AGENDA

PLANNING COMMISSION
EDWARDSVILLE, KANSAS

April 20, 2016
7:00 p.m.

John Altevogt	Mark Bishop	Erin Harves
Jeff Martinek	Bryan Smith	Tim Sweeten
	Ralph Eaton	

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1. Call meeting to order

2. Minutes from March 23, 2016 Meeting

3. New Business:
    a. **Re-Plat PUBLIC HEARING** – 2525 Midpoint Drive (2016-03-FTP) Doug McWilliams, Herff Jones Inc., Owner / K.C. Brown, Miller Stauch, Applicant

4. Old Business:
    a. **Draft Zoning Ordinance** - City of Edwardsville

5. Staff Reports

    a. Development Updates

6. Planning Commission Comments

7. Adjournment

EDWARDSVILLE PLANNING COMMISSION
EDWARDSVILLE CITY HALL COUNCIL CHAMBERS
690 SOUTH 4TH STREET P O BOX 13738
EDWARDSVILLE, KANSAS 66113

MINUTES March 23, 2016

Members Present: John Altevogt, Bryan Smith, Erin Harves, Mark Bishop

Staff Present: Dave Knopick, City Planner
Michael Webb, City Manager
Zack Daniel, Assistant to the City Manager/City Clerk

Regular Meeting

The regular meeting was called to order by Vice Chairman Bryan Smith at 7:00 p.m.

Minutes from February 17, 2016

Commissioner John Altevogt motioned to approve the minutes of February 17, 2016.

Commissioner Mark Bishop seconded the motion.

The motioned carried 4-0

New Business

(a) Preliminary Plan/Final Plan – 2525 Midpoint Drive (2016-01-PPN/2016-02-FPN); Doug McWilliams, Herff Jones Inc., Owner / K.C. Brown, Miller-Stauch, Applicant

City Planner explained that there will be no public hearing on this item, but it does require two votes (one for the preliminary plan and one for the final plan). The item pertains to a proposed expansion of the Herff Jones facility of 48,081 square feet. Due to the fact that the property is in the Industrial Overlay District, the development is subject to architectural and site design plan review. After review by the Design Review Committee, the applicant resubmitted revised plans. In general, the comments that were provided were minor, with the major concern being related to storm water drainage retention. There was some concern from the City's standpoint on potential siltation issues. The applicant has since investigated these claims, a report on which will be furnished to City staff in the next few days. The City is also recommending waiving the requirement for a public sidewalk. Mr. Knopick reviewed the timeline going forward regarding this item. Staff is recommending that the Planning Commission recommend approval of both submitted plans with the condition that the property be re-platted prior to issuance of a Certificate of Occupancy and verification of the proper handling of storm water drainage. Mr. Knopick introduced Clint Loumaster of George Butler and Associates, the civil engineer on the project, who is available for questions.

Commissioner Altevogt made the motion to recommend approval of the preliminary plan, which Commissioner Harves seconded. The motion passed 4-0.

Commissioner Altevogt made the motion to recommend approval of the final plan, contingent on the conditions outlined in the staff report, which Commissioner Bishop seconded. The motion passed 4-0.

Mr. Knopick stated that these items will appear before the City Council on April 11, 2016.

(b) PUBLIC HEARING – Draft Zoning Ordinance; City of Edwardsville

Mr. Knopick noted that this item requires a public hearing, a public notice of which was published in the Wyandotte Echo. Mr. Knopick stated that everything that involves a proposed change to the zoning ordinance has been highlighted in red. Before discussion could begin, Commissioner Altevogt asked on the planning status of the Bush property given the recent rezoning of adjacent property. Mr. Knopick noted that the comprehensive plan is still the official plan for the City and any future staff reports related to rezoning or other development plans will reflect what the comprehensive plan states in regard to the desired development along K-32 in this area.

Mr. Knopick provided an overview of the proposed changes, all of which are noted in red in the attached draft of the zoning ordinance. He also noted that this ordinance is meant to adopt the City's official zoning map to date and to eliminate conflicts regarding various versions of the map. Mr. Knopick referred the group to the panel maps located in the back of the draft ordinance. Only one map change was brought forward by staff at this time. The purpose of the change was to better address current non-conformance issues in the vicinity of High Street. In addition to regulatory updating and definitional clarification the proposed ordinance also defines the role of the Planning Commission with regards to the development review process and the public hearing process, as well as designating the Planning Commission to serve as the Board of Zoning Appeals in the future.

