

EDGERTON PLANNING COMMISSION
REGULAR SESSION
Edgerton City Hall
June 11, 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.)

- A. MINUTES** - Consideration of Minutes for Regular Planning Commission Session of May 14, 2019.

5. **NEW BUSINESS**

- A. ELECTION OF PLANNING COMMISSION OFFICERS** – Pursuant to the Bylaws of the Planning Commission, an annual meeting is held in June of each year for the purpose of electing a Planning Commission Chair, a Vice Chair, and a Secretary.

- B. TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-05**
Consideration of Application TU2019-05 for a gravel parking lot for ColdPoint located at 31301 W. 181st Street, Edgerton KS.

Applicant: Aaron Burks
Agent: ColdPoint

- C. TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-06**
Consideration of Application TU2019-06 for rock and dirt removal from property located at the southeast corner of 191st Street and Homestead Lane, Edgerton KS.

Applicant: Jim Hartman
Agent: Hartman Excavating

- D. UDCA2018-01 - AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE**
Consideration of Application UDCA2018-01 requesting recommendation of City Attorney reviewed updates to the City of Edgerton Unified Development Code Article 4 *Commercial Zoning Districts* (Section 4.1 *C-D Downtown Commercial District*, Section 4.2 *C-1 General Commercial District*, Section 4.3 *C-2 Heavy Service Commercial District*, Section 4.4 *C-3 Heavy Service Commercial District*, Section 4.6 *Awnings and Fencing* and Section 4.7 *Fuel Stations, Convenience*

Stores and/or Drive-Throughs), Article 10 *Site Plan and Design Standards*, and Article 16 *Parking and Loading Regulations* to the Governing Body of the City of Edgerton.

6. Future Meetings
 - Board of Zoning Appeals – July 9, 2019 at 6:30 PM
 - Regular Session – July 9, 2019 at 7:00 PM
7. Adjourn

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
May 14, 2019

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

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chair John Daley, Commissioner Tim Berger, and Commissioner Charlie Crooks. 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.

CONSENT AGENDA

Commissioner Josh Beem arrived at 7:06 PM.

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

MINUTES

The minutes for Regular Session of April 9, 2019 were considered and approved.

NEW BUSINESS

TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-03

Katy Crow, Development Services Director, introduced Application TU2019-03 for external chiller units at Jet.com located at 30801 W. 191st Street, Edgerton, Kansas. Staff received a request from Chad Aipperspach of Jet.com to allow temporary outdoor chiller units at the Jet.com facility. Ms. Crow stated this is a one-time consideration to be utilized during the summer months while a permanent cooling solution is installed.

Ms. Crow stated the applicant is requesting temporary chillers, similar to those utilized last summer, due to the temperatures inside the building that caused heat related incidents for Jet.com employees. City staff has requested that the applicant to move forward on a permanent solution to address summer heat inside the building. Jet.com has contacted Kansas City Power and Light about an upgrade to their electrical service in order to accommodate for the permanent cooling unit.

Ms. Crow informed the Commission that the applicant is present and available for questions.

Chairman Daley asked Mr. Aipperspach, applicant, if the cooling units will be inside on racks. Mr. Aipperspach stated that a portion of the cooling units would be inside to deliver a chilled airflow, providing a more efficient solution than what was in place last year.

Commissioner Crooks asked about the noise level produced by the generators. Mr. Aipperspach stated that the generators are standard diesel generators, producing normal generator noise levels.

Mr. Berger motioned to approve the application with the stipulations, Mr. Crooks seconded. Temporary Construction Use Application TU2019-03 was approved, 4-0.

TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-04

Katy Crow, Development Services Director, introduced Application TU2019-04 requesting an extension to the expiration date of approved of Application TU2018-03 which allowed the use of a residential building for project management coordination activities at Project Mustang (Kubota North American Distribution Center) located at 20370 Waverly Road.

Kubota has requested an extension of the use to December 31, 2019 due to unforeseen construction delays and concern about the new facilities being ready to move into. Ms. Crow said the applicant, Kubota, has obtained Wellsville Farms permission to utilize the drive located on their property to access the house. There is no provision in the Edgerton UDC to allow a temporary construction use to occur on a site that does not have an active construction project. Staff recommends this request to allow the use of the residential dwelling be allowed until September 30, 2019 or the date the Certificate of Occupancy is issued to Kubota for the Parts Building (Building 1), whichever occurs first.

Chairman Daley asked if Kubota has been using the house as offices for at least a year. Ms. Crow stated that this was correct, and the application is for an extension.

Mr. Berger motioned to approve the application with the stipulations, Mr. Beem seconded. Temporary Construction Use Application TU2019-04 was approved, 4-0.

**TEMPORARY CONSTRUCTION USE – AMENDMENT TO APPLICATION TU2019-01
(TEMPORARY CONSTRUCTION USE FOR ROCK CRUSHING FOR INLAND PORT 51)**

Ms. Crow introduced an amendment to Application TU2019-01, rock crushing operations at Inland Port 51, to be located near the northeast corner of 207th Street and Waverly Road. Previously TU2019-01 was approved at the April 9, 2019 Planning Commission. The current approved application allows for rock crushing activities to occur from 7:00 a.m. to 7:00 p.m., Monday through Saturday.

This amendment is a request to allow rock crushing activities to occur 24 hours a day Monday through Saturday, and 7:00 a.m. until 7:00 p.m. on Sundays. This request is being made due to the inclement weather which has been experienced in the area, specifically the amount of rainfall that has occurred since the application was approved. Applicant is requesting that they be allowed to operate 24 hours a day on dry days so that they can make-up for lost production time and keep with the proposed construction schedule for the project.

Due to the intensity of this type of operation, staff recommends that operations only be allowed to increase from 7:00 p.m. to 9:00 p.m. Monday through Saturday, and operations be allowed on Sundays from noon to 7:00 p.m. This change in hours and days of operation would be until the permit expires on August 9, 2019.

Staff also recommends that the Planning Commission allow staff the ability to adjust hours contingent upon feedback received from adjacent residents due to noise, lighting and dust concerns. Staff would also request that if the opportunity arises and additional rock crushing machinery is available, applicant

increase operations to meet their deadline requirements utilizing additional requirement and not necessarily extended operating hours.

Ms. Crow stated that there would be no increase in blasting on the site, just an extension to rock crushing hours in order to allow for Haupt Construction to catch up during dry weather days.

Commissioner Crooks asked if anyone has talked to the homeowners. Applicant stated that they had not reached out to homeowners. Ms. Crow answered that the amendment stipulates that if complaints are received, hours and approval are subject to review by staff. Ms. Crow also stated there have not been complaints thus far.

Commissioner Daley asked about the weather delay. Justin Haupt, Haupt Construction Representative, answered that the two rainy weeks had amounted to over 9 inches of rain and had impacted their ability to rock crush.

Mr. Berger motioned to approve the amended rock crushing application, TU2019-01, with stipulations, Mr. Crooks seconded. Application TU2019-01 was approved, 4-0.

UDCA2018-01– AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Ms. Crow introduced application UDCA2018-01, an application regarding revisions to Articles 4, 10, and 12 of the City of Edgerton's Uniform Development Code (UDC). The public hearing regarding these amendments was held during the December 11, 2018, January 8, 2019 and February 12, 2019 Planning Commission Meetings. During those public hearing held at those meetings there were no public comments regarding the updates.

Articles 10 and 16 have undergone very few revisions since the Planning Commission reviewed these articles with Staff during the public hearings. Staff is requesting that these two Articles be recommended to the Governing Body for adoption at the June 13, 2019 City Council Meeting.

Ms. Crow outlined the updates to Article 4. Sections 4.1, 4.2, 4.3 and 4.4 of Article 4. The majority of the change is in the Design Guidelines section for each use type. New content was added related to building materials, roofing, awnings, gutters and downspouts, rooftop screening, ground or building mounted equipment, horizontal and vertical articulation, architectural design standards, façade guidelines and focal point elements. Staff took feedback from the Planning Commissioners and incorporated it into the existing UDC. Some areas only required minor tweaking to bring the code up to date and other areas needed to be written from scratch.

Section 4.1 C-D Downtown Commercial District specifically incorporates information recommended by the Downtown Edgerton Plan which was adopted by the Governing Body on March 8, 2018. Design guidelines, building materials, roofing, awnings, architectural design standards, service areas, site plan approval, parking and loading and landscaping sections have all been added. These areas of content are not present in the current Article 4 of the UDC but are necessary to carry out the vision of the adopted Downtown Edgerton Plan.

Ms. Crow stated that after Planning Commission recommendation the Articles would be reviewed by the City Attorney to insure compliance with state statute. If any edits are found to be in major conflict

with state statute, staff will return to Planning Commission to review. Any grammatical edits noted by the City Attorney would be made prior to Governing Body recommendation.

Mr. Berger motioned to recommend approval of Articles 10 and 16 to the Governing Body as presented, Mr. Crooks seconded. Motion was approved, 4-0.

