documents.
2. Two paper copies of the Site Plan plus an electronic copy must be submitted to the Zoning Administrator at least forty-five (45) calendar days in advance of a scheduled Planning Commission meeting and/or public hearing.
3. All paper copies of Site Plans must be submitted on superior quality paper (sized 34" by 42"). The scale shall be a professionally acceptable standard suitable to the area of the proposed project.
4. One copy of the proposed Site Plan shall be made available for public inspection at least twenty (20) days in advance of a public hearing.

F. Certifications. Unless otherwise specified, each Site Plan shall contain the following certifications on the front sheet of the submittal:

CERTIFICATE:

Received and placed on record this _____ day of _____,
20____.

Zoning Administrator

Approved by the Edgerton City Planning Commission this _____ day of _____,
20____.

Chair of the Planning Commission

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

Applicant signature : _____ Date: _____
Title: _____ Organization _____

G. Contents of Site Plan Drawings. All materials shall be adequately labeled and should provide complete details which show compliance with District requirements.

1. A scale vicinity map showing the relationship of the site to surrounding neighborhoods, zoning of surrounding properties, roads and other physical features.
2. A project title, zoning designation and applicant name.
3. A street, lot or tract address of the project.
4. An index of content pages.
5. A data table which, at a minimum, includes: acreage of the site and number of units per acre (if applicable), gross square feet of the building(s) area, the proposed use of each building, number of employees and the total number of parking spaces to be provided.
6. The name of the architect, engineer, surveyor and landscape architect, all licensed in the State of Kansas, who prepared the Site Plan.
7. Engineer's seal with original signature.
8. All Final Site Plan submissions shall include a landscape plan sealed by a landscape architect licensed to practice in the state of Kansas which is in conformance with applicable zoning district requirements. All landscape features shall be shown in relation to sidewalks, paths, lawns, parking areas and drives. The submitted landscape plan drawn to scale, shall show the following:
 - a. All sides of the parcel site;
 - b. Name/type and size of existing trees to be retained;
 - c. Proposed building locations;
 - d. Planting timetable and seeding/sodding schedules;
 - e. All landscaping and screening;
 - f. A table entitled "Planting Schedule" which lists botanical name, the common name, size and condition of all planting materials.
9. The submitted Site Plan shall include the following features.
 - a. Existing and proposed topography including contours at two (2) foot intervals unless the property is too flat and then spot elevations shall be provided;
 - b. Exterior lot lines with any survey pins;
 - c. Location of buildings, proposed and existing if existing buildings will remain;
 - d. Parking areas, paths, sidewalks with sizes and surface material specifications;
 - e. Exterior lighting specifications including a preliminary photometric plan. A final photometric plan will be required at the time the applicant applies for a Building Permit. Lighting should be installed in an effort to minimize spillover onto adjacent properties and streets. The maximum light level at any point on a property line shall not exceed 0.0 foot-candles when adjacent to an agricultural or residential property or 0.2 foot-candles when adjacent to a nonresidential district, measured five (5) feet above grade. Lights shall be aimed away from adjacent properties and streets and may need to be shielded to meet the foot-candle requirements. The maximum height for luminaires shall not exceed 25 feet as measured between the bottom of the luminaire and

- grade;
- f. Site entrance and connections to streets;
- g. The location of existing and proposed easements;
- h. Connection point for utilities and the location and size of all utility lines including but not limited to sewer lines and manholes; water lines and fire hydrants; telephone, cable, fiber, and electrical systems; and storm drainage systems including inlets, catch basins, lines and other appurtenances, existing and proposed;
- i. Vehicular and pedestrian circulation within the site, entrances and exits, loading and unloading areas, and adjacent curb cuts;
- j. Storm Drainage Systems and Facilities shall be provided in connection with the proposed development of land in accordance with the Kansas City Metropolitan chapter of the American Public Works Association Construction and Material Specifications Section 5600 Storm Drainage Systems and Facilities. Said Site Plan shall show, by use of directional arrows, the proposed flow of storm drainage from the site. A summary table shall be provided on the Site Plan in the following format:

<u>PROPERTY SURFACE SUMMARY</u>			
<u>Summary of Existing Conditions</u>		<u>Summary after project completion</u>	
<u>Total Buildings</u>	<u># ft.²</u>	<u>Total Buildings</u>	<u># ft.²</u>
<u>Total Pavement</u>	<u># ft.²</u>	<u>Total Pavement</u>	<u># ft.²</u>
<u>Total Impervious</u>	<u># ft.²</u>	<u>Total Impervious</u>	<u># ft.²</u>
<u>Total Pervious</u>	<u># ft.²</u>	<u>Total Pervious</u>	<u># ft.²</u>
<u>Total Property Area</u>	<u># ft.²</u>	<u>Total Property Area</u>	<u># ft.²</u>

- A Storm Water Pollution Prevention Plan (SWPPP) shall also be provided and shall meet the known requirements of the National and Kansas General Permit. A signed and dated copy of the NOI shall be provided to the City prior to any disturbance of the soil on the construction site;
- k. Scale drawings of all proposed signage including location, height, size, area, materials and design to be used on the premises with construction drawings required when applying for a sign permit in accordance with Article 12, *Sign Regulations*, of the Unified Development Code;
 - l. Features to facilitate handicapped access;
 - m. Profile and detail for roads the location and width of sidewalks and the location of trails;
 - n. Scale drawing of building floor plans with dimensions and square foot calculations;
 - o. Scale drawings in full color with dimensions of all building facades or elevations including the labeling of exterior materials and color;
 - p. Roof pitch and materials;
 - q. The location of any HVAC systems (roof or ground), utility boxes and any other above ground facilities. Include line of sight drawings which indicate view from the street, right of way, and/or adjacent properties. Ground-based mechanical equipment shall be located away from property lines adjacent to public streets and residential property. Include type of screening that will be used around equipment;
 - r. Areas or facilities used for trash, trash compacting, recycling containers,

service and loading are to be located out of public view from streets, adjacent residential properties, and other highly visible areas such as parking lots, access drives, and similar areas.

