

EDGERTON PLANNING COMMISSION
REGULAR SESSION
Edgerton City Hall
January 8, 2019
7:00 P.M.

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call

4. **CONSENT AGENDA**

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

MINUTES

- A. Consideration of Minutes for Regular Session of December 11, 2018

6. **OLD BUSINESS**

CONTINUED FROM THE DECEMBER 11, 2018 PLANNING COMMISSION MEETING PUBLIC HEARING – UNIFIED DEVELOPMENT CODE – AMENDMENTS TO ARTICLES 4, 10 and 12; UDCA 2018-01

- A. Consideration of reopening the continued public hearing to consider comments regarding amendments to the Unified Development Code pertaining to Article 10 – *Site Plans and Design Standards*, Article 4 – *Commercial Zoning Districts*, and Article 12 – *Sign Regulations*.

Action requested: Open the public hearing, receive comments, and consider motion to close or continue.

Consider motion to recommend approval or denial to the Governing Body.

7. Future Meeting – February 12, 2019
8. Adjournment

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
December 11, 2018

The Edgerton Planning Commission met in regular session with Vice Chair Tim Berger 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 Vice Chair Tim Berger, and Commissioners Jeremy Little, and Charlie Crooks. Absent was Chair John Daley and Commissioner Andrew Merriman. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, and City Clerk Rachel James.

The City Clerk announced a quorum was present.

ELECTION OF 2018-2019 SECRETARY

An election to fill the vacancy for the 2018-2019 Planning Commission Secretary was considered.

After brief discussion, Commissioner Little volunteered to be nominated.

Motion by Crooks, seconded by Berger, to approve the nomination and appoint Commissioner Little as noted Secretary. Motion was approved, 3-0.

CONSENT AGENDA

Motion by Crooks, seconded by Little, to approve the item as presented in the Consent Agenda. Motion was approved, 3-0.

MINUTES

- A. The minutes for Regular Session of November 13, 2018 were considered and approved.

OLD BUSINESS

CONTINUED FROM THE NOVEMBER 13, 2018 PLANNING COMMISSION MEETING - FINAL SITE PLAN- FS2018-08 (LOGISTICS PARK KANSAS CITY SOUTH) – REVISIONS TO APPROVED FINAL SITE PLAN FS2018-04 AT THE NORTHEAST CORNER OF 207TH STREET AND HOMESTEAD LANE

Final Site Plan, FS2018-08, regarding revisions to approved Final Site Plan, FS2018-04, for property consisting of one (1) lot and two (2) tracts, on approximately 205.951 acres, more or less, located on the northeast corner of the intersection at 107th Street and Homestead Lane, was considered. Applicant: NorthPoint, represented by Brett Powell and Kubota Tractor Corporation, represented by Mark Bright

Katy Crow, Development Services Director, overviewed the Final Site Plan action from the April 10, 2018 Planning Commission Meeting. Ms. Crow stated that at the November 13, 2018 Planning Commission Meeting, a revised Site Plan Application from NorthPoint had been brought forward, which requested 38 changes to the originally approved site plan. She noted that several changes were approved at staff level; but due to the several changes that were significant, staff determined consideration by and approval of was needed by the Planning Commission for others.

Ms. Crow informed the Commission that staff had reviewed the three items carried over from the previous meeting.

- Change 25) *addition of berm along 207th Street reflecting discussion during previous Planning Commission meeting, adding the berm and landscaping were adjusted to accommodate the waterline; plan species and total did not change.* Staff conducted an onsite review of adjustments to the berm made to accommodate the installation of the waterline. Line of sight diagrams reviewed at the April 10, 2018 Planning Commission Meeting were reviewed onsite for adequate berm placement. While landscaping is not currently in place, it is staff's belief that this adjustment will provide the same screening result for the residences adjacent to 207th Street as the landscaping plan submitted and approved with the Final Site Plan on April 10, 2018. Staff approval given.
- Change 29) *landscape trees along 207th Street are shown in linear installation to account for a linear peak of the berm.* Staff conducted an onsite review of the linear peak of the berm made to accommodate the installation of the waterline. While landscaping is not in place, staff believes the linear alignment of trees along the berm will provide adequate screening for the residents adjacent to 207th Street and will achieve the same results approved with the line of sight diagrams reviewed with the Planning Commission on April 10, 2018. Staff approval given.
- Change C) *natural gas meter/regulator sets will be located east of the east drive along 207th Street as required by Kansas Gas.* Staff conducted an onsite review of where the Kansas Gas meter/regulator set will be located. Due to the size of the proposed appurtenance and its adjacency to 207th Street, staff recommends the applicant provide a landscape and screening plan for staff to review for compliance with the UDC as it relates to the screening of outdoor equipment. An Edgerton Right of Way permit will be required for utility work and city staff will review that permit application for compliance with Municipal Code when received.

Motion by Crooks, seconded by Little, to approve the final three revisions to Site Plan FS2018-08. Motion was approved, 3-0.

NEW BUSINESS

PUBLIC HEARING – UNIFIED DEVELOPMENT CODE – AMENDMENTS TO ARTICLE 10 SITE PLANS AND DESIGN STANDARDS; UDCA 2018-01

*Public Hearing was published for Amendments to Articles 4, 10, and 12. While only Article 10 was heard at the meeting with the continuance, Articles 4 and 12 will be heard as part of the continuance.

The opening of a public hearing to consider comments regarding amendments to the City of Edgerton's Uniform Development Code (UDC) pertaining to Article 10 – Site Plans and Design Standards was considered.

Katy Crow, Development Services Director, stated that this is the beginning of the conversation on revisions to the Unified Development Code, which is adopted to encourage the most appropriate use of land and insure the logical and compatible growth of various districts within the City. Ron Williamson, Consultant, has helped with the process of updating the UDC. The conversation will begin with this meeting but is a multiple step process. Ms. Crow and Mr. Williamson would like feedback and insight on the process from the Commission along with their thoughts on proposed changes. Once this process is complete, the UDC will go to the Governing Body for approval and then become official City Code.

Beth Linn, City Administrator, stated the UDC should be treated as the road map to understand how to go through the Site Plan Process. Ms. Linn stated that the Edgerton UDC has not be evaluated in 8 or more years, so while reviewing there is the possibility that when you touch one item, a waterfall affect will occur and more code sections will need to be revised. Ms. Crow stated Mr. Williamson has worked with other local municipalities reviewing their UDCs, so if there are any questions, ask him about his recommendations.

Ms. Crow outlined the process of reviewing Article 10. Mr. Williamson has played a large part in updating and editing code for other jurisdictions, and Ms. Crow has asked for practical changes based on previous experiences/ troubles faced especially in regard to Site Plan development.

Ms. Crow read through updates to Article 10. The City Administrator gave feedback on the changes stating that there is a need to balance existing development and future development. Information regarding proposed storm drainage from the City Engineer was shared with staff and reviewed with the Commission. It will be incorporated into the update to Article 10.

The Development Services Director continued the overview of Article 10. Mr. Williamson stated that section 10.2 deals with streets and access on the overall Site Plan and that a future Article 16 will outline parking regulations. Ms. Linn stated that 10.2 would cover regulations for commercial and industrial site plan access. Ms. Linn stated they will continue to finesse the more complicated requirements that come with certain projects. There is a desire to find a way to categorize Site Plans – Preliminary vs. Final. She also stated that Edgerton wants to be a great neighbor to those who live in the community as well as a business-friendly community. Vice Chair Berger asked if there was a provision for landscaping maintenance. Ms. Linn stated that there is a requirement for the tree to be maintained as live. Mr. Williamson gave insight into conditions of approval for the site plan, to include critical time of life of trees. Ms. Linn stated in the future there needs to be a discussion of how long Site Plan approval is valid.

Vice Chair Berger opened the public hearing.

There were no comments from the public or Commissioners.

Mayor Roberts addressed the Planning Commission. Mayor Roberts stated that the UDC is what helps design our community and is a critical component of what Edgerton looks like both today and tomorrow. He encourages the Planning Commission to view this as an important high-level document that strengths the vision for this community. Mayor Roberts stated this is not just what we are building today but this will affect how we shape our community in general. We can make this better but this also a document that you can easily get carried away with. Mayor Roberts stated he would love for the Commission to get through the process in a short amount of time but understands this is quite an undertaking. He also stated that this is an awesome opportunity to have an impact.

Motion by Crooks, second by Little to continue Public Hearing to January 8, 2019. Motion was approved, 3-0.

FUTURE MEETING

The next meeting is scheduled for January 8, 2019.

ADJOURNMENT

Motion by Little, seconded by Crooks, to adjourn. Motion was approved, 3-0.

Edgerton Planning Commission
Regular Session
November 13, 2018
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The meeting adjourned at 7:47 p.m.

Submitted by: Rachel A. James, Recording Officer

STAFF UPDATE

Date: January 8, 2019
To: Edgerton Planning Commission
From: Katy Crow, Development Services Director
Re: **UDCA 2018-01** Continuation of public hearing to consider comments regarding amendments to the Unified Development Code pertaining to Article 10 – *Site Plans and Design Standards*, Article 4 – *Commercial Zoning Districts*, and Article 12 – *Sign Regulations*.

BACKGROUND INFORMATION

At the December 11, 2018 Planning Commission Meeting, a public hearing was opened to hear public comments pertaining to revisions to the City of Edgerton's Uniform Development Code (UDC). This is a multi-step process which will occur over several Planning Commission Meetings and additional Articles will be forthcoming for review over the next several months. During the past month, staff has continued to work on updates and, as was done at the December meeting, will continue present revisions and suggestions for discussion by the Planning Commission. In the attached documents, proposed new information is indicated in red, information proposed to be deleted is lined out in blue, and information in black would remain in the UDC as is.