FUTURE MEETING

The next meeting is scheduled for June 11, 2019. Before the regular meeting there will be a Planning Commission Work Session at 5:00 p.m. for KOMA/KORA Training.

ADJOURNMENT

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

The meeting adjourned at 7:32 p.m.

Submitted by: Rachel James, City Clerk

STAFF REPORT

Date: June 11, 2019
To: Edgerton Planning Commission
From: Chris Clinton, Planning and Zoning Coordinator
Re: **TU 2019-05** - Consider Approval for Temporary Construction Activities for ColdPoint Logistics (Temporary Gravel Lot), near the northwest corner of 181st and Waverly Road

BACKGROUND INFORMATION

Chapter I, Article 9, Section 6.E of the Unified Development Code of the City of Edgerton, Kansas states that the Planning Commission is authorized to review and approve the use of property during times of construction, reconstruction, or adaptation to permit temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses.

On previous occasions, the Edgerton Planning Commission has approved the use of temporary construction related activities associated with the BNSF Intermodal Facility and Logistics Park Kansas City (LPKC) developments subject to the recommendation of staff and conditioned with appropriate stipulations.

MATTERS TO BE CONSIDERED

On August 23, 2018, staff received a request from ColdPoint Logistics Real Estate, LLC, to construct a temporary gravel lot on property located at the northwest corner of Waverly Road and 181st Street. This temporary lot will be utilized as a lay down lot for the construction of Phase IV of the ColdPoint facility (Inland Port 40). The requested use of this lot would commence before construction begins and would continue through the end of the project. Staff spoke with the applicant and requested this application be held until Phase IV construction actually begins.

The ColdPoint facility has been built in stages as was approved with the Final Site Plan. As the facility cannot currently keep up with demand, and City Staff was notified in early May that Phase IV construction would begin sometime in the next couple of months. The gravel lot will only be used for temporary parking of construction contractors and for the staging of materials while Phase IV is being constructed. Once Phase IV is completed, the gravel lot will no longer be used and will be removed. A condition of this approval will require the lot to be returned to its original condition with the removal of laydown gravel required. As property owner, NorthPoint Development has provided a letter granting permission for this activity to be performed on their lot.

STAFF RECOMMENDATION

Staff recommends **approval** for the use of a temporary gravel lot, deemed to be temporary construction related activities pursuant to Article 9, Section 9.6.E of the Uniform Development Code of the City of Edgerton, located near the northwest corner of Waverly Road and 181st Street, by ColdPoint, for construction-related activities related to Inland Port 40, conditioned as follows:

1. This lot may not be used for the staging of trucks carrying product to or from the ColdPoint site or trucks waiting to pick up loaded trailers. Only semi-trailers for construction use may be stored on this lot;
2. Temporary living quarters are not permitted on-site;

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

ATTACHMENTS

- Request for Temporary Construction Activity
- Permission letter from NorthPoint
- Site Plan with location of gravel lot



August 23, 2018

Ms. Katy Crow
Development Services Director
City of Edgerton, KS
404 East Nelson
Edgerton, KS 66021

RE: ColdPoint Temporary Construction Activities UDC Article 9.6 E

Dear Ms. Crow,

As the City of Edgerton is aware, ColdPoint is being constructed in 4 Phases. Phase 1 is complete, Phase 2 will be retooled in September, Phase 3 is nearing completion, and Phase 4 will commence last. As with all construction projects, temporary lay down areas are a critical component throughout the entire construction process. The temporary gravel lot currently being used for construction activities is located to the Northeast of the facility as is indicated on the attached diagram.

ColdPoint Logistics Real Estate, LLC requests that we may continue our use of the temporary gravel lot through the completion of Phase 4 to support our growth of the facility. Thank you for your consideration and for supporting ColdPoint as we complete all Phases of work.

Respectfully,
ColdPoint Logistics Real Estate, LLC

Aaron J. Burks

August 23, 2018

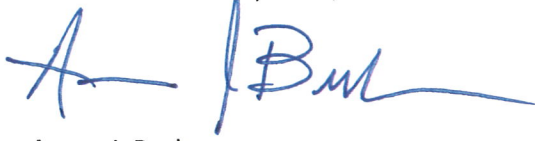
Ms. Katy Crow
Development Services Director
City of Edgerton, KS
404 East Nelson
Edgerton, KS 66021

RE: ColdPoint Temporary Construction Activities UDC Article 9.6 E

Dear Katy,

This letter serves as permission from NorthPoint Development, LLC for the continued use of the temporary lot located Northeast of ColdPoint Phase 2, on the North side of 181st Street through the completion of Phase 4.

Respectfully,
NorthPoint Development, LLC



Aaron J. Burks



Johnson Co AIMS Map

LEGEND

AIMS Imagery: Current Imagery (2018)



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JOHNSON COUNTY
KANSAS
AIMS GIS & Mapping

5/9/2019

STAFF REPORT

Date: June 11, 2019
To: Edgerton Planning Commission
From: Chris Clinton, Planning and Zoning Coordinator
Re: **TU 2019-06** - Consider Approval for Excavating and Haul off of rock and dirt from the Holtgraver property located on the southeast corner of 191st Street and Homestead Lane.

BACKGROUND INFORMATION

Chapter I, Article 9, Section 6.E of the Unified Development Code of the City of Edgerton, Kansas states that the Planning Commission is authorized to review and approve the use of property during times of construction, reconstruction, or adaptation to permit temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses.

On previous occasions, the Edgerton Planning Commission has approved the use of temporary construction related activities associated with the BNSF Intermodal Facility and Logistics Park Kansas City (LPKC) developments subject to the recommendation of staff and conditioned with appropriate stipulations.

MATTERS TO BE CONSIDERED

On May 17, 2019, staff received a request from Hartman Excavating for the continuance of a Temporary Construction Use Permit issued in April 2018 for the removal of dirt and rock from property located on the southeast corner of 191st Street and Homestead Lane. The previous permit was approved for one year. Permission has been given by Omar Holtgraver, property owner, for these activities to take place.

The applicant has requested to haul the dirt and rock from 7:00 AM to 7:00 PM. While the applicant did not state which days, the previous permit allowed work on Monday through Saturday. Per the applicant, truck loads will contain approximately 15 to 22 tons of dirt and rock. A smooth bucket will be used for mud and debris removal. A water tank will also be used to control any of the dust associated with removing the dirt and rock. The applicant is requesting the permit be extended another year to May 1, 2020. Per the Kansas Department of Health and Environment (KDHE), the stormwater permit for this project is active and up to date on fees being paid.

STAFF RECOMMENDATION

Staff recommends **approval** for the hauling and excavating of the dirt and rock, deemed to be temporary construction related activities pursuant to Article 9, Section 9.6.E of the Uniform Development Code of the City of Edgerton, located near the on the southeast corner of 191st Street and Homestead Lane, conditioned as follows:

1. Temporary living quarters are not permitted on-site;
2. All occupied buildings shall have access to potable water from an approved water source;
3. All signage shall only be placed pursuant to applicable sign regulations in Articles 5 and 12 of the Unified Development Code of the City of Edgerton with a sign permit application submitted for review if necessary;

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

ATTACHMENTS

- Request for Temporary Construction Activity
- Permission letter from Omar Holtgraver
- Aerial Map
- KDHE Email

From: [jim.hartman](#)
To: [Katy Crow](#)
Subject: Permit request
Date: Friday, May 17, 2019 12:44:15 PM

Hartman Excavating is requesting a permit for rock/dirt removal and haul off of exciting rock/dirt pile at southeast corner of 191st St and Homestead rd. (Land owned by Holtgraver). Haul hours will be 7:00 a.m. to 7:00 p.m. Truck loads will be approximately 15 to 22 tons each.

Jim Hartman
Hartman Excavating PLC
913 710-1710

From: [jim hartman](#)
To: [Katy Crow](#)
Subject: Rock pile
Date: Friday, May 17, 2019 2:22:07 PM

Would like to apply for permit till may 1st 2020
Will use water tank for dust control
Will use smooth bucket for mud or debris removal
Thanks jim Hartman with hartmanexcavating

LAW OFFICES OF
ANDERSON & BYRD
A Limited Liability Partnership

JOHN L. RICHESON
JAMES G. FLAHERTY
R. SCOTT RYBURN
KEITH A. BROCK
THOMAS H. SACHSE
JEFFREY A. WILSON

216 S. HICKORY, P. O. BOX 17
OTTAWA, KANSAS 66067
(785) 242-1234, *Telephone*
(785) 242-1279, *Facsimile*
www.andersonbyrd.com

ROBERT A. ANDERSON
(1920-1994)

RICHARD C. BYRD
(1920-2008)

May 9, 2019

City of Edgerton
City Hall
404 East Nelson
Edgerton, KS 66021

Re: Omar Holtgraver Contract for Sale of Rock to Jim Hartman Construction at 191st and
Homestead Lane, Edgerton Kansas

Greetings:

Our office represents Omar Holtgraver regarding 29.8 acres of real estate he owns within the city limits of Edgerton and the sale of rock from that property. Mr. Holtgraver has entered into a contract for removal and sale of the rock currently being stored on his property, which was part of a construction project in the area. Mr. Holtgraver has entered into a contract with Jim Hartman Construction to remove and sell the rock currently on the property.