- i. Refuse storage and pick-up areas shall be combined with other service and loading areas.
 - ii. Service areas and refuse storage areas shall not front onto streets and open public places. Service areas shall be located to the rear or side of buildings and screened from view from the street and/or public open space.
 - iii. The enclosure shall provide full screening on all four (4) sides and be constructed with permanent building materials that are similar to or complement the building materials and colors used on the principal building on the site. One screening side may be a gate;
- s. Depending upon circumstances the Zoning Administrator may require additional information related to business operations and their impact on adjacent properties including, but not limited to the requirement of additional information for hazardous material or other environmental impacts;
- t. The Zoning Administrator may also require a detailed traffic impact study prepared by a Traffic Engineer, licensed in the State of Kansas, for large uses, mixed use and multi-tenant developments, or for developments in heavy traffic or congested areas to include:
 - i. The projected number of motor vehicle trips to enter and leave the site, estimated for daily and peak hour traffic levels;
 - ii. The projected traffic flow pattern including vehicular traffic movements at all major intersections likely to be affected by the proposed use of the site;
 - iii. The impact of the proposed traffic upon existing, public and private ways in relation to existing and projected daily and peak hour road capacities.
 - iv. A recommendation of whether additional improvements would be needed such as turning lanes or traffic signals to accommodate the projected traffic;
 - v. Any other information as determined by the City Engineer;
- u. Site Plan shall include the layout and design of all property designed required parking and loading areas in accordance with Article 16, *Parking and Loading Regulations*, of the Unified Development Code;
- v. If applicable and allowed within the zoning designation, location of permanent outside storage including building materials which meet aesthetic guidelines must be included on the Site Plan;
- w. Outdoor Storage Requirements. Include adequate details on Site Plan to confirm individual District requirements are met.
 - i. *Permanent Outdoor Storage* – If applicable and allowed within the zoning designation, permanent outdoor storage areas, attached to the main structure and enclosed with screening or fencing, may be allowed if the enclosure meets aesthetic guidelines. Permanent outdoor storage areas must be indicated on the Site Plan.
 - ii. *Seasonal Outdoor Storage* - If applicable and allowed within the zoning designation, placement and dimensions of Seasonal Outdoor Storage area must be shown on the Site Plan. Administrative approval for a Seasonal Outdoor Storage Permit is granted by the Zoning Administrator upon the submission of a permit application which includes, but is not limited to, parking

- implications, time parameters (hours of operation and duration of display), signage, pedestrian and vehicular traffic flow, lighting requirements, security, maintenance of merchandise, and fencing.
- iii. *Temporary Sales Area* – Temporary Sales Areas may be allowed within certain zoning designations. If the applicant wishes to request a Temporary Sales Permit, the Temporary Sales Area must be indicated on the Site Plan.

H. Standard of Approval. The Planning Commission shall give consideration to the following criteria in approving or disapproving a Site Plan:

1. The site is capable of accommodating the building or buildings, parking areas and drives with appropriate open space and landscaping.
2. Utilities are available or can be extended to serve the proposed development.
3. The proposed plan provides for adequate management of stormwater runoff.
4. The plan provides for safe and easy ingress, egress and internal traffic circulation.
5. The plan is consistent with good land planning and site engineering design principles.
6. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building or buildings and the surrounding neighborhood.
7. The plan provides adequate landscaping, screening and buffering for the benefit of adjacent properties.
8. The plan represents an overall development pattern that is consistent with the Comprehensive Plan and other adopted City policies.

I. Improvements. The Planning Commission may require the construction or installation of infrastructure improvements such as sidewalks, trails, traffic signals, street improvements, turn lanes or and channelization, acceleration and deceleration lanes, storm drainage improvements and other similar improvements that are related to the proposed project and may require the dedication of any necessary easements.

J. Site Plan Modifications. Minor modifications may be made to an approved Site Plan by the applicant with the approval of the Zoning Administrator and without resubmittal to the Planning Commission provided that the modifications do not meet or exceed the basic requirements of the district in which the project is located and do not:

1. Substantially change the pedestrian or vehicular flow;
2. Alter the juxtaposition of land uses;
3. Alter the relationship of open space in the development;
4. Reduce the degree of screening or buffering and the architectural appearance and building design approved for the project;
5. Vary the proposed gross residential density or intensity by more than 5 percent;
6. Increase the floor area of nonresidential buildings by more than 5 percent;
7. Increase the ground coverage or height of the buildings by more than 5 percent;
8. Alter utility locations and connections so as to adversely affect the quality of the project.

If, in the opinion of the Zoning Administrator, a Site Plan has substantially changed from the approved plan, the applicant is required to resubmit the revised Site Plan to

the Planning Commission for approval. If, in the opinion of the Zoning Administrator, the revised Site Plan contains significant changes, a new Public Hearing may be required.

- K. Planning Commission Action and Appeals.** Building permits shall not be issued for use of any land or proposed construction in which a Site Plan approval is required, until such time as Site Plan approval has been granted by the Planning Commission. The Planning Commission may require revisions to the Site Plan, building designs and materials, landscaping, screening or any other element in order to improve the compatibility of the proposed project.

The applicant may appeal the decision of the Planning Commission to the Governing Body by filing a letter detailing the reason for appeal of the decision, with the City Clerk within fourteen (14) calendar days after the decision has been rendered by the Planning Commission.