At the December Planning Commission Meeting, staff shared with the Commissioners, an updated version of **Article 10**. Input given during that meeting, and received from the City Engineer, has been included in blue in the revised version of the Article included with this Staff Update.

Some of those revisions include:

- Information related to Storm Drainage Systems;
- Clarification on dumpster screening;
- Additional clarification of what constitutes a Site Plan modification; and
- Site Plan expiration criteria.

In reviewing and revising Article 10, it was determined by staff that the UDC would be better organized and easier to utilize if the Parking and Loading Requirements were removed from the Site Plan chapter (Article 10) and placed in a new chapter, containing more detailed information about parking in general. **Article 16 – *Parking and Loading Regulations*** is this new chapter, created utilizing both parking and loading content from Article 10 and incorporating some industry standard related information.

It was noted by staff and the consultant we are working with, that some information was missing from Article 10, related to parking and loading requirements, that would be deemed helpful when developers submit a Site Plan for staff review.

The attached Article 16, incorporates some of these missing items and includes some additional information:

- Clarification on the calculation of fractional parking spaces and clarification of parking requirements for mixed use buildings;
- Minimum dimensions for parking lots, incorporating a variety of parking lot styles including parallel parking, center bay parking and aisle width for one and two-way traffic;
- An allowance for reduced sized spaces for compact cars and motorcycles;
- Content for required spaces was changed from a chart format to a listing format, categorized by use.
- Several missing development uses, which would require parking if built within the City, were added.

Article 4 – *Commercial Zoning Districts* has been revised to include updates to the C-D, Downtown Commercial District, C-1 General Commercial District, and C-2 Heavy Service Commercial. In working through the list of uses in Article 4, staff determined that it was necessary to create two new districts: C-O Office District and C-3 Highway Service Commercial District.

Many of the revisions made to C-D, C-1 and C-2 Districts include:

- Updated uses (permitted and conditional) in the C-D and C-1 Districts, and
- Redirects to the newly revised Article 10, newly created Article 16, and revised Article 12 for Site Plan development and signage guidelines.
- Some minor updates to the setback requirements, to keep more in line with current industry standards.

The updates made for permitted and conditional uses is necessary to better align the listed uses with Edgerton’s Comprehensive Plan and the Governing Body’s vision for the community. Uses removed from the C-1 Conditional Use list have been added to either C-2, Industrial, or a newly created, C-3 Highway Service Commercial District. In reviewing the list of uses for each Commercial Zoning District, staff determined that two new zoning Districts should be created to cover some uses that do not fit well within the definition of existing Districts.

The newly created C-O Office District is intended to provide limited institutional and office uses as a transitional district adjacent to residential neighborhoods. Uses are restricted to offices, financial institutions and personal services. The intent is to encourage harmonious integration of office uses as a transition between higher intensity uses and residential neighborhoods.

The C-3 Highway Service 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.

The content in both the C-O and C-3 sections is completely new content to the Edgerton UDC and was developed using industry standards in place by surrounding jurisdictions. In addition to a list of permitted uses within each of these respective Districts, these sections contain conditional uses, setbacks, district regulations and reference to Articles 10, 12, and 16 for Site Plan and signage requirements.

In March of 2018 the Governing Body approved the Downtown Edgerton Plan. The plan includes recommendations for a transitional neighborhood mixed used district adjacent to the Downtown area. As we move forward in reviewing the UDC, staff will continue to evaluate the recommendations of that plan and will incorporate them where they best fit in the UDC.

Article 12 – Sign Regulations was reviewed and has been updated to clarify content and remove some conflicting information. Proposed changes include the following:

- Clarification related to the sign area calculation of double sided monument signs and wall signs;
- Addition of a category for 'Semi-permanent leasing signs' which address real estate signage which may be necessary for the leasing of commercial space;
- Additional prohibited signs;
- Maximum size requirements for general signage – prior sizing limits were not listed;
- Clarification on sign approval with deviations needing to go before the Governing Body for final approval;
- An updated definitions list which includes definitions not already included and definitions for new sign types added to the UDC; and
- A new section for 'Nonconforming Signs' which addresses signs in existence today which are not compliant with UDC requirements.

As staff continues to review these Articles and others within the UDC, we ask for your input, direction, guidance and oversight in incorporating these changes which will create an important framework for development activity in the City of Edgerton for years to come. City staff will continue to work on the flow and consistency of the code between chapters and sections, making necessary corrections that do not change the content, merely the format of the document.

Upon review and recommendation by the Planning Commission, the final form Articles will go to the Governing Body for approval and adoption. Prior to presentation to the Governing Body, staff will provide a copy of the revised UDC to the City Attorney for review, so that adopted code is not in conflict with Kansas statutory requirements.

Article 10

Site Plans and Design Standards

Section 10.1	Site Plans
Section 10.2	Parking and Loading
Section 10.32	Streets and Access Drives
Section 10.3	Building Permit
Section 10.4	Final Approved Site Plan

10.1 Site Plans

A. Obligation. The site plan, ~~a scaled drawings map 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 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 sign all site plans. ~~A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.~~

B. Site Plans Are Required in all of the following application procedures unless specifically waived by the Planning Commission:

1. All ~~development~~ applications involving mixed-use development (when more than one type of land use is to be integrated into one site); ~~including~~ Planned Unit Development; Multi-family residential; ~~Office;~~ Commercial; ~~and~~ Industrial projects. ~~Districts. and when required by the specific provisions of this Unified Development Ordinance.~~
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, and
3. When required by the specific provisions of this Unified Development Code, and
4. A change in use, when in the opinion of the Zoning Administrator a site plan needs to be submitted.

C. Public Hearing.

1. A public hearing is required for all Site Plan applications.
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 8.1.F The Conduct of Hearings, paragraphs 1.,2, and 3.
4. The Planning Commission may approve the site plan, deny it or approve it with Conditions. For site plans, the Planning commission vote is not advisory or a recommendation.

D. Submission Requirements.

1. A Site Plan Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the site plan application.
2. ~~Three~~ Two copies of the site plan ~~plus an electronic copy~~ must be submitted to the Zoning Administrator at least ~~thirty (30)~~ forty-five (45) ~~working~~ days in advance of a scheduled Planning Commission ~~or Board of Zoning Appeals~~ hearing. One copy shall be made available for public inspection at least ~~fourteen (14)~~ twenty (20) days in advance of a public hearing.
3. All ~~(FINAL)~~ Site Plans must be submitted on superior quality paper in a ~~24 X 36~~ 30 X 40 inches format (or a format specified by the Zoning Administrator). The scale shall be a professionally acceptable standard suitable to the area of the proposed project.

E. Certifications. Unless otherwise specified, each site plan shall contain the following information: certifications on the front sheet of the submittal:

CERTIFICATE:

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

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

~~Permission for parking to encroach within setback lines by the Planning Commission is __ is not __ granted. according to my marked notations: (Zoning Admin.) _____ date~~

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

Applicant signature: _____ Date: _____

F. Contents of Site Plan Drawings.

~~1. Front or cover sheet.~~

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 project sponsor. A street, lot or tract address of the project.
3. An index to contents, and a data table which, at a minimum, includes: Acreage of the site and number of units per acre (if applicable); gross square feet of the building(s) area; the proposed use of each building; number of employees ~~and the BOCA or Uniform Building Code or NEPA 101 Life Safety Code Occupancy Design Load~~ and, the total number of parking places.

4. The name of the architect, engineer, surveyor or ~~draftsman~~, landscape architect, licensed in the State of Kansas, who prepared the site plan.

~~e). The following certificates and signature blocks:~~

~~2. Sheet #2~~

5. A landscape plan drawn to scale, showing the site, ~~name and size of existing trees to be retained~~, building location, planting and seeding schedules, refuse and outdoor storage screening and boundary screening. All landscape features shall be shown in relation to sidewalks, paths, lawns, parking areas and drives.

A table entitled "Planting Schedule" which lists the common name, size and condition of all planting materials, together with a timetable for planting.

~~3. Sheet #3~~

6. A site map with the following features.
 - a. ~~Existing and proposed topography at reasonable~~ 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.
 - d. Parking areas, paths, walks 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 footcandles when adjacent to an agricultural or residential district or 0.2 footcandles 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 footcandle 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.

7. ~~A sketch~~ Scale drawing of all proposed signage including location, height, size, area, materials and design ~~the entry sign, and all other free-standing, façade, and building signs~~ to be used on the premises. Construction drawings will be required when applying for a sign permit.
8. Features to facilitate handicapped access.
9. Profile and detail for roads, ~~the location and width of sidewalks and the location of trails~~ (if required ~~by the Zoning Administrator~~).
- ~~4. Sheet #4~~
10. Scale drawing of building floor plans ~~with dimensions and square foot calculations.~~
 - ~~b). Dimensions and use of rooms and areas.~~
 - ~~c). Dimensions of entrances/exits and corridors.~~
 - ~~d) Interior specifications for handicapped accessibility as required by ANSI 117.1 and this ordinance.~~
- ~~5. Sheet #5 (if requested)~~
11. Scale drawings of all building elevations ~~with all dimensions.~~
12. Roof pitch and materials.