The contract for the removal of the rock is beneficial to Mr. Holtgraver as well as Jim Hartman Construction and will aid in the development of the real estate. The contract has already commenced and may be extended through for an additional two-year period upon agreement of the parties.

If you have any questions or concerns regarding this agreement for the removal of rock from Omar Holtgraver's real estate, please let me know.

Sincerely,

R. Scott Ryburn
sryburn@andersonbyrd.com

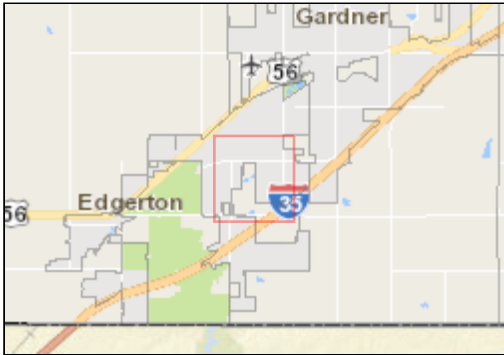
RSR:rr



Johnson Co AIMS Map

LEGEND

AIMS Imagery: Current Imagery (2018)



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JOHNSON COUNTY
KANSAS
AIMS GIS & Mapping

5/9/2019

From: [Larry Hook \[KDHE\]](#)
To: [Katy Crow](#); [Steve Caspers \[KDHE\]](#)
Subject: RE: Jim Hartman - Hartman Excavating - Edgerton
Date: Thursday, May 9, 2019 10:06:17 AM

The construction stormwater permit for ARROWHEAD INTERMODAL (S-MC08-0037) is Active and the annual fees are paid.

Larry Hook, P.E.
KDHE BOW - Industrial Programs Section
(785) 296-5549 CSOB - Suite 420

New email address: Larry.Hook@ks.gov

From: Katy Crow [<mailto:kcrow@edgertonks.org>]
Sent: Thursday, May 09, 2019 9:33 AM
To: Steve Caspers [KDHE] <Steve.Caspers@ks.gov>
Cc: Larry Hook [KDHE] <Larry.Hook@ks.gov>
Subject: RE: Jim Hartman - Hartman Excavating - Edgerton

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thanks so much Steve.

Larry, it seems all things come back to stormwater at some point. This is the property that several of us have reached out to about over the past couple of weeks. Both the owner, Junie Holtgraver, and myself have been in touch. Is the stormwater permit still active? I wasn't sure how that resolved after you spoke with Junie last week.

Regards,
Katy



Katy Crow • Development Services Director
City of Edgerton, KS
404 East Nelson • Edgerton, KS 66021
913.893.6231 x7000 • 913.269.7992 (cell)
www.edgertonks.org

From: Steve Caspers [KDHE] <Steve.Caspers@ks.gov>
Sent: Thursday, May 9, 2019 9:28 AM
To: Katy Crow <kcrow@edgertonks.org>
Cc: Larry Hook [KDHE] <Larry.Hook@ks.gov>

Subject: RE: Jim Hartman - Hartman Excavating - Edgerton

Katy, the primary reason for my inspection was to determine whether a NPDES, quarry permit was required for this operation and as you stated, it was decided this permit was not required and that is still the case.

However, the site was also covered by a construction stormwater permit issued to Arrowhead Intermodel. (S-MC08-0037) Since I am not familiar with the construction stormwater requirements for this site, you would need to contact Larry Hook of this office to find out the status of that particular construction stormwater permit, to see if this permit is still active and/or is still required. Larry's phone number is 785-296-5549.

Hope this answers your question.

Steve Caspers, Pretreatment Specialist
State of Kansas
Industrial Programs Section
Bureau of Water

Please note my new e-mail address below !!

E-Mail address: Steve.Caspers@KDHE.ks.gov

785.296.5551

Fax 785.296.0086



From: Katy Crow [<mailto:kcrow@edgertonks.org>]
Sent: Thursday, May 09, 2019 9:12 AM
To: Steve Caspers [KDHE] <Steve.Caspers@ks.gov>
Subject: Jim Hartman - Hartman Excavating

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning Steve –

Attached is a letter issued from your office on February 19, 2018 related to work being performed by Hartman Excavating here in Edgerton.

Jim Hartman took an application for a temporary construction use permit through our Planning Commission in April of 2018. That application has now expired. He wants to renew it.

The City of Edgerton would like to confirm that the letter you provided stating an NPDES permit was not needed is still in effect today. Mr. Hartman is coming back to our Planning Commission to request a new temporary construction use for the same activity since the permit granted in 2018 has now expired.

Thank you for your assistance.

Regards,
Katy



Katy Crow • Development Services Director
City of Edgerton, KS
404 East Nelson • Edgerton, KS 66021
913.893.6231 x7000 • 913.269.7992 (cell)
www.edgertonks.org

STAFF UPDATE

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

BACKGROUND INFORMATION

Articles 10 and 16

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

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

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

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

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

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

STAFF RECOMMENDATION

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

Article 10 Site Plans and Design Standards

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

10.1 Site Plans

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

design concept is fairly simple and does not involve multiple buildings. The Final Site Plan is also reviewed by staff for compliance with the Unified Development Code prior to presentation to the Planning Commission. Once

approved by the Planning Commission, any conditions or stipulations outlined during the review process must be made and an amended Final Site Plan must be submitted. If all conditions/stipulations are met by the submitted Final Site Plan, staff may review and provide final administrative approval.

D. Public Hearing.

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

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DI. Submission Requirements.

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

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

CERTIFICATE:

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

Zoning Administrator

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

Chair of the Planning Commission

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

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

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

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

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

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;

- . Scale drawings of all proposed signage including location, height, size, area, materials and design to be used on the premises with construction drawings required when applying for a sign permit in accordance with Article 12, Sign Regulations, of the Unified Development Code;
- l. Features to facilitate handicapped access;
- m. Profile and detail for roads the location and width of sidewalks and the location of trails;
- n. Scale drawing of building floor plans with dimensions and square foot calculations;
- o. Scale drawings in full color with dimensions of all building facades or elevations including the labeling of exterior materials and color.:-
- . Roof pitch and materials;
- q. The location of any HVAC systems (roof or ground), utility boxes and any other above ground facilities. Include line of sight drawings which indicate view from the street, right of way, and/or adjacent properties. Ground-based mechanical equipment shall be located away from property lines adjacent to public streets and residential property. Include type of screening that will be used around equipment;
- r. Areas or facilities used for trash, trash compacting, recycling containers, service and loading are to be located out of public view from streets, adjacent

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residential properties, and other highly visible areas such as parking lots, access drives, and similar areas.

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

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

Commented [L4]: Note the semi colons added to e, f, g, h, l, o and r (iii) for consistency

- H. Standard of Approval.** The Planning Commission shall give consideration to the following criteria in approving or disapproving a Site Plan:
1. The site is capable of accommodating the building or buildings, parking areas and drives with appropriate open space and landscaping.
 2. Utilities are available or can be extended to serve the proposed development.
 3. The proposed plan provides for adequate management of stormwater runoff.
 4. The plan provides for safe and easy ingress, egress and internal traffic circulation.
 5. The plan is consistent with good land planning and site engineering design principles.
 6. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building or buildings and the surrounding neighborhood.
 7. The plan provides adequate landscaping, screening and buffering for the benefit of adjacent properties.
 8. The plan represents an overall development pattern that is consistent with the Comprehensive Plan and other adopted City policies.
- I. Improvements.** The Planning Commission may require the construction or installation of infrastructure improvements such as sidewalks, trails, traffic signals, street improvements, turn lanes or and channelization, acceleration and deceleration lanes, storm drainage improvements and other similar improvements that are related to the proposed project and may require the dedication of any necessary easements.
- J. Site Plan Modifications.** Minor modifications may be made to an approved Site Plan by the applicant with the approval of the Zoning Administrator and without resubmittal to the Planning Commission provided that the modifications do not meet or exceed the basic requirements of the district in which the project is located and do not:
1. Substantially change the pedestrian or vehicular flow;
 2. Alter the juxtaposition of land uses;
 3. Alter the relationship of open space in the development;
 4. Reduce the degree of screening or buffering and the architectural appearance and building design approved for the project;
 5. Vary the proposed gross residential density or intensity by more than 5 percent;
 6. Increase the floor area of nonresidential buildings by more than 5 percent;
 7. Increase the ground coverage or height of the buildings by more than 5 percent;
 8. Alter utility locations and connections so as to adversely affect the quality of the project.

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

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

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

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

10.2 Streets and Access

A. General Design and Layout Criteria.

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

10.3 Building Permits

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

10.4 Final Approved Site Plan

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

Article 16

Parking and Loading Regulations

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

16.1 General Provisions

A. When a new structure is constructed, parking shall be provided in accordance with these regulations.

A.B. When an existing structure or use is expanded, parking for the expansion shall be provided in accordance with these regulations.