10.2 Streets and Access

A. General Design and Layout Criteria.

1. **Relation to Adjoining Street System.** The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) where required by the Planning Commission or the Governing Body.
2. **Street Provisions for Future Development.** Where appropriate, right-of-way shall be platted for future street usage in conjunction with the development of adjacent tracts and said street shall be paved to the property line by the applicant.
3. **Lot Access.** The Planning Commission may disapprove any point of ingress or egress to any lot, tract, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.
4. **Construction Standards.** All streets shall be built to standards established by the City of Edgerton.

10.3 Building Permits

- A.** A building permit shall not be issued for any building, structure or addition required to have a Site Plan, until such time as said Site Plan has been approved.
- B.** An application for a building permit shall include a complete set of construction drawings based on the approved Site Plan. If in the opinion of the Zoning Administrator, the submitted drawings are significantly different from the approved Site Plan, the applicant shall either revise the drawings to comply with the approved Site Plan or resubmit the Site Plan to the Planning Commission for consideration. See Section 10.1 (J).

10.4 Final Approved Site Plan

- A.** Within sixty (60) calendar days after the approval of the Site Plan, the applicant shall submit one signed set of paper drawings plus an electronic copy to the Zoning Administrator. All corrections/stipulations outlined during the Planning Commission meeting must be listed on a cover letter submitted with the revised plans.
- B.** The Site Plan shall be approved for a period of one year from the date of approval provided the applicant has been issued a building permit for the project or has requested an extension of time from the Planning Commission. If a building permit has not been issued for the project or an extension of time has not been requested from the Planning Commission within that one year period, the Site Plan approval shall expire and become null and void. Prior to the one-year expiration date, the applicant may request an extension of time, for a maximum of one year, from the Planning Commission. If an extension is not granted, the approved Site Plan shall become null and void.

Article 16

Parking and Loading Regulations

Section 16.1	General Provisions
Section 16.2	Design Standards and Required Dimensions
Section 16.3	Required Spaces
Section 16.4	Off-Street Loading and Unloading

16.1 General Provisions

- A.** When a new structure is constructed, parking shall be provided in accordance with these regulations.
- B.** When an existing structure or use is expanded, parking for the expansion shall be provided in accordance with these regulations.
- C.** Parking stalls and spaces shall be used by motor vehicles in operating condition by patrons, occupants, or employees. Storage of motor vehicles, trailers, boats, recreational vehicles and the like is strictly prohibited.
- D.** All parking shall be located on a hard surface (asphalt or concrete) driveway and not in a front, side or rear yard.
- E.** As part of a Site Plan submission, the layout and design of all required parking and loading areas shall be shown and properly designed in accordance with this Article.
- F.** When a determination of the number of off-street parking spaces required by this Article results in a fraction, the fraction of 0.5 or less may be disregarded and the fraction of greater than 0.5 shall be counted as one parking space.
- G.** When a building or development contains a mix of uses, the parking requirement shall be calculated as a percentage for each use and the total parking requirement shall be the sum of all the individual parking requirements. If a building or tenant space changes use, parking for the new use shall be provided in accordance with Section 16.3 Required Spaces. In the event the use change results in the need for additional spaces, the submitted Site Plan must account for this need for additional parking.
- H.** Each establishment shall provide sufficient off-street parking spaces for all employees, customers, visitors and others who may spend time at the establishment during working hours.

16.2 Design Standards and Required Dimensions

- A. Access.** Each required parking space shall open directly on an aisle or driveway to provide a safe and efficient means of ingress and egress.
- B. Location.** All parking shall be located on the same zoning lot as the structure or use served, or an adjacent lot under the same taxpayer's name, unless a Conditional Use Permit is obtained for offsite parking as allowed by District regulations.
- C. Lighting.** All lighting used to illuminate parking areas shall be directed away or shielded from adjacent properties and in compliance with all District regulations. The

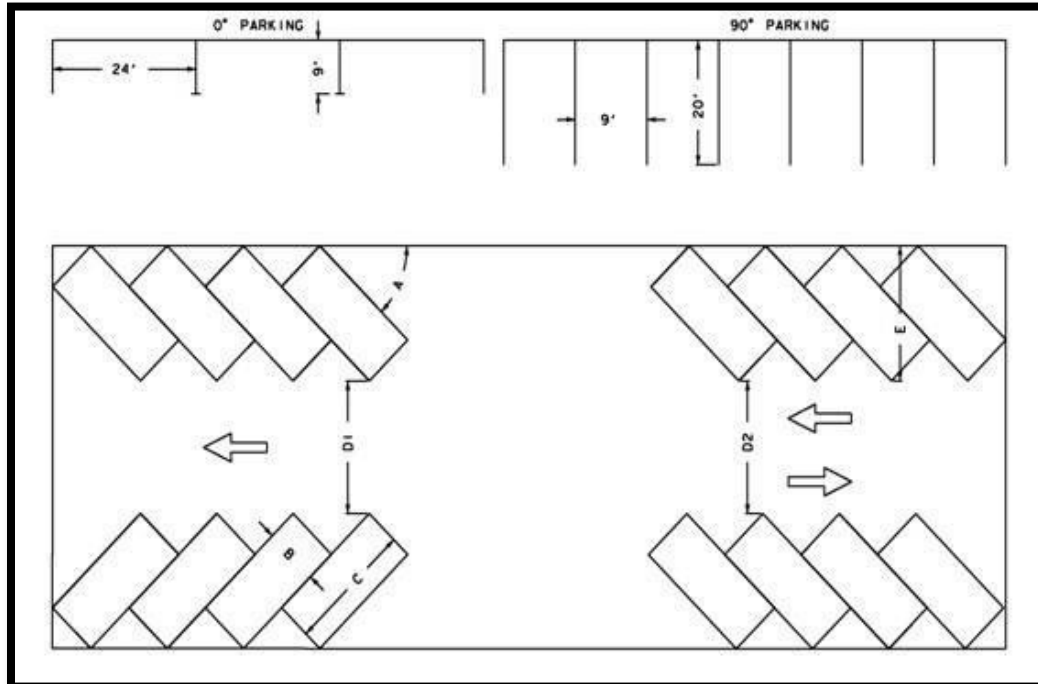
maximum height of a luminaire shall not exceed twenty-five (25) feet as measured from the grade to the bottom of the luminaire.