13. Building façade elevations including ~~siding type, and materials,~~ exterior materials and color. ~~including facade.~~
14. Location and line of site full screening of roof top and ground HVAC units and other utility boxes and other above ground facilities from view of the street and adjacent properties.
15. Location and full screening and enclosure of all outside trash bins and dumpsters from view of the street and adjacent properties. The enclosure shall 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.

~~C. Additional Requirements.~~

16. Depending upon circumstances ~~(especially buildings used for assembly) the Planning Commission~~ the Zoning Administrator may require additional information related to operations and their impact on adjacent properties. ~~sheets for mechanical and electrical and building materials specifications. The Planning Commission and~~ may also require additional information for hazardous material or other environmental impacts.
17. 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:
 - a. The projected number of motor vehicle trips to enter and leave the site, estimated for daily and peak hour traffic levels;
 - b. The projected traffic flow pattern including vehicular traffic movements at all major intersections likely to be affected by the proposed use of the site; and
 - c. The impact of the proposed traffic upon existing, public and private ways in relation to existing and projected daily and peak hour road capacities.
 - d. A recommendation of whether additional improvements would be needed such as turning lanes or traffic signals to accommodate the projected traffic.
 - e. Any other information as determined by the City Engineer.
18. Site Plan shall include the layout and design of all property designed required parking and loading areas in accordance with Article 16 of the Unified Development Code.

~~D. Design Standards.~~

- ~~1. All new parking spaces shall be located within the building envelope inside the required front, side and rear yard setback. When permission to encroach into the setbacks is granted by the Zoning Administrator, a green area of no less than six (6) feet must be provided between the R.O.W. and property lines.~~
- ~~2. Parking spaces must be on a prepared bed with either a rock, asphalt or concrete surface. Surface requirements are set by the Planning Commission and depend upon the need for dust control, amount of parking, nature and size of the vehicles, in-out traffic flow, erosion control, and visual design.~~
- ~~3.—~~

G. Appearance Regulations.

1. The Planning Commission may require additional landscape materials, open space buffering, setback from property lines and/ or screening materials for all buildings that abut residentially used or zoned parcels.
2. Building tones and color shall be of a quality that is compatible with other new development in the City.
3. All buildings with a metal exterior shall have a facade (surface covering material) composed of stone, brick, custom siding or a combination of these materials which include the total surface of all sides of the building. Allowed materials may vary between districts. Check district requirements for specifics allowances.

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.

The Planning Commission may, in the process of approving a site plan, recommend deviations of the standard requirements to the Governing Body provided any deviation is in keeping with accepted land planning principles and in the interest of efficient land development and utilization. The Governing Body may approve, deny or revise said recommendation or take such action as it deems appropriate.

I. Improvements.

The Planning Commission may require the construction or installation of infrastructure improvements such as sidewalks, traffic signals, street widening 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 trail 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 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. the juxtaposition of land uses;
3. the relationship of open space in the development;
4. 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; or
8. Alter utility locations and connections that adversely affect the quality of the project.

If, in the opinion of the Zoning Administrator, a Site Plan is substantially changed from the approved plan, the applicant shall resubmit the revised plan to the Planning Commission for approval.

K. Planning Commission Action

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.

10.2—Parking and Loading Standards

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

- ~~1. Parking may be located in any yard however; In residential districts no parking shall be located in a required front yard or a required side yard adjacent to a street except in the driveway.~~
- ~~2. No major vehicle repair work or service of any kind shall be permitted in any parking facilities.~~
- ~~3. No unlicensed or inoperable vehicle or part of such vehicle may be left, parked or stored upon any street, public or private property, or on any driveway within~~

~~the city. If said violation occurs, the owner shall remove the vehicle after notice by the Police Department. Codes Enforcement Officer.~~

- ~~**B. Parking Site Plan.** A site plan showing shall include the layout and design of all required parking and loading areas. shall be submitted and approved by the Zoning Administrator prior to issuance of a building permit. All required spaces shall be properly designed according to standards and shall be indicated on the plan.~~
- ~~**C. Number of Parking Spaces Required.** Unless waived or modified by the Planning Commission Zoning Administrator, parking requirements and space development standards for all uses shall be established in accord with the following standards set forth in Table 1.~~

Average Space/Parking Requirements	
Use	Parking
Residence—single and duplex	3 spaces per dwelling unit
Residence 3—5 units	3 spaces per dwelling unit
Residence—multi family	See R-3 Zoning District
Church/Chapel	½ of Rated Occupancy
Car wash (customer holding areas)	5 spaces per stall
Hotels and motels	1 space per rental unit, plus spaces as required for restaurants.
Funeral facility	½ of Rated Occupancy
General Office	1 per 300 sq. ft.
General Office—Customer	1 per 200 sq. ft.
Service—No Sales (parts)	1 per 400 sq. ft.
Service—Merchandise Sales	1 per 200 sq. ft.
Retail—Convenience—1000 sq. ft. or less	1 per 150 sq. ft.
Retail—Convenience—1000 sq. ft. or more	1 per 125 sq. ft.
Retail/Personal Service [Video; Copying, Etc]	1 per 125 sq. ft.
Retail—General Merchandise	1 per 200 sq. ft. to 1 per 50 sq. ft.
Retail—Specialized Mercantile [Furniture; Home Sales; Housewares	1 per 400 sq. ft.
Taverns—Entertainment	½ of Rated Occupancy
Health Care	1 per 75 sq. ft.
Restaurant	½ of Rated Occupancy
Restaurant—Fast Food	½ of Rated Occupancy
Restaurant—Express	10 + employees
Govt., Utilities, Etc	1 per 400 sq. ft.
Public/semi-public assembly of any type	To be Negotiated
Manufacturing—Light	1 per 100 sq. ft.
Manufacturing—General	1 per 150 sq. ft.
Manufacturing—Heavy	1 per 200 sq. ft.
Day Care—Home	1 + employees
Day Care—Commercial	5 + employees
Recreation	To be Negotiated

~~NOTE: Minimum parking standards may be adjusted to greater or lesser capacities to account for location, expected circulation flows, and the likelihood of conversion by the Zoning Administrator. Specific uses not included in this table shall use commonly accepted parking and circulation standards promulgated by standard site design principles and anticipated occupancy loads.~~

~~The parking requirement for any use not listed in this table shall be determined by the Planning Commission based on a recommendation from staff.~~

~~When a determination of the number of off-street parking spaces required by this regulation 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.~~

~~When a building or development contains a mix of uses, the parking requirement shall be calculated for each use and the total parking requirement shall be the sum of all the individual parking requirements.~~

~~D. Design Standards and Required Dimensions.~~

- ~~1. Access. Each required parking space shall open directly on an aisle or driveway to provide safe and efficient means of ingress and egress.~~
- ~~2. Location. All parking shall be located on the same zoning lot as the structure or use served, or an adjacent lot under the same taxpayer's name, unless special permission is granted for collective or group parking.~~
- ~~3. Lighting. All lighting used to illuminate parking areas shall be directed away or shielded from residential properties.~~
- ~~4. Bumper Guards & Pavement Marking. Parking areas shall have adequate bumper guards to prevent extension or overhang of vehicles beyond property lines or parking spaces. Parking areas shall have adequate markings for channelization and movement of vehicles. If vehicles overhang sidewalks, the sidewalks shall be widened to accommodate pedestrians as well as ADA Standards.~~
- ~~5. Screening. All parking areas containing more than six (6) spaces shall be screened on each side that adjoins any property situated in a residential district. Screening shall be by a wall, or fence, or evergreen hedge not less than six (6) feet nor more than eight (8) feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, walls, fences, or hedges.~~
- ~~6. Regular Parking Spaces.~~
 - ~~a. Unless otherwise specified in this ordinance or waived by the Planning Commission and/or Zoning Administrator, overflow parking spaces shall be on a prepared surface of concrete or asphalt. If waived or modified, the parking 5" of AB-3 surface shall be prepared on compacted soil with a minimum of or 4" of gravel.~~
 - ~~b. All regular required parking and loading spaces, driveways and aisles shall be graded and paved with asphalt, concrete or asphaltic concrete and on hard surfaces shall be delineated striped using painted lines or pre-cast concrete parking blocks.~~
 - ~~c. The minimum dimension for all regular angle parking spaces shall be 9' in width and 20' in depth.~~

~~E. Off-Street Loading and Unloading Requirements.~~

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

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, ~~areas~~ **R/W** shall be ~~platted reserved~~ for future street usage in conjunction with the development of adjacent tracts ~~and said street shall be paved to the property line~~ **Areas reserved for future street usage will not be required to be improved; however, -** by the ~~applicant. subdivider of the adjacent tract.~~
3. Lot Access. The Planning Commission may disapprove any point of ingress or egress to any lot, tract, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.
4. Construction Standards. All streets shall be built to standards established by the City of Edgerton.