B.C. Parking stalls and spaces shall be used by motor vehicles in operating condition by patrons, occupants, or employees. Storage of motor vehicles, trailers, boats, recreational vehicles and the like is strictly prohibited.

C.D. All parking shall be located on a hard surface (asphalt or concrete) driveway and not in a ~~required~~ front, side or rear yard.

D.E. As part of a Site Plan submission, the layout and design of all required parking and loading areas shall be shown and properly designed in accordance with this Article.

E.F. When a determination of the number of off-street parking spaces required by this Article results in a fraction, the fraction of 0.5 or less may be disregarded and the fraction of greater than 0.5 shall be counted as a one parking space.

F.G. When a building or development contains a mix of uses, the parking requirement shall be calculated as a percentage for each use and the total parking requirement shall be the sum of all the individual parking requirements. If a building or tenant space changes use, parking for the new use shall be provided in accordance with Section 16.3 Required Spaces. In the event the use change results in the need for additional spaces, the submitted Site Plan must account for this need for additional parking.

G.H. Each establishment shall provide sufficient off-street parking spaces for all employees, customers, visitors and others who may spend time at the establishment during working hours.

Commented [L1]: Do we want to mention first new structures? Something like: "When a new structure is being built, or an existing structure or use is expanded...."

Commented [L2]: Do we define "vehicles" in prior Articles? If so we just need to be careful if boats, RV's or trailers fall under "vehicles", because if we don't want them in these lots but they are a "vehicle" and they are in operating condition we will be painting ourselves into a corner and would basically have to allow them.

Commented [L3]:

Commented [L4R3]: I assume that is what you are trying to say here?

Commented [L5]: We need to walk through this. You're saying that if they change uses then they will have to meet the requirements of 16.3. that makes sense, but what if a lot is constructed based on a percentage, as we describe in this section, and then the percentage changes and they are required to have more spaces? Are they required to expand the lot? I just want to work through this ahead of time.

16.2 Design Standards and Required Dimensions

A. Access. Each required parking space shall open directly on an aisle or driveway to provide a safe and efficient means of ingress and egress.

B. Location. All parking shall be located on the same zoning lot as the structure or use served, or an adjacent lot under the same taxpayer's name, unless a Conditional Use Permit is obtained for offsite parking as allowed by District regulations.

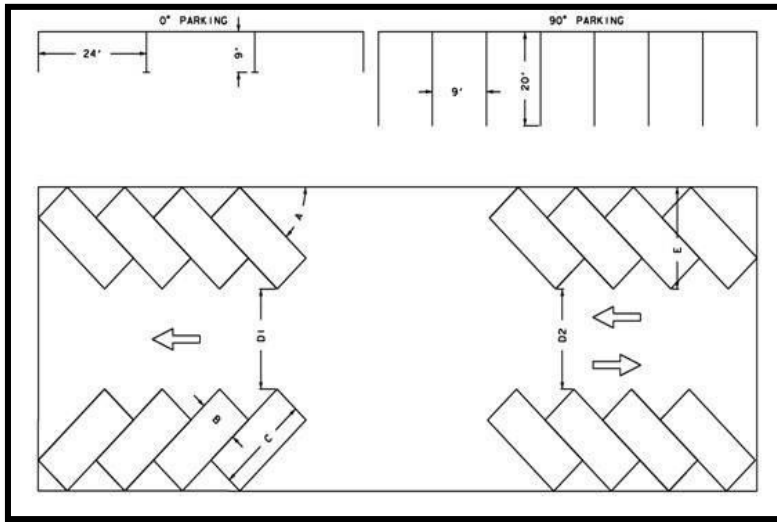
- C. Lighting.** All lighting used to illuminate parking areas shall be directed away or shielded from adjacent properties and in compliance with all District regulations. The maximum height of a luminaire shall not exceed twenty-five (25) feet as measured from the grade to the bottom of the luminaire.

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

Diagram 16.1 – Parking Space and Driving Aisle Dimensions

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

Diagram 16.2 – Parking Space Illustrations



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

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

A. Dwelling Uses.

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

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

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

14. Hotels and motels: one space per rental unit plus additional consideration for oversized vehicles including but not limited to semi-trucks with trailers, recreational vehicles, trailers, etc.
15. Medical services, clinics and offices: one space per 200 sq. ft. of gross floor area.

Commented [L6]: Note the colons I added in 2 and 15 to be consistent. And the close parenthesis in 6.

C. Industrial Uses.

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

D. Other Uses.

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

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

16.4 Off-Street Loading and Unloading Requirements

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

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
- Section 4.5 Reserved for Future Use
- Section 4.6 Awnings and Fencing
- Section 4.7 Fuel Stations, Convenience Stores and/or Drive-Throughs

4.1 C-D, Downtown Commercial District

- A. Purpose.** This district is intended to accommodate civic, limited commercial services, housing, and offices in Downtown. Uses are restricted to civic, housing, light retail, offices, personal services, and public services to serve the needs of Edgerton residents. The intent is to allow creative reuse and rehabilitation of existing buildings.
- B. Use Restrictions.** In District C-D, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional as follows in sections C and D below.
- C. Permitted Uses.**
1. Uses listed in C-1, General Commercial District, except for the following:
 - i. Convenience stores, with or without gasoline sales.
 - ii. Drive through food service.
 - iii. Restaurants and other eating establishments, can include drive through facilities.
 2. Farmers Markets
 3. Restaurants without drive-through facilities.
 4. Bed and breakfast.
- D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a Conditional Use Permit obtained pursuant to the provisions of Article 7 of the Unified Development Code:
1. Parking lots detached from the principal use.

E. Setback, Yard and Area Regulations.

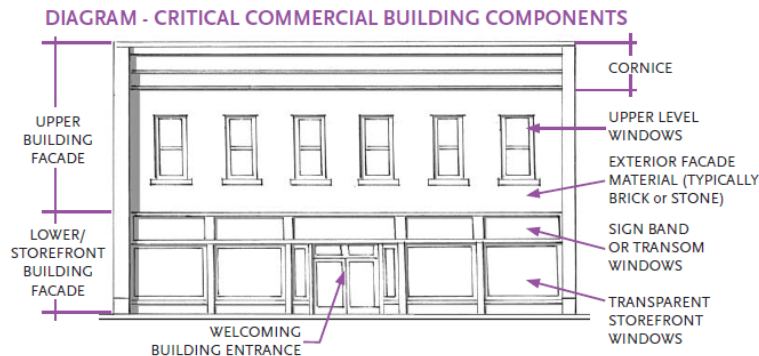
Table 4-4 - Setbacks, Yards, and Area for C-D Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
No front yard setback is required. If a setback is desired, maximum allowed distance is five (5) feet.	Required side yard setback is ten (10) feet, with the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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

H. Site Plan Approval.

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

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

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

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

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

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

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

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

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
Section 4.5	Reserved for Future Use
Section 4.6	Awnings and Fencing
Section 4.7	Fuel Stations, Convenience Stores and/or Drive-Throughs

4.2 C-1, General Commercial District

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

B. Use Restrictions. In District C-1, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional uses as noted in sections C and D following.

C. Permitted Uses.

1. Alterations and tailoring.
2. Ambulance service.
3. Amusement and video arcades.
4. Antiques.
5. Apartments located above the first floor of a business.
6. Apparel.
7. Appliance and electronics repair.
8. Art galleries and studios.
9. Automated teller machine.
10. Automotive parts, retail only.
11. Bakeries and confectionery establishments.
12. Barbers, hair styling and similar personal services.
13. Books and periodicals sales.
14. Bus passenger station.
15. Café.
16. Cameras and photo equipment.
17. Carpeting and floor covering.
18. Caterer.
19. Church or place of worship.
20. Clubs or cultural group.
21. Convenience stores, with or without gasoline sales.
22. Computer sales and service.
23. Crafts.

24. Discount stores.
25. Drive through food service.
26. Drugs and cosmetics.
27. Dry cleaners.
28. Exterminator, pest.
29. Financial institutions, including drive-through banks.
30. Florist and gift shops.
31. Food store.
32. Fuel stations, no car wash.
33. Funeral home, mortuary.
34. Furniture store.
35. Greeting cards and stationery stores.
36. Hardware stores.
37. Health or fitness clubs.
38. Health related sales and services.
39. Home lighting and fixtures stores.
40. Housewares and kitchenware stores.
41. Interior decorating studios.
42. Internet providers - customer service operations.
43. Jewelry stores.
44. Laundry, self-serve or drop off.
45. Locksmiths.
46. Medical services and offices.
47. Microbrewery.
48. Music and musical instruments – lessons, service, sales.
49. Neighborhood market.
50. Office, general.
51. Office supplies.
52. Optical shops.
53. Package sales of alcoholic liquor or cereal malt beverages.
54. Paint and wallpaper.
55. Pet stores.
56. Photocopying and retail printing.
57. Picture framing.
58. Postal and mailing services.
59. Publicly owned and operated offices, community buildings, public museums, public libraries, or meeting facilities.
60. Restaurants and other eating establishments, can include drive through facilities.
61. Shoe repair.
62. Sporting goods and bicycles.
63. Taverns and bars.
64. Taxidermist.
65. Theaters, indoor.
66. Toys and hobby supply stores.
67. Public utilities, offices only.
68. U.S. Post offices.
69. Veterinarian (domesticated pets only).
70. Video rentals, except adult videos.
71. Accessory uses related to the permitted uses listed.
72. Any commercial or office use that meets the intent and purpose of this section and is keeping with the general character of the district. (Ord. 843; 2008)

D. Uses Permitted by Condition (Conditional Uses). The following uses may be permitted with a Conditional Use Permit obtained pursuant to the provisions of Article 7 of the Unified Development Code.