- D. Wheel Stops.** Parking areas shall have adequate wheel stops to prevent extension or overhang of vehicles beyond property lines or outside of parking areas. If vehicles overhang sidewalks, the sidewalks shall be widened to accommodate pedestrians as well as ADA Standards.
- E. Screening.** At a minimum, all parking areas containing more than six (6) spaces shall be screened on each side that adjoins any property situated in a residential or agricultural district. Screening shall be by a wall, or fence, or evergreen hedge not less than six (6) feet more than eight (8) feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, walls, fences, or hedges. Additional screening may be necessary due to District regulations.
- F. Paving Surface and Marking.** All required parking and loading spaces, driveways and aisles shall be graded and paved with asphalt, concrete or asphaltic concrete on an approved base and said spaces shall be striped with paint or other approved striping material. Parking areas shall have adequate markings for channelization and movement of vehicles.
- G. ADA Accessibility.** Accessible parking spaces shall be provided in accordance with the ADA, American with Disabilities Act, Accessibility Guidelines and any amendments thereto.
- H. Minimum dimensions for parking lots.** See Diagrams 16.1 and 16.2
- I. Miscellaneous.**
 - a. Unless a zoning district has specific parking setback requirements, all new parking spaces shall be located at least ten (10) feet from the front side and rear property lines and said setback areas shall be landscaped utilizing district requirements related to adjacent use.
 - b. A reduction in the dimensions for compact car or motorcycle spaces may be granted by the Planning Commission as part of the Site Plan approval. Said spaces shall be identified by signs or other similar methods that are clear to the users.
 - c. Minimum parking standards may be adjusted to greater capacities by the Planning Commission in the approval of the site plan to account for location, expected circulation flows and the likelihood of a use conversion.
 - d. If an unloading area is shown on a Site Plan, a truck circulation plan shall be included showing the truck size and circulation route. All maneuvering of delivery vehicles shall be on site and no public right-of-way shall be used except an alley.
 - e. When parking requirements refer to the number of employees, it shall mean the largest working-shift. Calculations should include any influxes or overlaps of traffic that would occur during shift changes.
 - f. No portion of a parking or loading area (including maneuvering areas but not the necessary entrance and exit drives), shall be located closer than 30 feet from a public street right-of-way or property line.

Diagram 16.1 – Parking Space and Driving Aisle Dimensions

A - Parking Angle	B - Stall Width	C - Stall Length	D1 - One-Way Aisle Width	D2 - Two-Way Aisle Width	E - Stall to Curb
0 Degrees	9 Feet	24 Feet	18 Feet	24 Feet	9 Feet
45 Degrees	9 Feet	20 Feet without overhang; 18 Feet with overhang	18 Feet	25 Feet	20.5 Feet
60 Degrees	9 Feet	20 Feet without overhang; 18 Feet with overhang	18 Feet	25 Feet	22 Feet
90 Degrees	9 Feet	20 Feet without overhang; 18 Feet with overhang	25 Feet	25 Feet	20 Feet

Diagram 16.2 – Parking Space Illustrations



16.3. Required Spaces. Off-street parking spaces shall be provided based upon specified use as outlined below. Minimum parking standards may be adjusted to greater amounts to account

for location, expected circulation flows, and conversion probabilities by the Planning Commission and will be evaluated by staff and the City Engineer during Site Plan review.

A. Dwelling Uses.

1. Single-family through four-family dwelling units: three spaces per dwelling unit, however, for single-family and two-family dwellings one space shall be in a garage.
2. Multi-family (5 units and more): two spaces per dwelling unit.
3. Nursing homes: one space per each four beds plus one space for each employee working on the premises during the largest shift.
4. Senior independent living: one space per dwelling unit plus one space for each transportation bus or vehicle.
5. Senior assisted living: one space per four dwelling units plus one space for each employee working on the premises during the largest shift plus one space for each transportation bus or vehicle.
6. Child or elder care homes: one space per each two sleeping rooms.
7. Manufactured homes: three spaces per dwelling unit.

B. Business and Commercial Uses (NOTE: Spaces for oversize vehicles shall be required when restaurant or hotel operations are adjacent to truck service operations).

1. Automobile, truck, recreational vehicle and manufactured home sales and rental lots: one space for each 3,000 square feet of sales or lot area plus one space for each employee.
2. Bank or financial institution: one space per each 300 square feet of floor area plus room to accommodate stacking of two vehicles per drive-through lane.
3. Day care center - commercial: one space per each 8 children plus one space for each employee plus one space for each transportation bus or vehicle.
4. Day care - home: one parking space plus one loading/unloading space plus one for each employee (full or part time).
5. Funeral Homes and mortuaries: one space for each three seats based on the maximum designed capacity of the facility plus one additional space for each employee.
6. Retail specialized mercantile (furniture, home sales, housewares and appliance stores): one space for each 400 square feet of gross floor area.
7. General office and research: one space for each 300-square feet of gross floor area.
8. Restaurants, private clubs, event spaces and taverns: one space for every two seats based on the maximum designed capacity including outdoor dining areas.
9. Restaurants/fast food: one space for every two seats based on the maximum design capacity plus one space per each employee plus adequate stacking spaces when a drive-in or drive through is included.
10. Restaurant express: one space for each two seats plus one space per each employee but not less than ten (10) spaces.
11. Retail convenience store: one space per 200 square feet of gross floor area.
12. Retail stores and shops general merchandise: one space for each 250 square feet of gross floor area.
13. Service stations: one space per each employee plus one space for each service bay.
14. Hotels and motels: one space per rental unit plus additional consideration for oversized vehicles including but not limited to semi-trucks with trailers, recreational vehicles, trailers, etc.