After additional review of the draft ordinance, Commissioner Bishop made the motion to open the public hearing, which Commissioner Harves seconded. The motion passed 4-0. There were no comments from the public. Commissioner Altevogt then moved to close the public hearing, which was seconded by Commissioner Harves. The motion passed 4-0.

Mr. Knopick reviewed the voting options available to the Planning Commission. Commissioner Altevogt made the recommendation to continue review of the draft ordinance for a recommendation vote at the April 20 meeting. Mr. Webb noted that the format and codification of the document may change by the time it is before the City Council.

Staff Reports

Planning Commission Comments

There were no additional staff reports or Planning Commission comments.

Adjournment

Vice Chairman Bryan Smith adjourned the meeting at 8:26 p.m.

The next meeting is April 20, 2016.

Minutes submitted by Zack Daniel, Assistant to the City Manager/City Clerk

City of Edwardsville
Staff Analysis Report
Planning Commission April 20, 2016
Item 3a – **PUBLIC HEARING** Final Plat (Re-plat) Herff Jones Inc. (2016-03-FPT)

General Information

Applicant: Herff Jones Inc. (Owner) – Doug McWilliams / Miller-Stauch – K.C. Brown (Applicant)
Location: 2525 Midpoint
Applications: Final Plat (Re-Plat)

Zoning & Overlay: I-1 Industrial Non-Hazard Zoning District / Industrial Overlay District
Existing Land Use: Manufacturing / Processing
Proposed Land Use: Same as above

Background

On March 4, 2016 the property Owner's agent filed an application for a final plat (re-plat) of approximately 15.57 acres of land located on the east side of Midpoint Drive. This property is within the Midpoint Corporate Centre. The property is proposed to be platted as 1 lot and is located in the I-1 Industrial Non-Hazard District / Industrial Overlay District.

The property owner intends to expand the existing building and operations per the preliminary and final development plans previously and reviewed by the Planning Commission on March 23, 2016. These plans were considered by the Governing Body on April 11, 2016 and approved with conditions.

Per the City of Edwardsville Subdivision Regulations, the various utility providers in the area, as well as appropriate UG representatives, have been provided copies of the final plat for review and comment. The final plat was also provided to the city consulting engineer for review and comment.

Analysis

The final plat application materials have been reviewed by the city planning and engineering consultants for conformance with the requirements of the Subdivision Regulations and other applicable polices and plans. As noted previously, the submitted final plat was also sent to the various utility providers and County surveyor for comment.

The review comments regarding the final plat were provided to the applicant via three communications on March 14, 16 and 21 respectively. These comments were primarily technical in nature. The revised final plat submittal, dated April 1, 2016, has addressed these items.

Recommendations

Planning Commission to conduct public hearing to receive and consider public comment regarding this final plat / re-plat request.

In regard to a final plat, Article IV Section 13 of the City of Edwardsville Subdivision Regulations state:

The Planning Commission shall approve a final plat if it is:

1. *Substantially the same as the approved preliminary plat;*
2. *There has been compliance with all conditions, restrictions and requirements of this ordinance and all other applicable ordinances of the City;*
3. *There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.*