1. Parking lots detached from the principal uses

E. Setback, Yard and Area Regulations.

Table 4-5 - Setbacks, Yards, and Area for C-1 Zoning District				
Minimum Open Space	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
20 percent of net site area.	Twenty-five (25) feet	<p>No side yard is required, except:</p> <ul style="list-style-type: none"> - When a side lot line abuts residential property, a twenty (20) foot side yard setback is required. - On a corner lot, a side yard setback of fifteen (15) feet is required adjacent to the side street. 	All buildings in the C-1 District shall maintain a twenty-five (25) foot rear yard setback from the building wall and/or equipment used to service the premises.	Thirty-five (35) feet

F. District Regulations.

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

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

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

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

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

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

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

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

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

Gutters and Downspouts

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



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

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

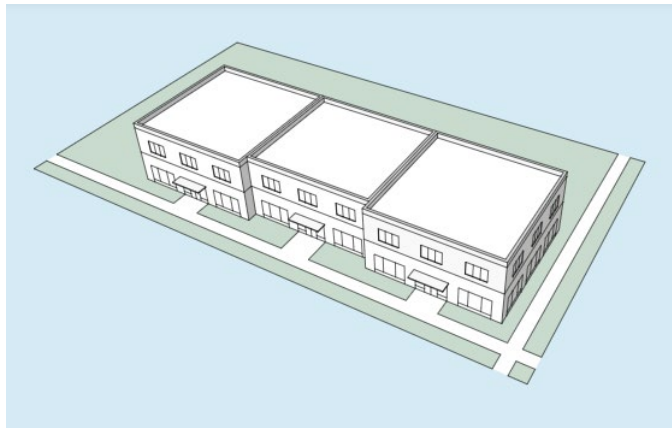
Ground or Building Mounted Equipment - Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities’ meter banks and coolers shall be screened from public view with three (3) sided landscaping or with an architectural treatment compatible with the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

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

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

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

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

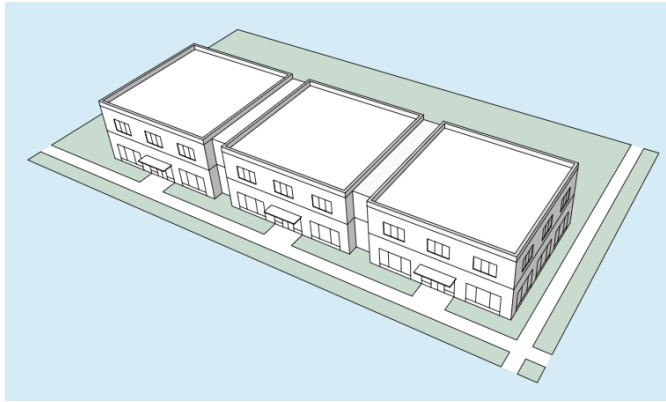


- b. *Wall notch* – a setback or notch in the wall plane at least 4 feet deep and 8 feet wide for the full height of the façade

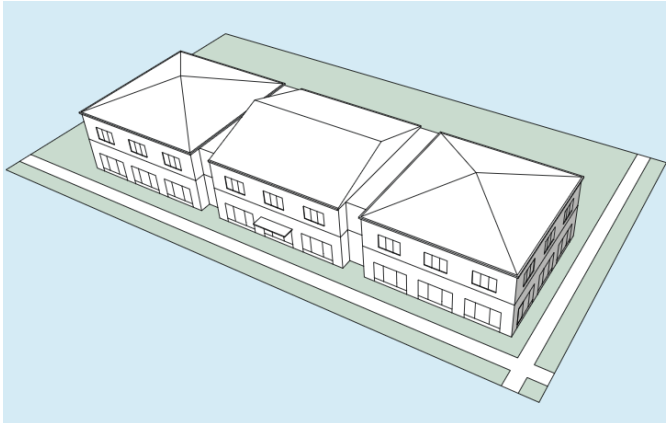


2. Vertical Articulation. One or more of the following vertical articulation tools must be used a minimum of every 50 feet of linear façade width:

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



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



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

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



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



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



H. Site Plan Approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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
Section 4.5	Reserved for Future Use
Section 4.6	Awnings and Fencing
Section 4.7	Fuel Stations, Convenience Stores and/or Drive-Throughs

4.3 C-2, Heavy Service Commercial

- A. Purpose.** The C-2 district is composed of certain uses that require extensive lot frontages, large scale multi-tenant retail centers, promote heavy traffic generation, and have the potential for extended hours of operation. Operations must be wholly contained within the building except where permitted in the District Regulations.
- B. Use Restrictions.** In the C-2 district, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional uses as noted in sections C and D following.
- C. Permitted Uses.**
1. All uses permitted by right or condition in the C-1 District.
 2. Automotive service/maintenance centers, all operations fully contained.
 3. Car/Truck wash, fully enclosed.
 4. Discount Department Store, indoor operations only.
 5. Fuel Stations with fully enclosed car/truck wash operations.
 6. Grocery stores.
 7. Motels/hotels with meeting facilities.
 8. Truck stops/travel plazas.
 9. Vehicle showroom, indoor display only.
- D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7 of the Unified Development Code.
1. Adult entertainment – sexually oriented businesses.
 2. Pole Sign subject to conditions set out in Article 12 Section 12.9.
 3. Wireless facilities.
 4. Wireless support structures.

E. Setback, Yard and Area Regulations

Table 4-8 - Setbacks, Yards, and Area for C-2 Zoning District

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

F. District Regulations.

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

G. Design Guidelines.

Building Materials - Building material standards are required to ensure appropriate quality and visually appealing building design. Permitted high quality building materials for the primary (front) and secondary (sides and rear) building façades shall be selected from **Table 4-9** below according to the percentage specified for each façade and material type. Applicant must provide percentage calculations for each material type. Fuel Stations, Convenience Stores and/or Drive-Throughs have

additional Design Guidelines. See section 4.7 *Fuel Stations, Convenience Stores and/or Drive-Throughs (Permitted Use in Districts Zoned C1, C2, and C3 only)*” for additional requirements.

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

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

	Materials Category 1 Primary - 70% (must include 20% transparent glass) Secondary - 60%	Materials Category 2 Primary - 30% Secondary - 40%
Opaque glass	✓	✓
Tile	✓	✓
Wood Other Synthetics		
Synthetic stucco EIFS (detail only)		✓

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

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

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

Gutters and Downspouts

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



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

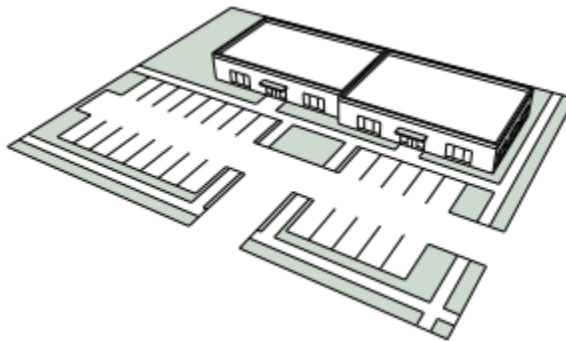
1. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture and integral to the overall appearance of the building. An example includes a parapet wall that includes the same building materials as the lower levels of the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

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

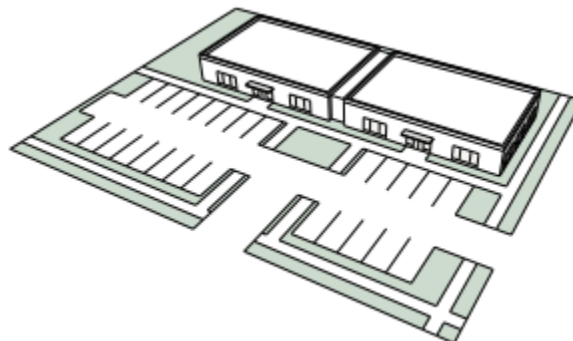
sidewalk and are subject to approval by the City Engineer. When requested within public right-of-way a landscaping plan shall be required with the right-of-way permit. Landscaping selected for screening shall be provided for on three (3) sides of the structure and shield the structure from public view.