15. Medical services, clinics and offices: one space per 200 sq. ft. of gross floor area.

C. Industrial Uses.

1. Manufacturing – light: one space per 100 square feet of gross floor area.
2. Manufacturing – general: one space per 150 square feet of gross floor area.
3. Manufacturing – heavy: one space per 200 square feet of gross floor area.
4. Warehouse and distribution facilities: one space for each 1,000 square feet of gross floor area.

D. Other Uses.

1. Churches and places of worship: one space for every four seats based on the maximum design capacity of the largest meeting space including choir lofts.
2. Elementary, junior high and equivalent private schools: two spaces for each classroom plus one space for each employee.
3. High schools, colleges and universities: eight spaces per classroom plus one space for each employee.
4. Hospitals: one space for each four beds plus one space for each resident or doctor plus one space for each two employees.
5. Public and semi-public offices: one space for each 300 square feet of gross floor area or a minimum of 10 spaces plus one for each employee whichever is greater.
6. Places of public assembly - indoors: one space for each four seats based upon the maximum designed capacity of the facility.
7. Carwash: 5 stacking spaces and 2 exit spaces per stall.

E. Uses Not Listed. The parking requirement for any use not listed in Sections A, B, C and D shall be determined by the Planning Commission based on commonly accepted parking standards, recommendations from staff and a parking analysis prepared by the applicant if requested by the Zoning Administrator.

16.4 Off-Street Loading and Unloading Requirements

On premises loading and unloading spaces shall be provided off-street in the side or rear yard for all uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be located so as to avoid undue interference with traffic on public or private streets, and said activity shall not occur in public streets, alleys and/or on walkways.

STAFF UPDATE

Date: June 11, 2019
To: Edgerton Planning Commission
From: Katy Crow, Development Services Director
Re: **UDCA 2018-01** - Consider amendments to the Unified Development Code pertaining to Article 4 – *Commercial Zoning Districts* (Section 4.1 *C-D Downtown Commercial District*, Section 4.2 *C-1 General Commercial District*, Section 4.3 *C-2 Heavy Service Commercial District*, and Section 4.4 *C-3 Highway Service Commercial*), Article 10 – *Site Plans and Design Standards*, and Article 16 – *Parking and Loading Regulations*

BACKGROUND INFORMATION

Articles 10 and 16

At the May 14, 2019 Planning Commission Meeting, the Planning Commission recommended approval of Article 10 – *Site Plans and Design Standards* and Article 16 – *Parking and Loading Regulations* to the Governing Body for adoption.

Both articles were sent to the City Attorney for review. He has reviewed, provided edits and made clarification to the content. The redlined versions are included with this staff report for the Planning Commission to review. In the versions you are provided, you will see blue and red comments - blue comments/edits are from the City Attorney while red edits are from staff as a result of conversations with City Attorney and based upon his comments.

Staff requests the recommendations be reviewed and any commentary be provided.

Article 4, Sections 4.1 through 4.4, Section 4.6 and 4.7

Over the past month, staff has worked on formatting and consistency within Article 4 *Commercial Zoning Districts*, specifically Sections 4.1 through 4.4. Additionally, the City Attorney has reviewed the content to ensure compliance with state statutes. Recommended corrections were mostly grammatical in nature and they have been corrected in the versions presented in the packet. Sections 4.6 and 4.7 have been added to incorporate design guidelines for *Awnings and Fencing*, and *Fuel Stations, Convenience Stores and/or Drive-Throughs* respectively. Prior to their inclusion in the Article, they were provided to you as separate documents. Including them within the Article as part of the section numbering system helps assists with organization and reference.

Staff requests these sections be reviewed and any commentary or corrections be provided.

STAFF RECOMMENDATION

Once all comments and corrections have been addressed, staff recommends the Planning Commission move to **recommend the adoption** of Unified Development Code Article 4 - Sections 4.1 through 4.4, Section 4.6 and Section 4.7, Article 10, and Article 16 to the Governing Body at the City Council Meeting on June 27, 2019.

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
June 11, 2019

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

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chair John Daley, Commissioner Tim Berger, Commissioner Jeremy Little, and Commissioner Charlie Crooks. Commissioner Josh Beem was absent from the meeting. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

CONSENT AGENDA

Mr. Berger motioned to approve the item as presented in the Consent Agenda, Mr. Crooks seconded. The consent agenda was approved, 4-0.

MINUTES

The minutes for Regular Session of May 14, 2019 were considered and approved.

NEW BUSINESS

ELECTION OF PLANNING COMMISSION OFFICERS

Pursuant to the Bylaws of the Planning Commission, an annual meeting is held in June of each year for the purpose of electing a Planning Commission Chair, a Vice Chair, and a Secretary. Ms. Crow stated that the Planning Commission is required to have the officers per City Bylaws. Mr. Daley asked if any of the Commissioners wanted to change who the officers are. Mr. Crooks motioned to retain the same officers with Mr. John Daley as the Chair, Mr. Tim Berger as the Vice Chair, and Mr. Jeremy Little as the Secretary, Mr. Berger seconded. The motion carried, 4-0.

TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-05

Katy Crow, Development Services Director, introduced Application TU2019-05 requesting a gravel parking lot for ColdPoint Logistics at 31301 West 181st Street. Ms. Crow stated the applicant is Aaron Burks of ColdPoint. The ColdPoint facility is being built in phases with Phases I, II, and III being complete. With those phases completed, there is not enough room on the parcel to stage equipment needed to build Phase IV. Applicant is requesting to utilize Tract A of the parcel which abuts 181st Street to create the lay down lot. NorthPoint owns the parcel and has provided permission to ColdPoint for the use of the lot. Ms. Crow explained this lot had been used for Phase III. This request came in last fall, but staff requested it be held until the applicant was actually ready to begin construction.

Ms. Crow informed the Commissioners staff recommends approval with the following stipulations:

- 1) The lot may not be used for the staging of trucks carrying product to or from the ColdPoint site or trucks waiting to pick up loaded trailers. Only semi-trailers for construction use may be stored on this lot.
- 2) Temporary living quarters are not permitted on-site.
- 3) All occupied buildings shall have access to potable water from an approved water source.
- 4) All signage shall only be placed pursuant to applicable sign regulations in Article 5 and 12 of the Unified Development Code (UDC) of the City of Edgerton with a sign permit application submitted for review if necessary.
- 5) All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use.
- 6) All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied.
- 7) All contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapters of City Code, including a current Edgerton Business License.
- 8) Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with City Regulations and Policies with regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition.
- 9) On-site Stormwater Management Plan shall be approved by the City prior to the disturbance of land.
- 10) Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton.
- 11) Contractors are required to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period of time.
- 12) Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan.
- 13) Property owner and/or general contractors shall provide a Construction Management Plan to the City.
- 14) Staff retains the ability to establish reasonable requirements for the operation for the duration of approved use.
- 15) Permission for temporary construction activities is granted for a period ending June 11, 2020 or at the issuance of a Certificate of Occupancy, whichever comes first. At that time, all construction materials are to be removed from the site and it is to be planted with grass seed and matting to control erosion.

Mr. Berger motioned to approve application TCU2019-05 with the stipulations outlined, Mr. Little seconded. Temporary construction use TU 2019-05 approved, 4-0.

TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-06

Ms. Beth Linn, City Administrator and Mayor Donald Roberts entered the meeting at 7:07 p.m.

Ms. Crow introduced Application TU2019-06 requesting a rock and dirt hauling operation on the property located at the southeast corner of West 191st Street and Homestead Lane. This application is a renewal of a temporary construction use permit that was issued in April of 2018 that is now expired. The property owner is Mr. Omar Holtgraver, who has provided a letter granting permission to Hartman Excavating, the applicant, to continue removing the rock and dirt. The applicant is requesting

operations to start at 7 a.m. and go to 7 p.m. on Monday through Saturday. Hartman Excavating indicated water is to be used for dust control.

Ms. Crow informed the Planning Commission that staff recommends approval of the application with the following stipulations:

- 1) Temporary living quarters are not permitted on-site.
- 2) All occupied buildings shall have access to potable water from an approved water source.
- 3) All signage shall only be placed pursuant to applicable sign regulations in Article 5 and 12 of the UDC of the City of Edgerton with a sign permit application submitted for review if necessary.
- 4) All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use.
- 5) All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied.
- 6) All contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapters of City Code, including a current Edgerton Business License.
- 7) Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton.
- 8) Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition.
- 9) Contractors are required to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period of time.
- 10) Hours of operation shall be limited to from 7:00 a.m. to 7:00 p.m., Monday through Saturday, unless otherwise approved by staff.
- 11) Staff retains the ability to establish reasonable requirements for the operation.
- 12) Property owner and/or general contractors shall provide City and emergency response agencies an updated copy of the site-specific Safety Action Plan.
- 13) Property owner and/or general contractors shall provide an updated Construction Management Plan to the City.
- 14) All activities will be performed in compliance with Kansas Department of Health and Environment (KDHE) and the requirements of the KDHE Bureau of Air.
- 15) Operator will insure that haul loads do not exceed legal limits for truck weight.
- 16) Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliances with City Regulations and Policies regarding the tracking of debris onto public streets.
- 17) Best Management Practices may be required where protentional impacts to stormwater conveyance facilities occur (i.e., silt fencing, berming, creation of a construction entrance, etc.).
- 18) Permission for temporary construction activities is granted for a period ending May 1, 2020.

Mr. Daley asked if this application was to clear the site. Ms. Crow replied that is correct and the pile is made of the spoils from other projects in Logistics Park Kansas City (LPKC) and needs to be cleared should the parcel ever be developed.

Mr. Crooks motioned to approve application TCU2019-06 with the stipulations noted by staff, Mr. Berger seconded. Temporary construction use TCU2019-06 approved, 4-0.

UDCA2018-01– AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Ms. Crow introduced application UDCA2018-01, regarding revisions to Articles 4 (Commercial Zoning Districts), 10 (Site Plans and Design Standards), and 16 (Parking and Loading Regulations) of the City of Edgerton's UDC. Ms. Crow explained the Planning Commission recommended adoption of Articles 10 and 16 to the City Council at the May 14, 2019 Planning Commission meeting. Staff provided those articles to the City Attorney to review and he did have recommendations for edits prior to the Articles moving forward to the City Council.