10.4 Building Permit

- ~~A. No building permit shall be issued for any use of land, building, structure or addition required to have site plan approval until such time as said plan has been approved by the Planning Commission.~~
- ~~B. An application for a building permit shall include a complete set of construction construction drawings based on the approved site plan and 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 site plan to the Planning Commission for re-approval.~~

10.5 Final Approved Site Plan

- ~~A. Within **thirty (30) calendar** days after the approval of the Site Plan by the Planning Commission, the applicant shall submit one set of paper drawings plus an electronic copy to the Zoning Administrator with all changes required by the Planning Commission and all changes shall be listed on the cover sheet.~~
- B. The site plan shall be approved for a period of one year from the date of Planning Commission 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 requested from the Planning Commission, 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 and 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 an existing structure or use is expanded, parking for the expansion shall be provided in accordance with these regulations.
- B.** Parking stalls and spaces shall be used by motor vehicles in operating condition by patrons, occupants, or employees.
- C.** ~~Parking may be located in any yard.~~ In residential districts or developments no parking shall be located in a required front or side yard adjacent to a street except in the driveway.
- D.** No major vehicle repair work or service of any kind shall be permitted in any parking facilities.
- E.** No unlicensed or inoperable vehicle or part of such vehicle may be left, parked or stored upon any street, public or private property, or on any driveway within the city. If said violation occurs, the owner shall remove the vehicle after notice by the ~~Police Department~~ **Codes Enforcement Officer.**
- F.** ~~Parking site plan.~~ A site plan ~~showing shall include~~ the layout and design of all required parking and loading areas. ~~Shall be submitted and approved by the Zoning Administrator prior to the issuance of a building permit.~~ All required spaces shall be properly designed according to standards and shall be shown on the plan.
- G.** ~~When a determination of the number of off-street parking spaces required by this regulation 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 a one parking space.~~
- H.** ~~When a building or development contains a mix of uses, the parking requirement shall be calculated for each use and the total parking requirement shall be the sum of all the individual parking requirements.~~
- I.** ~~If a building or tenant space changes use, parking for the new use shall be provided in accordance with Section 16.3 Required Spaces.~~

16.2 Design Standards and Required Dimensions.

- A.** Access. Each required parking space shall open directly on an aisle or driveway to provide 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 special permission is granted **by the Planning Commission** for collective or group parking **as part of Site Plan approval.**
- C.** Lighting. All lighting used to illuminate parking areas shall be directed away or shielded from adjacent properties. **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. ~~Bumper guards & Pavement Marking~~** Parking areas shall have adequate ~~bumper guards~~ **wheel stops** to prevent extension or overhang of vehicles beyond property lines. ~~or parking spaces~~. Parking areas shall have adequate markings for channelization and movement of vehicles. **If vehicles overhang sidewalks, the sidewalks shall be widened to accommodate pedestrians as well as ADA Standards.**
- E. Screening.** 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 nor more than eight (8) feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, walls, fences, or hedges.
- F. ~~All regular parking spaces on hard surfaces shall be delineated using painted lines or precast concrete blocks.~~** **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.**
~~Unless otherwise specified in this ordinance or waived by the Planning Commission and/or Zoning Administrator, overflow parking spaces shall be on a prepared surface of concrete or asphalt. If waived or modified, the parking5" of AB-3 surface shall be prepared on compacted soil with a minimum of 4" of gravel.~~
- G. Accessible parking spaces shall be provided in accordance with the ADA, American with Disabilities Act, Accessibility Guidelines**
- H. Minimum dimensions for parking lots:**
1. Aisle width one-way traffic: 90-degree 24 ft.; 60-degree 18 ft; and 45-degree 14 ft.
 2. Aisle width two-way traffic: 90-degree 24 ft.; 60-degree 20 ft; and 45-degree 20 ft.
 3. Parking space depth without overhang: 90-degree 20 ft.; 60-degree 20 ft; and 45-degree 20 ft.
 4. Parking space depth with overhang: 90-degree; 18 ft; 60-degree 18 ft; and 45-degree 18 ft..
 5. Center bay space depth: 90-degree 20 ft; 60-degree 20 ft.; and 45-degree 20 ft.
 6. Parallel parking space minimum 9 ft. by 23 ft.
 7. The minimum dimension for all ~~regular~~ **required** parking spaces shall be nine (9) feet in width. ~~and 20' in depth.~~
- I. ~~Except in the C-D Downtown Commercial District, all new parking spaces shall be located within the building envelope inside the front, side and rear setback at least ten (10) feet from the front property line and at least eight (8) feet from the side and rear property lines and said setback areas shall be landscaped.~~**
~~When permission to encroach into the setbacks is granted by the Zoning Administrator, a green area of no less than six (6) feet must be provided between the R.O.W. and property lines.~~
- J. 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.**

K. When parking requirements refer to the number of employees, it shall mean the the largest working-shift.

L. Minimum parking standards may be adjusted to greater or lesser 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.

16.3. Required Spaces.

Off-street parking spaces shall be provided as follows:

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

Average Space/Parking Requirements	
Use	Parking
Residence—single and duplex	3 spaces per dwelling unit
Residence 3—5 units	3 spaces per dwelling unit
Residence—multi family	See R-3 Zoning District
Church/Chapel	½ of Rated Occupancy
Car wash (customer holding areas)	5 spaces per stall
Hotels and motels	1 space per rental unit, plus spaces as required for restaurants.
Funeral facility	½ of Rated Occupancy
General Office	1 per 300 sq. ft.
General Office—Customer	1 per 200 sq. ft.
Service—No Sales (parts)	1 per 400 sq. ft.
Service—Merchandise Sales	1 per 200 sq. ft.
Retail—Convenience—1000 sq. ft. or less	1 per 150 sq. ft.
Retail—Convenience—1000 sq. ft. or more	1 per 125 sq. ft.
Retail/Personal Service [Video; Copying, Etc]	1 per 125 sq. ft.
Retail—General Merchandise	1 per 200 sq. ft. to 1 per 50 sq. ft.
Retail—Specialized Mercantile [Furniture; Home Sales; Housewares	1 per 400 sq. ft.
Taverns—Entertainment	½ of Rated Occupancy
Health Care	1 per 75 sq. ft.
Restaurant	½ of Rated Occupancy
Restaurant—Fast Food	½ of Rated Occupancy
Restaurant—Express	10 + employees
Govt., Utilities, Etc	1 per 400 sq. ft.
Public/semi-public assembly of any type	To be Negotiated
Manufacturing—Light	1 per 100 sq. ft.
Manufacturing—General	1 per 150 sq. ft.
Manufacturing—Heavy	1 per 200 sq. ft.
Day Care—Home	1 + employees
Day Care—Commercial	5 + employees
Recreation	To be Negotiated

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. ~~Studio/efficiency 1.33; 1 bedroom 1.5; 2 bedroom 1.8; more than 2 bedrooms 2.0~~
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. Boarding or rooming houses: one space per each two sleeping rooms.
7. Manufactured homes: three spaces per dwelling unit.

B. Business and Commercial Uses.

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. Day care centers commercial: ~~5+ employees~~ one space per each 8 children plus one space for each employee plus one space for each transportation bus or vehicle.
3. Day care home: one + one for each employee
4. Funeral ~~facility~~ 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. ~~1/2 of rated occupancy~~
5. Retail specialized mercantile (furniture, home sales, housewares and appliance stores): one space for each 400 square feet of gross floor area.
6. General office: one space for each ~~200~~ 300-square feet of gross floor area.
7. Restaurants, private clubs and taverns: one space for each two seats ~~1/2 rated occupancy~~ based on the maximum designed capacity including outdoor dining areas.
8. Restaurants fast food: one space for each 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.
9. Restaurant express: one space for each two seats plus one space per each employee but not less than ten (10) spaces.

10. Retail convenience store: one space per ~~125 less than 1000 sq. ft.; 150 greater than 1,000 sq. ft.~~ 200 square feet of gross floor area.
11. Retail stores and shops general merchandise: one space for each ~~200~~ 250 square feet of gross floor area.
12. Service stations: one space per each employee plus one space for each service bay.
13. Hotels and motels: one space per rental unit plus consideration for oversized vehicles.
14. 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 each ~~two~~ 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 which ever is greater.
6. Places of public assembly, indoors: one space for each four seats based upon the maximum designed capacity of the facility ~~to be negotiated.~~
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 and public use of streets, alleys and walkways.

Article 4

Commercial Zoning Districts

Section 4.0	C-0 Office District
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

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 building.

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 contained below.

C. Permitted Uses.

1. Uses listed in C-1, General Commercial District, except for the following uses.
 - a. Automobile service station.
 - b. Convenience stores, with or without gasoline sales.
 - c. Drive through food service.
 - d. Gasoline service stations.

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

1. Uses listed in C-1, General Commercial District, **except for the following uses:**
 - a. Recycling collection station.
 - b. Amusement parks.
 - c. Carwashes.
 - d. Self-storage.
 - e. Miniature golf course.
 - f. Limited vehicle repair.
 - g. Lumber yards.

E. District Regulations.

1. No merchandise shall be stored or displayed outside a building except for occasional sidewalk sales and no equipment shall be stored outside unless it is fully screened from view.
2. All buildings with a metal exterior shall provide a facia (surface covering material) composed of stone, brick, wood, or custom siding, or a combination of these materials that ~~extends to at least three-quarters of~~ **includes** the total surface of the building ~~front~~ **elevations** and any other building surface required by the Planning Commission.

3. The Planning Commission may require additional landscape materials, open space buffering, and/or screening materials for all buildings that abut an area zoned **or planned** for residential **development**.
4. Building tones and color shall be in keeping with the general appearance of the adjacent properties.