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

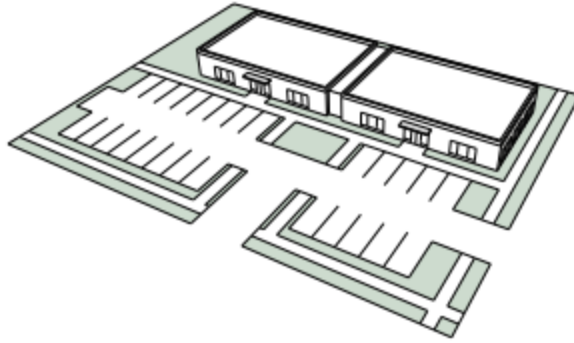
1. **Horizontal Articulation:** One or more of the following horizontal articulation tools must be used a minimum of every 75 feet of linear façade width:
 - a. *Wall offset* – a horizontal wall plane offset of at least 4 feet extending for the full height of the façade;



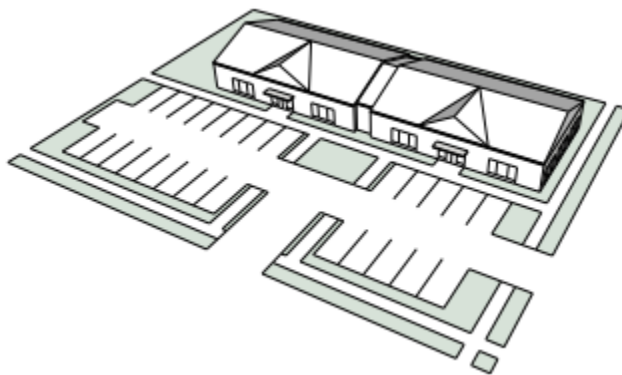
- b. *Wall notch* – a setback or notch in the wall plane at least 4 feet deep and 8 feet wide for the full height of the façade.



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

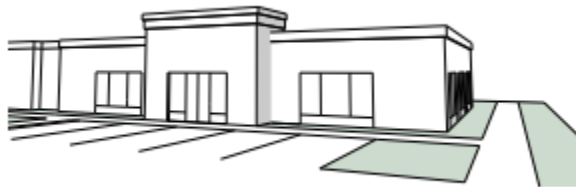


- b. *Variations in Roof Form* - Use of more than one roof form to express different building modules

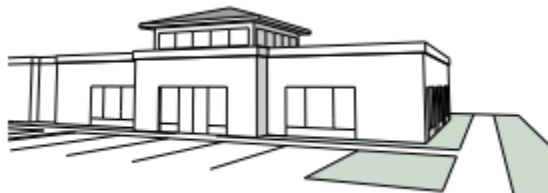


Focal Point Elements. All buildings must incorporate focal point design elements to help define the character of the structure. Select one or more of the following focal point design elements:

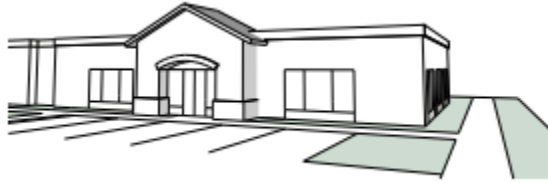
1. *Tower or Raised Parapet Element* - Towers or raised roof parapets that produce variations in building height of at least 4 feet and project at least 1 foot from the front and rear of the primary façade plane.



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



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



H. Site Plan Approval.

1. All development proposals in the C-2 Heavy Service Commercial District shall be subject to a review of a site plan in accordance with Article 1.
2. If a variation 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 1.

I. Parking and Loading. See Article 1 for *Parking and Loading Regulations*.

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

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

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

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

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

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

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

Category Specifications

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

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

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

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

Adjacent Zoning	Minimum Buffer Width	Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet	Shrubs and Ornamental Grasses per 100 Linear Feet	Additional Features
A-G	10	1	1	1	20	None
R-1, R-2, R-3, MHP	Front – 10' Side – 10' Rear – 10'	2	1	2	35	6' Berm
C-D	N/A	N/A	N/A	N/A	N/A	None
C-O, C-1, C-2	Front – 10' Side – 10' Rear – 10'	1	1	1	20	None
C3,	10	3	3	3	35	
C4	Front – 10' Side – 10'	2	3	2	35	None

Adjacent Zoning	Minimum Buffer Width	Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet	Shrubs and Ornamental Grasses per 100 Linear Feet	Additional Features
	Rear – N/A					
B-P, L-P	25	4	2	3	40	9' Wall and Berm Combination
IG, IH	40	5	4	5	50	11' Wall and Berm Combination

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

1. Building landscaping is encouraged to include a variety of shrubs, ornamental trees and/or shade trees. Any trees used should accommodate pedestrian circulation.
2. Along any building façade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building façade or foundation. The landscape area may be a continuous area or comprised of several areas. Applicant shall provide calculations to show coverage area.
3. Building façades along service areas are excluded, unless the service area fronts upon a public right-of-way or common access drive.
4. Landscape areas may be placed adjacent to the building wall or adjacent to the curb, with walkways, overhangs or canopies between the landscape area and building wall. Landscape areas shall generally not be placed under overhangs and canopies.
5. Each landscape area shall be planted with shrubs capable of reaching three (3) feet in height above the adjacent parking area or drive, covering a minimum of seventy-five (75) percent of the length of the landscape area.
6. A mixture of evergreen and deciduous shrubs shall be used to maintain seasonal interest.
7. Ornamental trees (where appropriate), or shade trees should be included in the landscape design to further buffer the building façade from the drives and parking lot areas. In areas where pedestrian circulation is anticipated, trees with a branching habit conducive to walking under shall be used. For example, Pin Oaks are not acceptable due to their descending branching habit.
8. Appropriate plant species should be installed so that mature tree limbs can be maintained at a minimum eight (8) foot clearance from ground level and so that shrubs do not exceed two and one-half (2½) feet in height for areas where it is important to maintain visibility for security and safety purposes.
9. Berms may be incorporated in the landscape areas if positive drainage from the building is provided.
10. Planting areas shall have a minimum width of either six (6) feet or the equivalent of twenty (20) percent of the building façade height as measured from the ground elevation to the top of the wall or parapet, whichever is greater. Applicant shall provide calculations.
11. Building façade and foundation landscape areas shall be irrigated.

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

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

Native Vegetation, Drought Resistance/Xeriscape and Irrigation - Native vegetation and drought resistant plant material shall be used wherever possible. If native vegetation or drought resistant plant materials are used then an irrigation system shall be installed to provide water during a three (3) year establishment period.

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

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

Article 4

Commercial Zoning Districts

Section 4.0	C-O Office District
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Section 4.5	Reserved for Future Use
Section 4.6	Awnings and Fencing
Section 4.7	Fuel Stations, Convenience Stores and/or Drive-Throughs

4.4 C-3, Highway Service Commercial

- A. Purpose.** This district is designed to provide commercial locations for uses which serve as a convenience to the travelling public, require a large lot, or require a location on a highway or arterial street in order to have an efficient operation. It is further intended that each use be of a single-purpose character and not be of a nature in which people walk from store to store as in a nucleated or strip center.
- B. Use Restrictions.** In District C-3, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional uses as noted in sections C and D following.
- C. Permitted Uses.**
1. Agricultural implement sales, rental and service; new and used.
 2. Bus passenger station.
 3. Car/Truck Wash with self-service stations.
 4. Commercial truck sales and service, new and used.
 5. Construction and farm equipment sales, rental and service; new and used.
 6. Discount department store.
 7. Farm & home stores.
 8. Garden center.
 9. Home improvement center.
 10. Lumber yards.
 11. Manufactured home sales.
 12. Motor vehicle sales, rental and service; new and used; includes body shops.
 13. Trailer sales, rental and service; new and used.
 14. Any commercial use that is similar to those uses listed, meets the intent and purpose of this district and is keeping with the general character of the district.
- D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a Conditional Use Permit obtained pursuant to the provisions of Article 7 of the Unified Development Code.
1. Wireless facilities.
 2. Wireless support structures.
 3. Campgrounds
 4. Outdoor amusement establishments such as miniature golf, driving ranges, pitch and put courses amusement parks and other similar establishments.

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

E. Setback, Yard and Area Regulations

Table 4-11 - Setbacks, Yards, and Area for C-3 Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
A twenty-five (25) foot front yard setback is required.	<p>No side yard is required, except:</p> <ul style="list-style-type: none"> - When a side lot line abuts a residential property, a twenty (20) foot side yard setback is required; - On a corner lot, a side yard setback of 15 feet is required adjacent to the side street. 	<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 thirty-five (35) feet.