Ms. Crow informed the Planning Commission the City Attorney has also reviewed the Article 4 Sections provided to them tonight - Section 4.1 (C-D Downtown Commercial District), Section 4.2 (C-1 General Commercial District), Section 4.3 (C-2 Heavy Service Commercial District) and Section 4.4 (C-3 Highway Service Commercial). Ms. Crow stated there were two new sections that were created by staff after review of Article 4. Those sections are Section 4.6 - Awnings and Fencing and Section 4.7 - Fuel Stations, Convenience Stores and/or Drive-Throughs. The new sections were created to keep the other sections shorter as these topics were frequently brought up in other sections. Ms. Crow said staff would request these Articles be recommended for approval to the Governing Body if approved by the Planning Commission.

Ms. Crow stated the changes in Article 10 are mostly grammatical and semantic edits, with few if any changes to content. The first page of Article 10 contains addition of wording that make the UDC easier to read. One key addition was providing the Planning Commission the ability to have the final decision on whether a Preliminary Site Plan is required from an applicant. At several points in Articles 10 and 16 the City Attorney made note that he had not cross-checked Article references listed. A phrase was added by the City Attorney stating that it shall be the Zoning Administrator's opinion which determines whether or not a revised Site Plan contains significant enough changes to require a new Public Hearing. On the final page of Article 10, wording of an expiration period of one year for an approved Site Plan was added.

Mr. Berger motioned to approve the changes and recommend adoption of Article 10 to the Governing Body, Mr. Little seconded. Motion was approved, 4-0.

Ms. Crow brought forth Article 16 to the Planning Commission by stating the changes in blue were made by the City Attorney and the changes in red are changes made by staff in conjunction with the City Attorney. On the first page of Article 16, a statement was added that requires new structures to adhere to the regulations outline in this article. The definition of a vehicle was expanded to state what can and cannot be stored in parking spaces. The final change on the first page was to inform the property owner that a change in use will require the Site Plan to account for any additional parking that might be required. Ms. Crow gave the example of a lot changing from a bank which per Article 16 requires one parking space for each 300 square feet of gross floor area to a retail convenience store which requires one space for each 200 square feet of gross floor area. On the third page there was verbiage added to ADA requirements that will allow any amendments to the American with Disabilities Act, Accessibility Guidelines be applied without any changes to the UDC. The rest of the changes to Article 16 are grammatical changes and not changing content.

Mr. Berger motioned to approve the changes and recommend adoption of Article 16 to the Governing Body, Mr. Crooks seconded. Motion was approved, 4-0.

Ms. Crow reminded the Planning Commission that Article 4 was provided to them last month to review. She explained the City Attorney has already reviewed the articles before the Planning Commission, and tonight they are seeing a final copy with no blue or red changes. The main change from the copies handed out last month to the copy before them, is the alphabetizing of permitted uses and some minor grammatical changes.

Ms. Crow stated staff added Sections 4.6 and 4.7 regarding awnings and fences and fuel stations, convenience stores and/or drive-throughs respectively. These sections were added because the regulations outlined in Section 4.6 were being referenced in many of the other sections in Article 4, so for continuity and brevity, the section was added. Section 4.7 was added because staff felt it necessary to outline more requirements than the general zoning district required. References to the new sections are made in the proper locations in the zoning districts' design guidelines.

Ms. Crow informed the Planning Commission that when staff was using the new draft of Article 4 to review a project, they discovered there was no right-of-way buffer requirements for landscaping in Article 4. Ms. Crow explained a landscape buffer should be added to this article similar to the requirements for the Logistics Park L-P District. Ms. Linn stated that if the Planning Commission approves, staff can use the landscaping requirements that is in other zoning districts of the UDC to add similar language to Article 4.

Ms. Linn acknowledged the Planning Commission's time spent on working through the UDC update process. It is staff's hope to have just one major amendment to the UDC and work on small sections that need to be updated in the future.

Ms. Crow stated that more sections, including Section 4.0 - Office District and Section 4.5 – Transitional District are both forthcoming at a future meeting.

Mr. Little motioned to approve the current staff updates, allow staff to update the landscaping requirements and other minor changes, and recommend adoption to Governing Body, Mr. Berger seconded. The motion carried, 4-0.

Ms. Crow said the edits will be made and the Governing Body will receive copies to review at the June 13th meeting and the application will go before the City Council for approval at the June 27th meeting.

FUTURE MEETING

The next meeting is scheduled for July 9, 2019. Ms. Crow informed the Planning Commission that there will be an application before the Board of Zoning Appeals at 6:30 before the regular scheduled meeting. Mr. Berger stated that he will not be in attendance. Mr. Daley asked if a quorum will need to be present. Ms. Crow answered a quorum will be needed and staff will verify a quorum will be present beforehand.

ADJOURNMENT

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

The meeting adjourned at 7:35 p.m.

Submitted by: Chris Clinton, Planning and Zoning Coordinator

DRAFT

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:

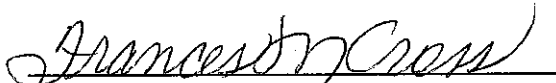
16-101. UNIFIED DEVELOPMENT CODE. There is hereby adopted in its entirety a standard code of zoning and subdivision regulations for the incorporated area of the City of Edgerton, Kansas entitled: **"EDGERTON, KANSAS UNIFIED DEVELOPMENT CODE, MARCH 3, 2004 EDITION"** containing Chapter 1, Zoning Regulations, 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.

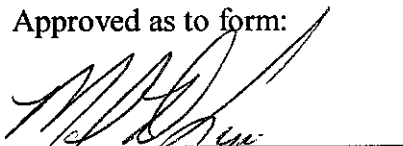
PASSED AND APPROVED by the Governing Body of the City of Edgerton, Kansas this 26th day of February, 2004.