~~6—All areas used for refuse collection shall be screened from view.~~

F. Setback, Yard and Area Regulations

Table of Setbacks, Yards, and Area for C-D Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
<p>No front yard shall be required. when existing, adjacent buildings have no front yard.</p> <p>In areas where there are no existing commercial uses, the front yard shall be determined by site plan review and is dependent on the need for access, parking, and landscaping. When no determination is indicated by the site plan, a minimum front yard of 10' is required.</p>	<p>No side yard is required when adjacent buildings share a common wall or lot line.</p> <p>In areas where there are no adjacent commercial uses, all commercial buildings must maintain a 16' wall-to-wall separation.</p>	<p>Unless waived by the Planning Commission, all buildings in the C-D district must maintain a fifteen (15) foot five (5) rear yard from the building wall and/or mechanical equipment used to service the premise when the lot abuts a residential district otherwise the rear setback shall be 10 ft..</p>	<p>No building in the C-D district shall be constructed to a height greater than 2 stories without a variance approval from the Planning Commission as a part of the site plan approval.</p>

G. 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.

H. Parking and Loading.

Uses in the C-D District are exempt from the Section 16.3 Required Spaces and Section 16.4 Off-Street Loading and Unloading. If parking is provided, it shall comply with Sections 16.1 and 16.2

I. Signs.

See Article 12 for Sign Regulations

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 goods situated along Highway 56 **or other appropriate areas of the City as it grows.**

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 contained below.

C. Permitted Uses.

1. Ambulance service.
2. Amusement and video arcades.
3. Automobile service station.
4. ~~Auction room.~~
5. Alterations and tailoring.
6. Apparel.
7. Antiques.
8. Apartments located above the first floor of a business.
9. Appliance and electronics repair.
10. Art galleries and studios.
11. Automotive parts, no outdoor storage.
12. Automated teller machine.
13. Bakeries and confectionery establishments.
14. Barbers, hair styling and similar personal services.
15. Bed and breakfast.
16. Books and periodicals.
17. Bus passenger station.
18. Cameras and photo equipment.
19. Crafts.
20. Church or place of worship.
21. Clubs or cultural group.
22. Computer sales and service.
23. Carpeting and floor covering.
24. Caterer.
25. Convenience stores, with or without gasoline sales.
26. Drugs and cosmetics.

27. Dry cleaners.
28. Discount stores.
29. Drive through food service.
30. Exterminator, pest.
31. Farmers market.
32. Florist and gift shops.
33. Food store.
34. Financial institutions, including drive-through banks.
35. Furniture store.
36. Funeral home, mortuary.
37. Greeting cards and stationery.
38. Gasoline service stations.
39. Garden supplies.
40. Hardware stores.
41. Health or fitness clubs.
42. Health related sales and services.
43. Home lighting and fixtures.
44. Housewares and kitchenware.
45. Interior decorating.
46. Internet providers.
47. Jewelry.
48. Laundry, self-serve.
49. Locksmiths.
50. Medical services and offices.
51. Microbrewery.
52. Music and musical instruments.
53. Office, general.
54. Office supplies.
55. Optical shops.
56. Package sales of alcoholic liquor or cereal malt beverages.
57. Paint and wallpaper.
58. Pet stores.
59. Photocopying and retail printing.
60. Picture framing.
61. Postal and mailing services.
62. Publicly owned and operated **offices**, community buildings, public museums, public libraries, or meeting facilities.
63. Restaurants and other eating establishments, but this does not include drive through facilities.
64. Shoe repair.
65. Sporting goods and bicycles.
66. Taxidermist.
67. Taverns and bars.
68. Theaters, indoor.
69. Toys and hobby supplies.
70. Public utilities, **offices only**.

71. U.S. Post offices.
72. Veterinarian (domesticated pets only).
73. Video rentals, except adult videos.
74. Reserved.
75. Accessory uses.
76. 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.

1. Parking lots detached from the principal use.
2. Recycling collection station.
3. Reserved.
4. Communications towers over 60 feet in height
5. Amusement parks ~~and video arcades~~
6. Car washes
7. Self-storage
8. ~~Automobile service and repair~~
9. ~~Automobile body shop~~
10. ~~Welding shops~~
11. Miniature golf course
12. ~~Camps, travel trailer, or RV parks~~
13. Limited vehicle repair and service (inside only)
14. Lumber yards

E. Setback, Yard and Area Regulations.

Table of 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.	15' 10 ft.	<p>No side yard is required, except when a side lot line abuts residentially zoned property, then a 20 foot setback is required.</p> <p>On the street side of a corner lot, a side yard setback of 15 feet is required.</p>	No rear yard is required, except when a structure abuts residentially zoned property, then a 15 foot setback is required.	30'

F. District Regulations.

1. No merchandise shall be stored or displayed outside a building and no equipment shall be stored outside a building.

2. All buildings with a metal exterior shall provide a facia (surface covering material) composed of stone, brick, wood, or custom siding, or a combination of these materials that ~~extends to at least three quarters of~~ **includes** the total surface of the building ~~front~~ **elevations** and any other building surface required by the Planning Commission.
3. The Planning Commission may require additional landscape materials, open space buffering, and/or screening materials for all buildings that abut an area zoned **or planned** for residential **development**.
4. Building tones and color shall be in keeping with the general appearance of the adjacent properties.

~~6. All areas used for refuse and refuse containers shall be screened from view~~

~~G. Appearance Regulations.~~

G. Site Plan Approval.

1. All development proposals in the 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.

H. Parking and Loading.

See Article 16 for Parking and Loading Regulations.

- ~~1. Parking shall be provided at a rate of four (4) spaces on the premises for each 1,000 square feet of total floor area. The Planning Commission may require parking be provided at a rate consistent with the rated building occupancy and its designed capacity. A site plan shall list the intended occupancy of the building, the number of employees, and the proposed parking spaces. Such parking space shall be at least nine (9) feet by twenty (20) feet.~~
- ~~2. All parking spaces shall maintain a fifteen (15) foot open space setback from a street right-of-way. The Planning Commission may require the planting of trees or shrubs in the open space setback.~~
- ~~3. All parking spaces shall be marked, and at least one space shall be handicapped accessible and one per 25 spaces thereafter.~~
- ~~4. All parking shall be on a surface prepared from concrete or asphalt.~~
- ~~5. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise. (Ord. 843; 2008)~~

I. Signs.

See Article 12 for Sign Regulations.

4.3 C-2, Heavy Service Commercial

A. Purpose. The C-2 district is composed of certain uses that require extensive lot frontages, storage requirements, promote heavy traffic generation, extended hours operations, and are customarily associated with intensive commercial use of land.

B. Use Restrictions. In district C-2, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except those listed as permitted or conditional use and contained below.

C. Permitted Uses.

1. All uses permitted by right or condition in the C-1 district
2. Automobile sales, new and used.
3. Truck stops
4. Car and truck washes
5. Lumber yards
6. Laboratory, medical or dental
7. Manufactured home sales
8. Motels and hotels; meeting facilities
9. Automobile service and repair
10. Automobile body shop
11. Motorcycle sales and service
12. Trailer sales and rental

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

1. Communications towers over 60 feet in height.
2. ~~Asphalt or concrete plant.~~
3. ~~Camps, travel trailer, or RV parks.~~
4. Adult entertainment – sexually oriented businesses

E. Setback, Yard and Area Regulations

Table of Setbacks, Yards, and Area for C-2 Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
<p>A 40 25 foot front yard setback shall be required. The Planning Commission may waive this provision when adjacent commercial uses do not have a front yard setback.</p> <p>In areas where there are no existing commercial uses, the front yard shall be determined by the site plan review and is dependent on the need for access, parking, and landscaping. When no determination is indicated by the site plan, a minimum front yard of 15 25 ft. is required.</p>	<p>No side yard is required when adjacent buildings share a common wall or lot line.</p> <p>In areas where there are no adjacent commercial uses, all commercial buildings must maintain a 16' wall-to-wall separation.</p>	<p>Unless waived by the Planning Commission, All buildings in the C-2 district must maintain a five (5) twenty-five (25) foot rear yard setback from the building wall and/or mechanical equipment area used to service the premise. When a structure abuts residentially zoned property, then a 15 foot setback is required.</p> <p>No building shall be placed closer than three (3 feet) to a dedicated utility, service, or travel easement.</p>	<p>No building in the C-2 district shall be constructed to a height greater than 3 three stories without a variance approval from the Planning Commission as part of the site plan approval..</p>

F. District Regulations.

1. No merchandise shall be stored or displayed outside a building unless located within an outdoor display confinement area. However, daily sidewalk sales and temporary displays shall be permitted in areas immediately adjacent to the business during business hours.
2. All buildings with a metal exterior shall provide a fascia (surface covering material) composed of stone, brick, wood, or custom siding, or a combination of these materials that ~~extends to at least three quarters of~~ includes the total surface of the building ~~front~~ elevations and any other building surface required by the Planning Commission.
3. The Planning Commission may require additional landscape materials, open space buffering, and/or screening materials for all buildings that abut an area zoned ~~or~~ planned for residential development.
4. Building tones and color shall be in keeping with the general appearance of the adjacent properties.

- ~~6. All areas used for the refuse and refuse containers shall be screened from view.~~

~~G. Appearance Regulations.~~

- ~~1. The Planning Commission may require additional landscape materials, open space buffering, and/or screening materials for all buildings that abut an area zoned for residence.~~
- ~~2. Building tones and coloration shall be in keeping with the general appearance of the adjacent properties.~~
- ~~3. No materials shall be openly stored to the exterior of the building unless a solid screening enclosure is provided.~~
- ~~4. —~~

G. Site Plan Approval.

1. All development proposals in the C-2 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.

H. Parking and Loading.

See Article 16 for Parking and Loading regulations.