F. District Regulations.

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

G. Design Guidelines

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

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

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

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

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

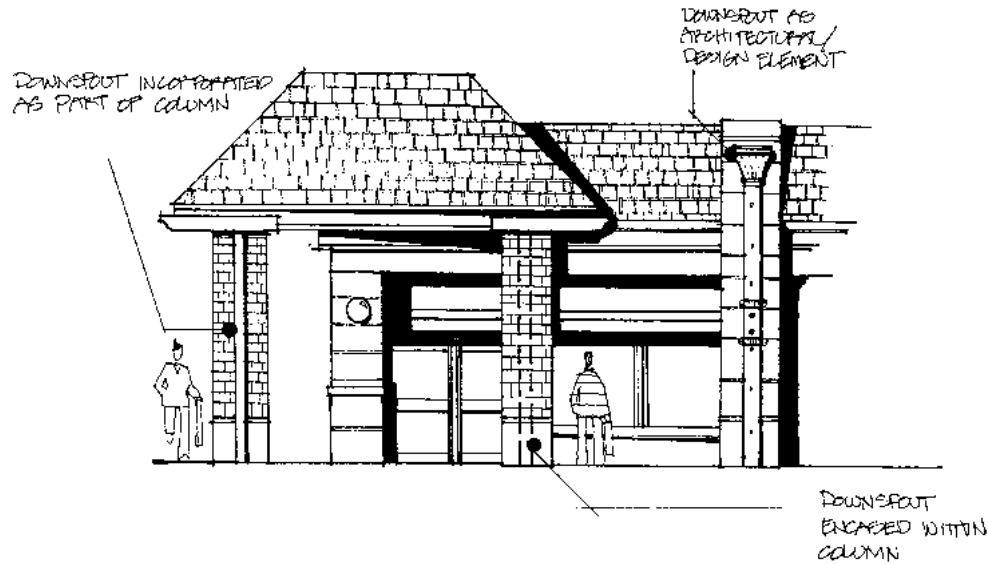
Fencing – If fencing is used, see *Awnings and Fencing* details in Section 4.6 at the end of this Article related to fencing design guidelines.

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

Gutters and Downspouts

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

- c. Exposed gutters and downspouts shall be constructed of high-quality, commercial-grade metal.
- d. Exposed gutters are prohibited for use with flat roofs.



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

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

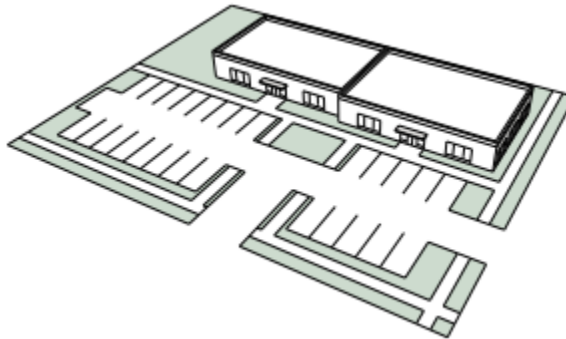
Ground or Building Mounted Equipment. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities’ meter banks and coolers shall be screened from public view with three (3) sided landscaping or with an architectural treatment compatible with the building

architecture. Utility structures shall be located on the interior façade of the building, away from arterial or collector streets, and when possible, recessed into the wall of the structure. Utility structures shall not be placed along collector or arterial streets except when approved by the City. Utility structures shall be located behind the sidewalk and are subject to approval by the City Engineer. When requested within public right-of-way a landscaping plan shall be required with the right-of-way permit. Landscaping selected for screening shall be provided for on three (3) sides of the structure and shield the structure from public view.

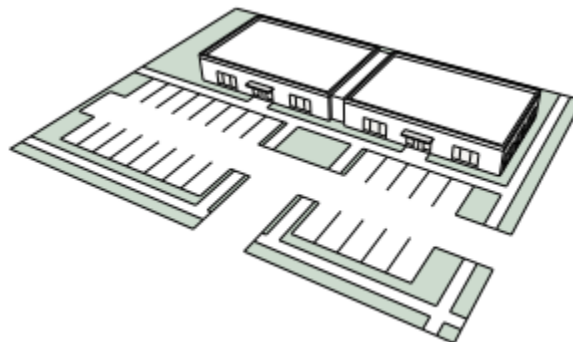
Horizontal and Vertical Articulation. All buildings must incorporate horizontal and vertical primary façade articulation to divide building mass into human scale modules.

1. **Horizontal Articulation:** One or more of the following horizontal articulation tools must be used a minimum of every 75 feet of linear façade width:

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

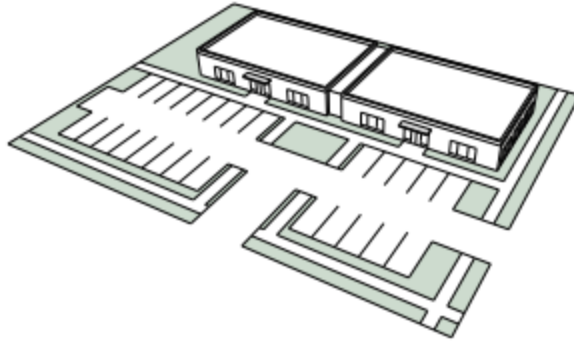


- b. *Wall notch* – a setback or notch in the wall plane at least 4 feet deep and 8 feet wide for the full height of the façade.

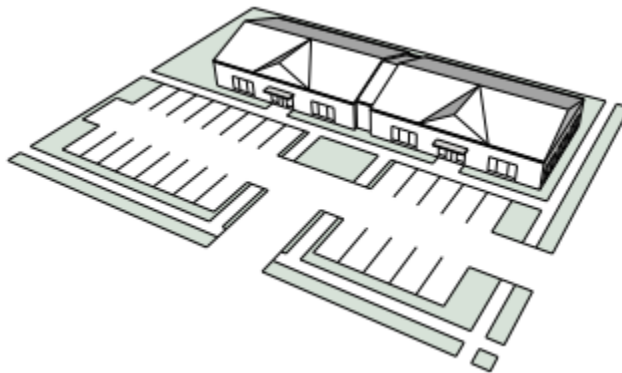


2. **Vertical Articulation.** One or more of the following vertical articulation tools must be used a minimum of every 75 feet of linear façade width:

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

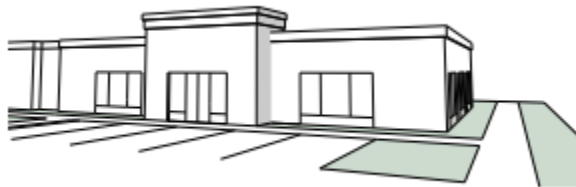


- b. *Variations in Roof Form* - Use of more than one roof form to express different building modules

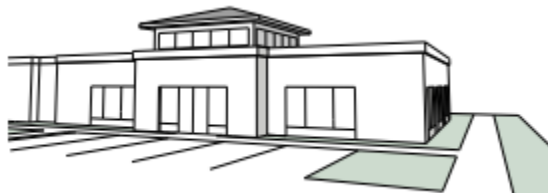


Focal Point Elements. All buildings must incorporate focal point design elements to help define the character of the structure. Select one or more of the following focal point design elements:

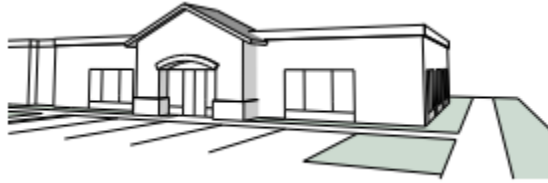
1. *Tower or Raised Parapet Element* - Towers or raised roof parapets that produce variations in building height of at least 4 feet and project at least 1 foot from the front and rear of the primary façade plane.



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



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



H. Site Plan Approval.

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

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

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

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

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

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

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

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

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

Category Specifications

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

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

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

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

Adjacent Zoning	Minimum Buffer Width	Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet	Shrubs and Ornamental Grasses per 100 Linear Feet	Additional Features
A-G	10	1	1	1	20	None
R-1, R-2, R-3, MHP	Front – 10' Side – 10' Rear – 10'	2	1	2	35	6' Berm
C-D	N/A	N/A	N/A	N/A	N/A	None
C-O, C-1, C-2	Front – 10' Side – 10' Rear – 10'	1	1	1	20	None
C3,	10	3	3	3	35	
C4	Front – 10' Side – 10'	2	3	2	35	None

Adjacent Zoning	Minimum Buffer Width	Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet	Shrubs and Ornamental Grasses per 100 Linear Feet	Additional Features
	Rear – N/A					
B-P, L-P	25	4	2	3	40	9' Wall and Berm Combination
IG, IH	40	5	4	5	50	11' Wall and Berm Combination

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

1. Building landscaping is encouraged to include a variety of shrubs, ornamental trees and/or shade trees. Any trees used should accommodate pedestrian circulation.
2. Along any building façade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building façade or foundation. The landscape area may be a continuous area or comprised of several areas. Applicant shall provide calculations to show coverage area.
3. Building façades along service areas are excluded, unless the service area fronts upon a public right-of-way or common access drive.
4. Landscape areas may be placed adjacent to the building wall or adjacent to the curb, with walkways, overhangs or canopies between the landscape area and building wall. Landscape areas shall generally not be placed under overhangs and canopies.
5. Each landscape area shall be planted with shrubs capable of reaching three (3) feet in height above the adjacent parking area or drive, covering a minimum of seventy-five (75) percent of the length of the landscape area.
6. A mixture of evergreen and deciduous shrubs shall be used to maintain seasonal interest.
7. Ornamental trees (where appropriate), or shade trees should be included in the landscape design to further buffer the building façade from the drives and parking lot areas. In areas where pedestrian circulation is anticipated, trees with a branching habit conducive to walking under shall be used. For example, Pin Oaks are not acceptable due to their descending branching habit.
8. Appropriate plant species should be installed so that mature tree limbs can be maintained at a minimum eight (8) foot clearance from ground level and so that shrubs do not exceed two and one-half (2½) feet in height for areas where it is important to maintain visibility for security and safety purposes.
9. Berms may be incorporated in the landscape areas if positive drainage from the building is provided.
10. Planting areas shall have a minimum width of either six (6) feet or the equivalent of twenty (20) percent of the building façade height as measured from the ground elevation to the top of the wall or parapet, whichever is greater. Applicant shall provide calculations.
11. Building façade and foundation landscape areas shall be irrigated.