Frances M. Cross, Mayor

ATTEST:


Rita M. Moore, City Clerk

Approved as to form:


Mark D. Lewis, City Attorney

ORDINANCE NO. 2014

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE UPDATED VERSIONS OF ARTICLE 4, SECTIONS 4.1, 4.2, 4.3, 4.4, 4.6 AND 4.7, ARTICLE 10 AND ARTICLE 16

WHEREAS, on June 11, 2019 the City of Edgerton Planning Commission met and reviewed proposed updates to the City of Edgerton Unified Development Code. More specifically it considered revisions to Article 4 *Commercial Zoning Districts* (Section 4.1 *C-D Downtown Commercial District*, Section 4.2 *C-1 General Commercial District*, Section 4.3 *C-2 Heavy Service Commercial District*, Section 4.4 *C-3 Highway Service Commercial District*, Section 4.6 *Awnings and Fencing* and Section 4.7 *Fuel Stations, Convenience Stores and/or Drive-Throughs*), Article 10 *Site Plan and Design Standards*, and Article 16 *Parking and Loading Regulations*; 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* (Section 4.1 *C-D Downtown Commercial District*, Section 4.2 *C-1 General Commercial District*, Section 4.3 *C-2 Heavy Service Commercial District*, Section 4.4 *C-3 Highway Service Commercial District*, Section 4.6 *Awnings and Fencing* and Section 4.7 *Fuel Stations, Convenience Stores and/or Drive-Throughs*), Article 10 *Site Plan and Design Standards*, and Article 16 *Parking and Loading Regulations* 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.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 27th day of June, 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: June 27, 2019

Department: Public Works

Agenda Item: Consider Approval of Typical Street Section for 2019 Street Reconstruction Project

Background/Description of Item: On May 23, 2019, Edgerton City Council approved a Preliminary Design Build Agreement with the Miles Excavating/Cook Flat Strobel/TREKK team for the 2019 Street Reconstruction Project. These roadways were identified in the 2017 Street Program as passed their useful life. This project will completely remove and replace the roadway. Storm drainage will be analyzed and maximized to remove water from the roadway which may require complete removal of existing portion of storm water infrastructure and/or installation of new structures. The existing street lighting will be analyzed for significant deficiencies in roadway lighting, and utilities will be moved to remove all interferences.

To finalize the preliminary design and prepare the Guaranteed Maximum Price (GMP) and schedule, staff would request that City Council approve the typical street section of roadway for the project.

Article 14 of the Unified Development Code (UDC) serves a guide to start the discussion for standard roadway section providing information on all types of infrastructure including roadway, sidewalks, utilities, storm water, easements, etc. For the purposes of this project, staff reviewed Sections 1 (Streets, Sanitary Sewers and Storm Drains), 4 (Sidewalks), and 12 (Types of Subdivisions).

Article 14.1 states that American Public Works Association (APWA) shall govern the design and layout of the streets, sanitary sewers, and storm drains unless they are specifically addressed by further subsections. Article 14.4 addresses sidewalk, stating that sidewalk is to be installed on both sides of the road, be 4 foot wide, and be installed 1 foot inside the right-of-way (ROW). Article 14.12 states the typical road will have curb, a width of 28' back of curb to back of curb, and again mentions sidewalk being installed on both sides of the road.

Staff and City Engineer reviewed the UDC in conjunction with the typical section provided by APWA and standard practices for other jurisdictions in the metropolitan area. Based on all of that data, staff recommends the City Council consider the following standard roadway section:



- Road width: 28 feet from back of curb to back of curb
- Right-of-way (ROW) width: 50 foot (no change to existing)
- Type/Size of Curb: 2 foot low back (mountable) curb
- Sidewalk Width: 5 feet
- Sidewalk Location: Typically 1 foot inside the ROW
- Sidewalk Placement:
 - When sidewalk exists: new sidewalk reinstalled on same side
 - When Sidewalk does not exist: installed on the North and West side of the road

This recommendation is a typical section provided by APWA for residential roadway. The recommended road width will make a consistent road section with minimal change from existing. The right-of-way does not change the existing width. Low back (mountable) curb matches existing.

The primary difference in the recommendation section versus the Edgerton UDC relates to the sidewalk including width, location and placement. Staff recommends a 5 foot wide section, which is recommended by APWA. The most recent sidewalk project completed by the City of Edgerton was a 5 foot wide section. If the City narrows to four feet as described in the UDC, the City would need to widen the sidewalk periodically to meet requirements of the Americans with Disabilities Act. The installation of sidewalk 1 foot inside the right-of-way is the same as general practice within the existing code. In addition, this location allows sufficient green space between the curb and sidewalk for removal of snow from the roadway.

Finally, for placement of sidewalk staff recommends where sidewalk exists, staff recommends replacement on the same side. For areas where sidewalk does not exist, staff would recommend the City adopt a standard policy for placement on the North side of the road for East-West roads and the West side for North-South roads. This recommendation is based on coordination of proposed sidewalk with existing sections within the project area and matches many parts of town.

Installation of sidewalk on one side of the road varies from the UDC as it states currently. However, staff recommends City Council consider sidewalk on one side of the roadway to lower both cost of construction and cost of maintenance. Installation on one side is typical practice for jurisdictions in the metropolitan area for residential streets. Sidewalk on both sides may become more critical as roadways increase in functional classification (such as collector or arterial).

Following the selection of the standard roadway section, Staff will work with the Design-Build Team to finalize the preliminary design plans, the Guaranteed Maximum Price and the project schedule. Those three items will be presented to City Council with the Design-Build Agreement for consideration in July.

Related Ordinance(s) or Statue(s): Edgerton Unified Development Code, Article 14

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

<p>Recommendation: Approve the Typical Street Section for 2019 Street Reconstruction Project as Outlined Above</p>

Enclosed:

Prepared by: Dan Merkh, Public Works Director