- ~~1. Parking shall be provided at a rate of four (4) spaces on the premises for each 1,000 square feet of total floor area. The Planning Commission may require parking be provided at a rate consistent with the occupancy building and its designed capacity. A site plan shall list the intended occupancy of the building, the number of employees, and the proposed parking spaces. Such parking space shall be at least nine (9) feet by twenty (20) feet.~~
- ~~2. All parking spaces shall maintain a fifteen (15) foot open space setback from a street right of way. The Planning Commission may require the planting of trees or shrubs in the open space setback.~~
- ~~3. All parking spaces shall be marked, and at least one space shall be handicapped accessible and one per 25 thereafter.~~
- ~~4. All parking shall be on a surface prepared from concrete or asphalt.~~
- ~~5. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.~~

I. Signs.

See Article 12 for Sign Regulations.

Article 4

Commercial Zoning Districts

Section 4.0	C-O Office District
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

4.0 C-O, Office District

A. Purpose. This district is intended to provide limited institutional and office uses as a transitional district adjacent to residential neighborhoods. Uses are restricted to offices, financial institutions and personal services. The intent is to encourage harmonious integration of office uses as a transition between higher intensity uses and residential neighborhoods.

B. Use Restrictions. In District C-O, 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 contained below.

C. Permitted Uses.

1. Ambulance service, public.
2. Alterations and tailoring.
3. Apartments located above the first floor of a business.
4. Automated teller machine.
5. Barbers, hair styling and similar personal services.
6. Bed and breakfast.
7. Church or place of worship.
8. Clubs or cultural group.
9. Financial institutions, including drive-through banks.
10. Funeral home, mortuary.
11. Health or fitness clubs.
12. Technology based offices.
13. Medical services and offices.
14. Office, general.
15. Offices, professional, real estate and insurance
16. Privately owned museums, libraries and similar uses.
17. Postal and mailing services.
18. Publicly owned and operated community buildings, public museums, public libraries, or meeting facilities.
19. Public utilities offices only.
20. U.S. Post offices.
21. Any office or institutional use that is similar to the uses listed, meets the intent and purpose of this section 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.

1. Parking lots detached from the principal use.
2. Communications towers over 60 feet in height
3. Art galleries and Studios
4. Bus passenger station
5. Nursing home, assisted living and memory care facilities
6. Day care centers
7. Hospitals, urgent care centers and similar facilities

E. Setback, Yard and Area Regulations.

Table of Setbacks, Yards, and Area for C-O Zoning District				
Minimum Open Space	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
20 percent of net site area.	35'	Stand-alone buildings shall have a 12 ft. side yard setback. For other buildings, no side yard is required, except when a side lot line abuts residentially zoned property, then a 12 foot setback is required and except on the street side of a corner lot, a side yard setback of 15 feet is required.	No rear yard is required, except when the C-O District abuts a residentially zoned property, then a 25 foot setback is required.	2 stories not to exceed 35'

F. District Regulations.

1. No merchandise shall be stored or displayed outside a building and no equipment shall be stored outside a building.
2. All buildings with a metal exterior shall provide a fascia (surface covering material) composed of stone, brick, wood, or custom siding, or a combination of these materials, that includes the total surface of all the building elevations and any other building surface required by the Planning Commission.
3. The Planning Commission may require additional landscaping materials, open space buffering, and or screening materials for all buildings that abut an area zoned or planned for residence.
4. Building tones and scale shall be in keeping with the general appearance of neighboring properties.

G. Site Plan Approval.

1. See Article 10 for Site Plan Requirements.
2. If application is made for a building or structure which is not required to be submitted for site plan approval in Article 10 and whose style or exterior materials in the opinion of the Zoning Administrator varies substantially from such style and materials which have previously used on said building or is not of the quality acceptable to 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.

H. Parking and Loading.

1. See Article 16 for Parking and Loading Regulations.

I. Signs.

1. See Article 12 for sign regulations.

Article 4

Commercial Zoning Districts

Section 4.0	C-O Office District
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 District

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 those listed as permitted or conditional use and contained below.

C. Permitted Uses.

1. Automobile sales and service, new and used
2. Automobile service stations including convenience stores
3. Agricultural implement sales and service
4. Bus passenger station
5. Construction equipment sales and service
6. Truck stops
7. Car and truck washes
8. Lumber yards
9. Nursery and garden stores
10. Manufactured home sales
11. Motels and hotels including meeting facilities
12. Motorcycle sales and service
13. Restaurants including drive-ins
14. Trailer sales and rental
15. Truck sales and service
16. 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.

1. Communications towers over 60 feet in height.
2. Camps, travel trailer, or RV parks.
3. Outdoor amusement establishments such as miniature golf, driving ranges, pitch and put courses amusement parks and other similar establishments.

E. Setback, Yard and Area Regulations

Table of Setbacks, Yards, and Area for C-3 Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
A 40 foot front yard setback shall be required. The Planning Commission may vary this provision when reviewing and approving a site plan.	A ten (10) foot side yard is required.	<p>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.</p> <p>No building shall be placed closer than three (3 feet) to a dedicated utility, service, or travel easement.</p>	No building in the C-3 district shall be constructed to a height greater than 35 feet without site plan approval from the Planning Commission.

F. District Regulations.

1. No merchandise shall be stored or displayed outside a building unless approved by the Planning Commission as a part of the site plan approval in Article 10.
2. All buildings with a metal exterior shall provide a fascia (surface covering material) composed of stone, brick, wood, or custom siding, or a combination of these materials, that includes the total surface of all the building elevations and any other building surface required by the Planning Commission.
3. The Planning Commission may require additional landscaping materials, open space buffering, and or screening materials for all buildings that abut an area zoned or planned for residence.
4. Building tones and scale shall be in keeping with the general appearance of neighboring properties.

G. 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.

H. 10.Parking and Loading.

See Article 16 for Parking and Loading Regulations.

I. Signs.

See article 12 for Sign regulations

Article 12

Sign Regulations

Section 12.1	Intent and Purpose
Section 12.2	Applicability
Section 12.3	Permits
Section 12.4	Appeals
Section 12.5	Exemptions
Section 12.6	Design, Material, and Sign Construction
Section 12.7	Temporary Signs
Section 12.8	General Restrictions and Prohibited Signs
Section 12.9	Permitted Signs
Section 12.10	Special Sign Regulations
Section 12.11	Sign Terminology and Definitions
Section 12.12	Nonconforming Signs

12.1 Intent and Purpose

The Edgerton Governing Body and the Planning Commission finds that unregulated proliferation of signs results in visual clutter, is harmful to aesthetics and property values, contributes to traffic hazards, and is not productive to the goals of community development. It is the intent and purpose of this section to establish a level of visual quality for signs by limiting the type, place, size, manner, height and materials of signs and advertising devices in the City of Edgerton. This section provides minimum standards to insure traffic safety; safeguard life, health and property values; provide guidelines for the maintenance of signs; reduce distractions and obstructions by signs that would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways; ensure that signs provide orientation and adequately identify new uses and activities; and, preserve or enhance small town character by encouraging new and replacement signage that is:

1. Creative and distinctive;
2. Compatible with the surroundings;
3. Appropriate to the type of activity to which it pertains;
4. Expressive of the identity of individual businesses;
5. Appropriately sized in its context, so as to be easily readable.

12.2 Applicability

No sign may be erected, placed, painted, established, or maintained in the City of Edgerton except in conformance with the standards, exemptions and procedures set forth in this ordinance, **except that signs located in the L-P District must comply with the regulations contained in that District.** Specifically, this section is intended to:

1. Establish a permit system to allow a limited variety of signs, subject to the standards and permit procedures contained herein;
2. Allow certain signs that are unobtrusive and incidental to the principal use of land;
3. Prohibit all signs not expressly permitted by this **Article resolution**;
4. Provide for the enforcement of these provisions.

12.3 Permits

A. Permit Required. Unless exempted by this ordinance, it shall be unlawful for any person to erect, construct, alter, relocate or convert any sign or advertising device (as defined in this section) without first obtaining a sign permit.

B. Applications.

1. A Sign Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the sign application.
2. Applications for sign permits shall be made on forms provided by the Zoning Administrator.
3. Two sets of plans drawn to scale indicating the sign location, size, type, materials, method of illumination, colors and general layout are required; ~~or integrated into site plans.~~ **If approved in a site plan the sign shall be designed in accordance with the approved site plan.**
4. Other information as deemed necessary by ~~the Planning Commission~~ **the Zoning Administrator** as required to enforce this section.

12.4 Appeals

If the Zoning Administrator determines that the proposed sign does not comply with all the requirements of this article, or other laws and ordinances of the City, ~~or if the Planning Commission refused to issue a sign modification,~~ the applicant shall have the right **to apply for a variance appeal** to the Board of Zoning Appeals (BZA) within 30 days of a final decision. The BZA may vary or waive any requirement of these provisions after finding a ~~bona fide hardship that all five conditions can be met as set out in Section 8.3.C.~~ **Variances**

The applicant may also appeal the interpretation of the Zoning Administrator in accordance with Article 8 Section 8.3.A.