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

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

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

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

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

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
Section 4.5	Reserved for Future Use
Section 4.6	Awnings and Fencing
Section 4.7	Fuel Stations

4.6 Awnings & Fencing

Awnings - Awnings can enhance the aesthetics of a business property, provide weather protection and serve as a business identification. The inclusion of awnings as a design feature is allowed when designed and installed in accordance with these regulations.

A. General Guidelines

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

B. Awning Appearance, Materials & Maintenance

1. Awning materials with reflective or shiny finishes are prohibited; standard residential aluminum awnings are not allowed.
2. Awning shall be composed of noncombustible acrylic fabric, in a matte finish, suitable for outdoor use and U/V resistant.

3. The awning color should complement and enhance the building, not overwhelm the building scheme or call more attention to the awnings than the building.
4. Awnings shall not be torn, frayed, ripped, faded, stained, soiled or dirty. Damaged awnings must be replaced within 30 days of notification from the Zoning Administrator or Codes Enforcement Officer.
5. The awning frame shall be constructed of steel or aluminum.
6. Awning frame finish should match the metal storefront system color or awning fabric color.
7. Awnings should have open ends (shed awnings) which allow a less obstructed view of storefronts. Wrapped awnings are allowed if they compliment the building architecture (i.e., at the corner of a building).
8. Awning valances shall be more than 10 (ten) inches in height.
9. Decorative downlights should be included as a design element. Number and placement of fixtures should be chosen to provide a wash of illumination on the awning without providing hot spots. Frequency of fixtures should be no less than 3 (three) feet on center with no more than 6 (six) fixtures in a row.
10. Awning graphics and text are governed by Article 12, Sign Regulations.

C. Awning Installation

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

Awning Design Examples





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

A. Placement

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

B. Allowed Fencing Materials

1. Fences are to be constructed of customarily used materials such as chain-link, welded wire mesh, wrought iron, aluminum, wood, polyvinyl chloride (PVC), ornamental wire or other similar material unless otherwise herein.
2. The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for penning of livestock or other animals, or similar materials shall not be permitted as permanent fencing. Barb wire is strictly prohibited.
3. Wood fences shall be constructed of treated lumber, cedar, redwood or similar type of wood that are resistant to decay.
4. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo or reed.
5. A fence shall not be constructed or covered with paper sheets/strips; cloth/fabric tarps, sheets, or strips; plastic/vinyl tarps, sheets, mesh or strips; bamboo; reed; or plywood sheeting. An exception may be approved by the City for sun and/or wind

- screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts.
6. Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc.
 7. All walls and fences must be an earth tone, neutral, or natural color.
 8. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.
 9. Any fence determined by the City not to be a standard or customarily styled or constructed fence is prohibited.

C. Minimum Fencing Design Standards

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



Capped and trimmed wood fence

D. Retaining Walls

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



Retaining wall

Article 4

Commercial Zoning Districts

Section 4.0	C-O Office District
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Section 4.5	Reserved for Future Use
Section 4.6	Awnings and Fencing
Section 4.7	Fuel Stations, Convenience Stores and/or Drive-Throughs

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

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

A. General Design Standards

1. Building elevations should incorporate architectural features that are visually interesting with pronounced massing and provide direct pedestrian connections to adjacent sidewalks.
2. Architectural features should include changes in wall plane and materials, roof overhangs, cornice lines, prominent entrance areas, varied building volume or accent elements, and varied yet complementary building materials.
3. Architectural detailing and materials should be of a high and durable quality. Exterior building materials and cladding shall achieve a high standard of life-cycle, visual and aesthetic quality.
4. One hundred percent (100%) of the surface of each exterior wall of the principal building (excluding doors and windows) shall consist of materials including but not limited to brick or stone masonry, stucco, glass block, tile, ornamental cast metal, cast or cultured stone, concrete (tilt-up) walls, glass, or a combination of these materials. A minimum of three (3) different types of building materials should be used in order to provide architectural interest, coordinated accents and varied articulation. Stucco use should be limited.
5. Vision glass on the building must provide unobstructed views in and out of the building.
6. Loading and dumpster areas visible from public right-of-way and/or abutting residential, commercial, public, or civic property shall be screened with a consistent six (6) foot opaque screening wall with a solid metal gate. Screening wall materials should incorporate materials similar to what is used on the main building. Chain link fences or wooden fences are not acceptable. Inclusion of a man door access is encouraged to minimize the need to open the metal gate during business hours. Dumpsters shall be set back a minimum of twenty-five (25) feet from adjacent residential uses.

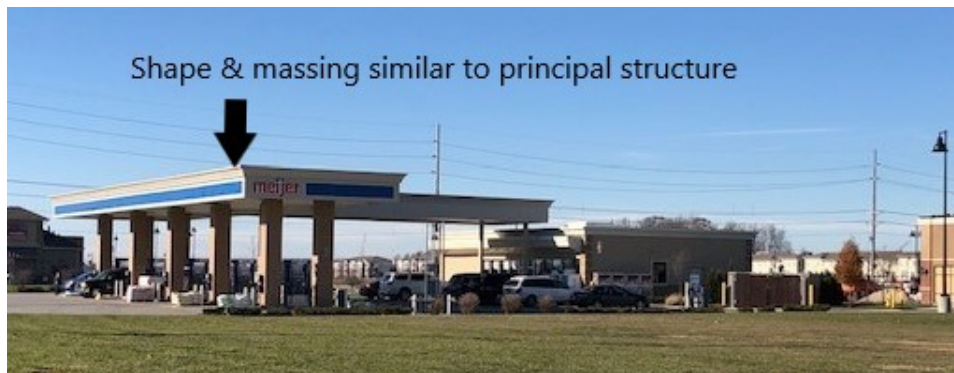
7. When a retail use is located in the same building or on the same property as the service station, there shall be distinct parking areas for each use to allow for separation between fueling areas and parking.
8. All fencing visible from a public right-of-way shall be either masonry of a type and style complementary to the primary materials of the building, wrought iron, decorative metal, living plant material or a combination of these. Fencing containing barbed wire, razor wire, or an equivalent is prohibited. No fencing visible from a public right-of-way shall be located within a Parkway Buffer or a Right-of-Way Buffer.

B. Canopy Design Standards

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

1. Canopy height shall relate to adjoining buildings both within and outside the service center site.
2. The canopy over the drive-through shall be integrated into the roof design of the principal structure or it shall incorporate roof shapes or massing that is similar to the principal structure.
3. Design of gas pumps and pneumatic tube stations should thoughtfully integrate with canopy supports, graphics and signage.
4. All exterior canopy surfaces shall incorporate the following:
 - a. The exterior surface shall be clad in composite or masonry materials matching or compatible with materials used on the primary structure.
 - b. Materials used on the canopy must have a matte finish (nothing shiny or reflective).
 - c. The canopy fascia must include an architectural element (building material) which also matches the canopy structure and principal building. A standard flat fascia is not permitted.
5. Canopy columns shall incorporate the following:
 - a. Columns shall be clad primarily in composite materials which match or are compatible with materials used on the primary structure and canopy roof.
 - b. Cladding must extend from the base of the column to the canopy roof.
 - c. Columns must be at least eighteen (18) inches in width.
6. Canopy sides or top may not be illuminated in any way. Canopies shall not contain strips or bands of light (neon or otherwise).
7. All light fixtures mounted on the canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, or the lighting of the canopy shall use indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy by light fixtures that are shielded so that illumination is focuses exclusively on the underside of the canopy. Glare should not be created, and spillover to adjacent residential properties must be minimized.
8. Illuminance under the canopy shall be no more than an average of thirty-five (35) footcandles.
9. Canopies may contain illuminated signage which contains either the business logo and/or a digital display which reflects the price per gallon of fuel sold. See Article 12 *Sign Regulations* of the UDC for complete regulations related to allowed signage.

Canopy Design Examples



C. Car or Truck Washes

1. Downgrading of exterior materials for ancillary structures such as car or truck washes is not permitted.
2. Car or truck wash elements shall be located to the rear or back portion of side yards or service centers to mitigate the impact of traffic.
3. Where they are adjacent to residential uses, orientation and design shall minimize noise and lighting impacts.

4. Car or truck wash exits must face away from abutting residential properties or be fully screened from neighboring residential views.
5. Lighting for drive-through bays used for car or truck wash, must be fully shielded so as not to spillover onto adjacent residentially zoned parcels.