12.5 Exemptions

A. The followings signs and devices shall be exempt from the provisions of this Article:

1. Official signs erected by a city, or county, ~~school district~~, State of Kansas, or the federal government.
2. Off-site signs erected for public information, safety or direction by any utility, authority, public service district, or construction company.
3. On-site signs, that are internally located within a complex of buildings, housing development, or institutional setting, that give directions to a building or area, building names, warnings, posters and signs on accessory buildings, or flags.
4. Temporary signs (not portable) that include, but are not limited to, real estate, political, garage sale, and auction signs.
5. Temporary price or sale signs for retail business establishments, but these shall not include portable or movable signs unless a permit is issued by the Zoning Administrator.
6. ~~Signs that were erected or established before the effective date of this ordinance, provided that such signs remain unchanged in size and materials.~~

12.6 Design, Material, and Sign Construction

- A.** Except for flags, and in certain cases temporary, window, and pricing signs, all **signs** ~~devices~~ shall be constructed of permanent materials; ~~attached to~~ **supported by** the ground, **attached to** a building, or affixed to another structure. Specifically, signs may be constructed from wood, plastic, metal and/or masonry materials, paints or stencils, or **similar** materials. ~~permitted after conditional review by~~ The Planning Commission **may as a part of site plan approval, approve other materials.**
- B.** All signs shall be maintained in good visual order and safe structural condition and in compliance with all applicable provisions of the building codes of the City of Edgerton.
- C.** Except as otherwise provided in these **regulations** ~~resolutions~~, any sign (including its enclosing structure) that is located on a building or premises which becomes vacant or unoccupied for a period of **six months** ~~one year~~ or more, or any sign which pertains to time, event, or purpose which no longer applies, **or exists** shall be deemed to be abandoned.
- D.** An abandoned sign shall be removed by its owner or the owner of the premises **within thirty (30) days of the notification from the Codes Enforcement Officer** and the facade or site shall be restored to its normal appearance.
- E.** If the Zoning Administrator finds that any sign or advertising device is unsafe **or in disrepair** he/she shall notify the property owner in writing. If the sign is not removed **or repaired** within 30 days, the City may bring a nuisance action or any others means of enforcement to compel the owner to remove such sign.
- F.** All internally illuminated signs in residential districts shall be designed in such a way that light is reflected or directed away from any residential dwelling. (Ord. 827; 2007)
- G.** **For monument signs the area shall include the sign panel, but not the sign base on which it is mounted or the structural frame around the panel. Only one side of a double-faced sign counts toward the maximum allowable sign area.**
- H.** **If a wall sign is contained in a panel, the sign area shall be the entire area of the panel. If the wall sign consists of individual letters, symbols, logos or words, either painted or mounted on the wall, the sign area shall be the smallest rectangular figure that can encompass all of the letters, symbols, logos or words.**
- I.** **For band signs, the sign area shall be the width of the band times the outside extremities of the letters, symbols, logos, or words contained in the band.**

12.7 Temporary Signs

- A. Portable Signs.** Portable signs for business advertising, **promotions**, ~~or~~ special events **or other such purposes** may be issued a temporary permit **by the Zoning Administrator** for **a maximum of 30 days** within any one-year. No portable sign shall be placed in the right-of-way or constitute a traffic hazard.
- B. Temporary Banners.** Temporary banners announcing an event or sale may be allowed for a period of 30 days; balloons, search lights, and other aerial devices may be allowed for a period of 15 days. Such devices shall be limited to twice per year.

- C. Semi-permanent leasing signs.** In office, commercial and industrial districts, one semi-permanent sign shall be permitted for the purpose of advertising the on-going leasing activities of a project or building. The sign shall not exceed twenty (20) square feet per face, shall not have more than two faces, shall not be more than six feet in height and shall be placed on private property. Said sign shall be constructed of durable materials and shall not be illuminated internally or externally. Said sign shall be located so that it relates to and complements permanent monument signs. In lieu of a separate leasing sign, said leasing sign may be combined with a monument sign and the square footage the monument sign may be increased by thirty (30) square feet.

12.8 General Restrictions and Prohibited Signs

A. Placement Restrictions.

1. No sign shall be attached to any tree, fence, or utility pole, except signs issued or properly posted by a utility, public authority, or agency of government.
2. No sign shall be erected or allow to project into a public right-of-way.
3. No private sign shall be erected or maintained on public property without express permission of the Governing Body.

B. Prohibited Signs.

1. No sign shall be erected in any location where, by reason of position, location, shape, or color, it interferes with or obstructs the view of pedestrian or vehicular traffic.
2. No sign shall be portable or adapted from a portable sign, capable of being carried, wheeled, or moved from one location to another; except that a temporary permit may be issued by the Zoning Administrator for entertainment events, businesses promotion, or other such purposes for a maximum of 30 days in any one year.
3. A sign that is an attention/attraction that rotates or is animated, or consists of pennants, ribbons, streamers, sheets, spinners, or other moving devices device not specifically allowed by these resolutions. - except for a temporary or special events sign.
4. ~~The Zoning Administrator may refuse to issue a sign permit~~ A sign that may be confused with an authorized traffic sign, signal, device, or emergency sign.
5. Pole signs.
6. Roof signs.
7. Exterior exposed neon tube signs.
8. Flashing signs and signs that convey movement.
9. Off-premises signs.
10. Billboards.
11. Any sign mounted on, attached or displayed on a trailer or motor vehicle, whether operable or inoperable that is placed on the premises for advertising the business, product, service or sale or lease of the property. This does not apply to trucks, delivery vehicles or other vehicles that are parked on the premises during normal operations.

12.9 Permitted Signs

A. Table of Signs Permitted in All Districts.

Permitted Signs in All Districts							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
General Signs							
Real estate	Exempt 6 sq. ft.	exempt		Not located in the r.o.w.	no	none	
Political	exempt	exempt		Not located in the r.o.w.	no	none	Not May be located in unpaved r.o.w. public property
Lots for sale	Exempt 6 sq. ft.	exempt		Not located in the r.o.w.	no	none	On-site signs only
Auction	Exempt 6 sq. ft.	exempt		Not located in the r.o.w.	no	none	On-site and off-site signs 30 day maximum
Construction	Exempt 6 sq. ft.	exempt		Not located in the r.o.w.	no	none	Repairs, contractors or builders
Special events at commercial locations				Not located in the r.o.w.	yes	none	Grand openings, sales, promotions or similar signs - 30 days maximum
Special events - public, private, charitable	exempt	exempt		Not located in the r.o.w.	no	none	Rallies, picnics, fairs, festivals, displays, promotions – 30 days maximum
Future building site	20 sq. ft.	6 ft.		Not located in the r.o.w.	yes	none	Announces future building project Monument style only
Day care or adult care Banners or Temporary signs	12 sq. ft.			Not located in the r.o.w.	yes	none	Monument style, ground style or wall 30 days maximum

B. Table of Signs Permitted in Residential Districts.

Permitted Signs in Residential Districts							
Type	Max Size	Max Ht (ft)	Max #.	Min Setback	Permit Req.	Illum Type	Notes
RESIDENTIAL ZONING DISTRICTS							
R-1, Single Family Residential District							
Home Occupations	8 sq. ft. and 2 x 3 ft. on building	6 ft.	2	2 required yard setback	yes	external	Monument or ground style and a sign attached to building Allowed only if required by State Statute
Institutional	36 sq. ft.	6 ft.	2 4	Not located in the r.o.w. and cannot create a traffic hazard	yes	external or internal (must reflect or direct light away from residential dwellings)	Wall or Monument only
Subdivision name	16 36 sq. ft.	6 ft.	1	Not located in the r.o.w. and cannot create a traffic hazard	yes	external	Monument only
R-2 & R-3 Multi-Family Residential District & MHP							
Name plate for building	4 sq. ft.	Per building			no		per building
Place name - gives name of apartment complex	24 36 sq. ft.	6 ft.	1	Not located in the r.o.w. and cannot create a traffic hazard	yes	external	Monument or wall ground style only - name of apartment complex
Home Occupation	8 sq. ft. and 2 x 3 ft. on building	6 ft.	2	2 required yard setback	yes	external	Monument or ground style and a sign attached to building Allowed only if required by State Statute

Institutional	36 sq. ft.	6 ft.	2-4	Not located in the r.o.w. and cannot create a traffic hazard	yes	external or internal (must reflect or direct light away from residential dwellings)	Wall or Monument only
MH Park	16-36 sq. ft.	8-6 ft.	1	Not located in the r.o.w. and cannot create a traffic hazard	yes	external	Monument or ground style
Planned Unit Development Districts							
All Permanent Signs	By review	By review	By review	Not located in the r.o.w. and cannot create a traffic hazard	yes	By review	All permanent signs in a PUD are approved during the review of the preliminary and final plans PUD.

C. Table of Signs Permitted in Commercial Districts

Permitted Signs in Commercial Districts							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
COMMERCIAL ZONING DISTRICTS							
Downtown Commercial District							
Free-standing monument or ground sign	36 sq. ft. by right per sign face	Height of building by right 6 ft.	1	Not located in the r.o.w. and cannot create a traffic hazard	yes	external or internal	1 monument or ground sign per principal building. Height and size may be increased by review of the Planning Commission
Wall sign principal building	10-30 % signable area		3-4		yes	external or internal	1 sign per wall facing a-r.o.w. a street
Wall sign - individual business	16 sq. ft.		1		yes	external	1 logo or location sign per business
Wall sign - accessory building - information only	16 sq. ft.		1		no	external	1 sign per accessory building

Canopy sign	35 % of canopy				no	external	
Window sign	30 % of window				no	external or internal	
Temporary sign or banner	12 sq. ft.			Not located in the r.o.w. and cannot create a traffic hazard	yes	external	One temporary sign or banner, or portable sign for the principal building for 30 days maximum
Commercial Districts (CO, C-1, C-2, C-3)							
Free-standing monument, or ground, or pole sign	48 36 sq. ft. by right per sign face *	height of main building plus 8-6 6-ft. Service Stations 10 ft.	1	Not located in the r.o.w. and cannot create a traffic hazard.	yes	external or internal	One monument, or ground, or pole sign per principal building per street frontage
Additional Signs	Same as down-town commercial	Same as down-town commercial		Not located in the r.o.w. and cannot create a traffic hazard.	yes	external or internal	Same as downtown commercial

* In the C-3 Highway Service District, the monument sign may be permitted to a height of 25 ft.

Signs Permitted in Manufacturing Districts

TABLE 4 Table of Signs in Manufacturing Districts							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
MANUFACTURING DISTRICTS							
Business Parks							
Free-standing monument and ground and pole signs	By review	By review		4 ft. from r.o.w.	yes	internal or external	Sign control standards are established by review of the preliminary park plan
Additional Signs	By review	By review			yes	internal or external	1 monument pole sign per principal building
Industrial Districts							
Free-standing Monument and ground or pole signs	36 -80 sq. ft.	height of principal building plus 20 ft. 6 ft.	1	1 ft. from r.o.w.	yes	internal or external	1 monument or, ground, or pole sign per 200 ft. of street frontage
Additional Signs	Same as commercial				yes	internal or external	Same as commercial

12.10 Special Sign Regulations

A. Administrative Variances and Modifications.

1. The Zoning Administrator may issue an administrative variance for any sign that shall not exceed more than 20 feet in sign area or 8 feet in sign height to equitably adjust for changes in grade, sign visibility, or traffic speed. Where ground is uneven or sloped the height of the sign shall be the average height between the top of the sign and the ground.

2. The Planning Commission **as a part of site plan approval** may issue a modification to the shape, size, height, or placement of any sign that arises from practical difficulty, requirements of brand logo or franchise, or physical hardship. ~~that exceeds the administrative variance authority of the Zoning Administrator. All modifications shall be issued as Conditional Use Permits following a public hearing.~~
3. The Planning Commission may recommend approval of sign standards for a proposed development, as a part of Site Plan approval, that deviate from the size and location requirements of this Article, but under no circumstances may allow signs that are listed as prohibited. Any deviations must be approved by the Governing Body.
4. Where one retail establishment, a sub-tenant, leases space and conducts business within another retail establishment, primary tenant, but does not have an exterior business façade or an exterior door leading to the sub-tenant space, one wall sign may be permitted for the sub-tenant provided the sub-tenants business is a separate legal entity and not a department, division or subsidiary of the primary tenant and the total area for all the signs does not exceed the total allowable sign area. This section does not apply to enclosed shopping malls.
5. Electronic signs may be permitted for a use permitted in the district in which it is located as a Conditional Use Permit in accordance with Article 7.

~~B. Billboards.~~

- ~~1. Signs that exceed a total (single face) area of 125 square feet may be issued in C-2 (Heavy Commercial) or Industrial districts as a Conditional Use Permit. All billboards shall be a metal monopole type sign. (Ord. 881)~~

C. Transfer of Sign Rights.

1. Property owners/operators located off main roads, enterprises grouped together in one building, or clustered in individual buildings on one site may exercise their signage rights in a manner not permitted in Sign Tables listed above. The following rules shall govern the transfer of signage rights.
 - a. A use that does not front on a main road may transfer ~~pole or~~ monument signage rights to property located on a main or frontage road.
 - b. Multiple uses on one-site may transfer all or part of their monument or wall sign rights to a single on-site monument ~~or kiosk, or pole~~ sign.

12.11 Sign Terminology and Definitions

A. Use of Definitions. The following definitions shall be used to classify the type, shape and use of all signs in the City of Edgerton.

1. **Abandoned Sign.** A sign, including the base and structure, which no longer advertises a business, product or activity that is available on the premises.
2. **Awning Sign.** A non-illuminated sign painted on or attached to a fabric cover on a metallic frame. Only individual letters and/or logos may be attached to, painted, stenciled, or otherwise placed on these devices. A letter on an awning or canopy can be no more than six (6) inches high. A logo shall not exceed 10% (ten percent) or six (6) square feet whichever is less.

3. **Band Sign.** A wall sign, typically located in a multi-tenant building, that is designed into the building for the placement of individual business signs and the length of the sign area is equal to the interior width of the business.
4. **Billboard sign.** See definition of off-premises sign.
5. **Bulletin Board Sign.** An exterior wall sign that lists the occupants of the building and events or activities occurring at said building.
6. **Electronic sign.** A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically controlled remotely or automatically.
7. **Free-Standing Sign.** A sign self-supported ~~by a pole or post~~ and not attached to any building, wall, or fence, but in a fixed location. A ~~pole sign~~, monument sign, kiosk, or ground sign are free standing signs.
8. **Free-Standing Sign (Digital).** A monument, ~~pole~~, or ground sign that conveys advertising or information by means of a signal sent from a source other than the sign to a system of lights or light emitting diodes on the sign face.
9. **Glaring Illumination.** Light of such brilliance and so positioned as to blind or impair the vision or affect the aesthetic value of the area.
10. **Ground Sign.** A free standing sign identifying a service, businesses, institution, or group of related activities (such as a shopping area or housing development) made of wood, synthetic materials, masonry or stone the bottom of which is attached directly and permanently to the ground on a base and physically separated from any other structure.
11. **Identification sign.** A sign giving the name and address of a building business development or establishment which may include a recognized logo or symbol.
12. **Institutional sign.** A sign identifying a club, association, school, hospital, church, fire station, cemetery, or other similar public or semi-public facility.
13. **Kiosk.** A free standing sign designed to provide advertising space for two or more activities or businesses on a single premises or group of contiguous premises. Signs are attached in a metal structure that is permanently affixed to the ground by means of a base. Also see monument sign.
14. **Illumination.** (Internal) An internally-illuminated sign is one with the light source concealed or contained within the sign face itself, and which becomes visible in darkness by shining through a surface. (External) A sign illuminated by lights attached to the sign or placed on the ground or building.
15. **Marquee.** A sign painted on, attached to, or consisting of interchangeable letters on the face of a permanent overhanging shelter which projects from the face of a building. Letters or symbols shall not exceed fifteen (15) inches in height. A minimum clearance of ten (10) feet above the ground/sidewalk level shall be required.
16. **Monument Sign** ~~One or more signs that lie between and by are supported two poles or beams. See also Kiosk Signs.~~ A sign independent of the building it serves supported by a base which is constructed of materials consistent with the said building and no poles or posts are visible.

17. **Official Business Directional Sign.** A sign erected and maintained within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public rights-of-way.
18. **Off-premises Sign (Billboard).** A sign which displays any message directing attention to a business, product, service, profession, commodity, person, event, institution or similar matter that is not offered on the premises.
19. **On-premise Sign.** A sign which displays any message direction attention to a business, product, service, profession, commodity, person, event, institution or similar matter that is offered on premises.
20. **Pole Sign.** A sign that is permanently supported in a fixed location by a structure of poles, posts or braces from the ground and is not supported by a building or base.
21. **Political Sign.** Any sign that advertises a candidate or an issue that is to be voted on in a local, state or federal election process.
22. **Portable Sign.** A sign not designed or intended to be permanently affixed into the ground or to a structure.
23. **Projecting (Wall Sign).** An outdoor building sign that is attached to a wall at a right angle.
24. **Promotional Sale Sign.** A temporary banner or other device promoting products, goods or services.
25. **Public Way or Right-of-Way.** Any way designed for vehicular or pedestrian use and is maintained with public funds.
26. **Roof Sign.** A sign erected, constructed or maintained on the roof of building, but does not include a sign on the parapet of a building.
27. **Safety Control Signs.** Warning, control, traffic, or required public safety signs.
28. **Sign.** A sign is an object, device, or structure, or part thereof other than a flag, situated outdoors, visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, by any means including words, letters, figures, design, symbols, fixtures, colors, illuminations or projected images. Each substantially different face of a sign shall constitute a separate sign.
29. **Sign - Information.** (for accessory structure) A sign placed on the wall of an accessory building that gives information about the activity within the building, or gives directions to another area.
30. **Sign Area.** The facing of a sign, including copy, insignia, background, and borders.
31. **Signable Area.** The signable area of a building is the square footage of each building façade. ~~that portion of a wall that lies between the top of the highest door or window and the roof edge.~~

32. **Temporary Sign.** Any sign promoting a sale, event, fund-raising, garage sale, or similar activity. A temporary sign may be displayed for no more than (30) days in a one-year period.
33. **Wall Sign (Flat).** A sign painted or constructed and placed in the signable area of a building and attached to the exterior surface of a wall **and does not project more than twelve (12) inches from said wall or project above the top of the wall on which it is attached or displayed.**
34. **Window Sign.** A sign or graphic that is painted on the exterior side of a window, or a sign that is permanently affixed to the interior of a window.

12.12 Nonconforming Signs

Signs that were erected or established prior to the effective date of this ordinance and are not in conformance with these regulations may continue to exist subject to the following:

1. Said sign shall not be structurally altered or moved unless it conforms to these regulations. However, the sign may be maintained and repaired and the display may be changed provided it is not larger in area.
2. If any nonconforming sign is abandoned for a period of sixty (60) days, it shall be removed and any replacement sign shall be in conformance with these regulations.
3. Any nonconforming sign that has been damaged by fire, wind, explosion or other means to the extent that fifty percent (50%) or more of the sign has been destroyed shall be restored or rebuilt in conformance with the sign regulations. Any sign destroyed less than fifty percent (50%) may be restored or rebuilt to its condition prior to its damage.