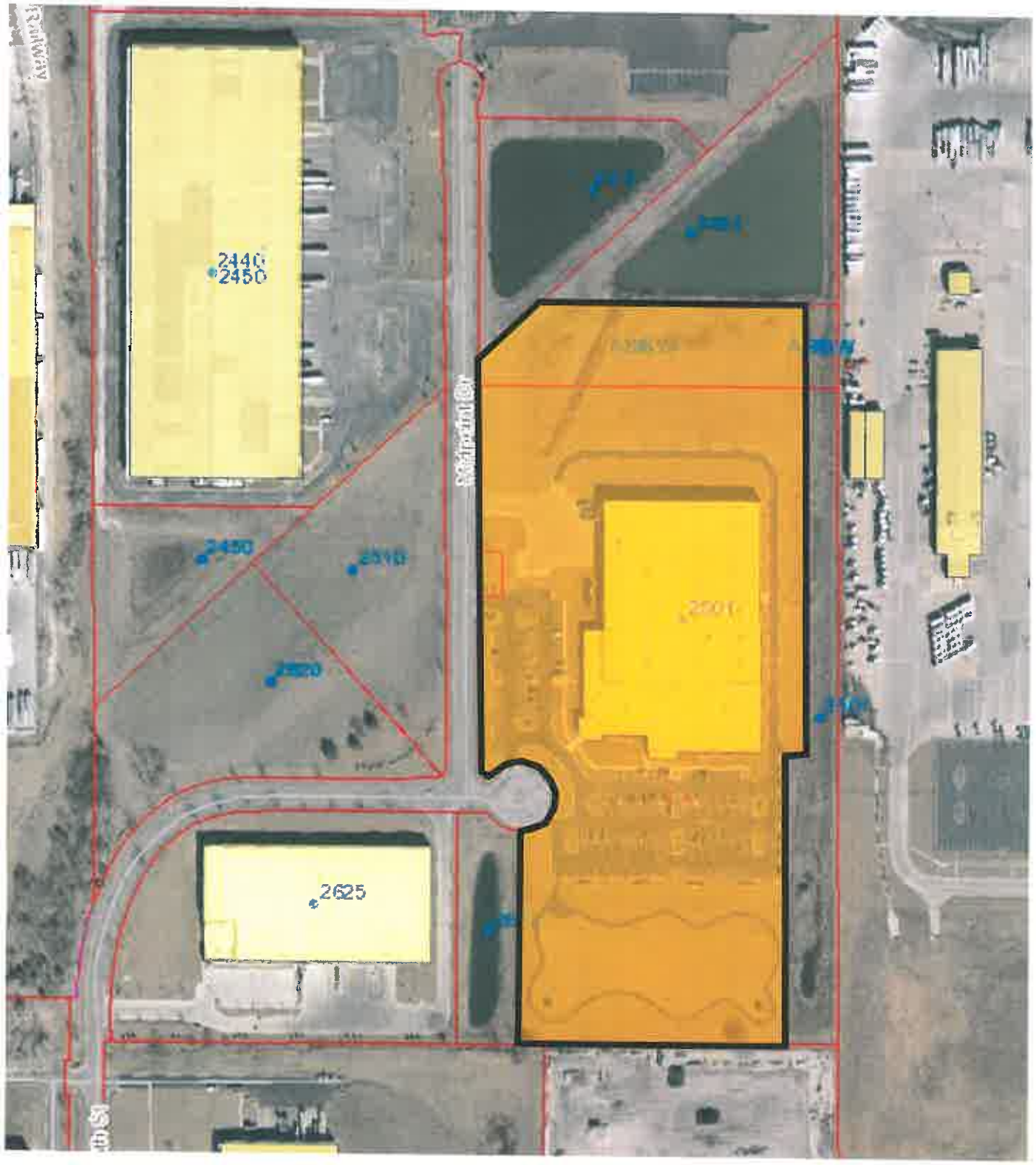
In light of the analysis and consideration of the standards for Planning Commission approval provided above, staff recommends approval of the final plat / re-plat with the following conditions:

1. All storm water handling issues (e.g. existing siltation and vegetative overgrowth, etc.) impacting the intended design, function and capacity of the retention facilities serving the property be adequately addressed and functioning properly prior to issuance of an occupancy permit.
2. Clean-up of any general typographical errors.
3. Meet the submittal and filing requirements of the County Surveyor.

If approved by the Planning Commission, this plat will be forwarded to the City Council for approval and acceptance of public rights-of-way, easements and dedications.

Attachments

- Property Location Map
- Application Material: Final Plat / Re-plat Materials



General Location Map
2525 Midpoint Dr
Re-Plat

Case # 2016-03-FPT
April 20, 2016

MIDPOINT CORPORATE CENTRE 5TH PLAT

(A RE-PLAT OF PART OF LOTS 5, 6 AND 7A, MIDPOINT CORPORATE CENTRE, AND PART OF LOT 7B, MIDPOINT CORPORATE CENTRE 2ND PLAT)

EDWARDSVILLE, WYANDOTTE COUNTY, KANSAS

DESCRIPTION:

This is a resurvey and re-plat of part of Lots 5, 6, and 7A, MIDPOINT CORPORATE CENTRE, and all that part of Lot 7B, MIDPOINT CORPORATE CENTRE 2ND PLAT, both subdivisions of land in the City of Edwardsville, Wyandotte County, Kansas, being more particularly described as follows:

Beginning at the Southeast corner of said Lot 5, MIDPOINT CORPORATE CENTRE, thence North 00°04'53" West, along the West line of said Lot 5, a distance of 370.63 feet; thence Easterly, Northerly, and Westerly, along the West line of said Lot 5 and said Lot 6, and along a curve to the left, having a radius of 62.00 feet, a central angle of 241°03'37", and whose initial tangent bearing is North 89°55'07" East, a distance of 260.85 feet; thence Northwesterly, along the West line of said Lot 6, along a curve to the right, having a radius of 18.00 feet, a central angle of 83°01'42", and whose initial tangent bearing is North 83°14'57" West, a distance of 26.08 feet, to a point of tangency; thence North 00°13'15" West, along the West line of said Lots 6, 7A, and 7B, a distance of 717.72 feet; thence North 47°38'49" East, along the Northeast line of said Lot 7B, a distance of 145.98 feet; thence North 89°55'07" East, a distance of 465.21 feet; thence South 00°04'53" East, along a line 60 feet West of and parallel to the East line of said Lots 7A and 7B, a distance of 781.65 feet; thence South 89°55'07" West, a distance of 35.00 feet; thence South 00°04'53" East, along a line 95 feet West of and parallel to the East line of said Lots 6 and 5, a distance of 513.55 feet to a point on the South line of said Lot 5; thence South 89°48'45" West, along the South line of said Lot 5, a distance of 468.38 feet, to the Point of Beginning.

DEDICATION:

The undersigned proprietor of the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "MIDPOINT CORPORATE CENTRE 5TH PLAT".

That portion reserved for public uses as roads and utility easements (U/E), the extent and direction of which are shown on this plat, and not heretofore dedicated, are hereby dedicated to public use.

FLOOD ZONE:

According to FEMA Flood Insurance Rate Map, Panel 145 of 210, Community-Panel Number 200262 0145 E, Map Revised September 2, 2015, the surveyed premises lies entirely within Zone X, 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile.

EXECUTION:

IN TESTIMONY WHEREOF, the undersigned proprietor has hereunto subscribed its name, this _____ day of _____, 2016.

The Herrt Jones, Inc., Owner of record of described property

By: _____ _____
Print Name Signature

And,

The City of Edwardsville, Kansas, acknowledging consent to this plat and allowing Herrt Jones, Inc. to execute the plat on behalf of the City.

By: _____ _____
Print Name / Title Signature

NOTES:

BUILDING AND SETBACK LINES:

All Lots shall have the following building and setback lines:

Building:
25 Ft. (Zoning) 30 Ft. (See Restrictions Note) – Front Building Lines
25 Ft. (Zoning) 20 Ft. (See Restrictions Note) – Rear Building Lines
10 Ft. (Zoning) 20 Ft. (See Restrictions Note) – Side Lines

Parking:
20 Ft. from Streets (See Restrictions Note)
10 Ft. Side/Rear (See Restrictions Note)

ACKNOWLEDGEMENT:

State of Kansas, County of Wyandotte, SS.

Be it remembered that on this _____ day of _____, 2016, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony thereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

_____
Notary Public
My Appointment Expires_____

APPROVALS:

PLANNING COMMISSION:

This plat of "MIDPOINT CORPORATE CENTRE 5TH PLAT" has been submitted to and approved by the Edwardsville Planning Commission, Edwardsville, Kansas, and hereby transmitted to the City Council of the City of Edwardsville, Kansas with the recommendation that such plat be approved as proposed.

Dated this _____ day of _____, 2016.
Edwardsville Planning Commission

_____ _____
Jeff Martinek, Chairman Erin Harves, Secretary

CITY COUNCIL:

The dedications shown hereon, if any, are accepted this day of _____ 2016.

_____ _____
John Mcloggert, Mayor Zack Daniel, City Clerk

ENGINEER:

Recommended for approval by the City of Edwardsville, Kansas, Engineer, this _____ day of _____, 2016.

_____ Engineer.

COUNTY SURVEYOR:

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005 and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

_____
Brent E. Thompson, KS-PS #1277

Reviewed by the Unified Government Surveyor this _____ day of _____, 2016.

SECTION CORNER TIES:

Northeast Corner of the Northeast Quarter of Fractional Section 36, Township 11 South, Range 23 East; Found ½" Rebar with LS-533 Survey Cap.

1. WNW 191.63' to a "+" cut in top of curb.
2. NW 169.46' to a "+" cut in top of curb.
3. N 99.50' to the center of the most Southerly Gas line marker.
4. E 0.80' to fence line running North and South.

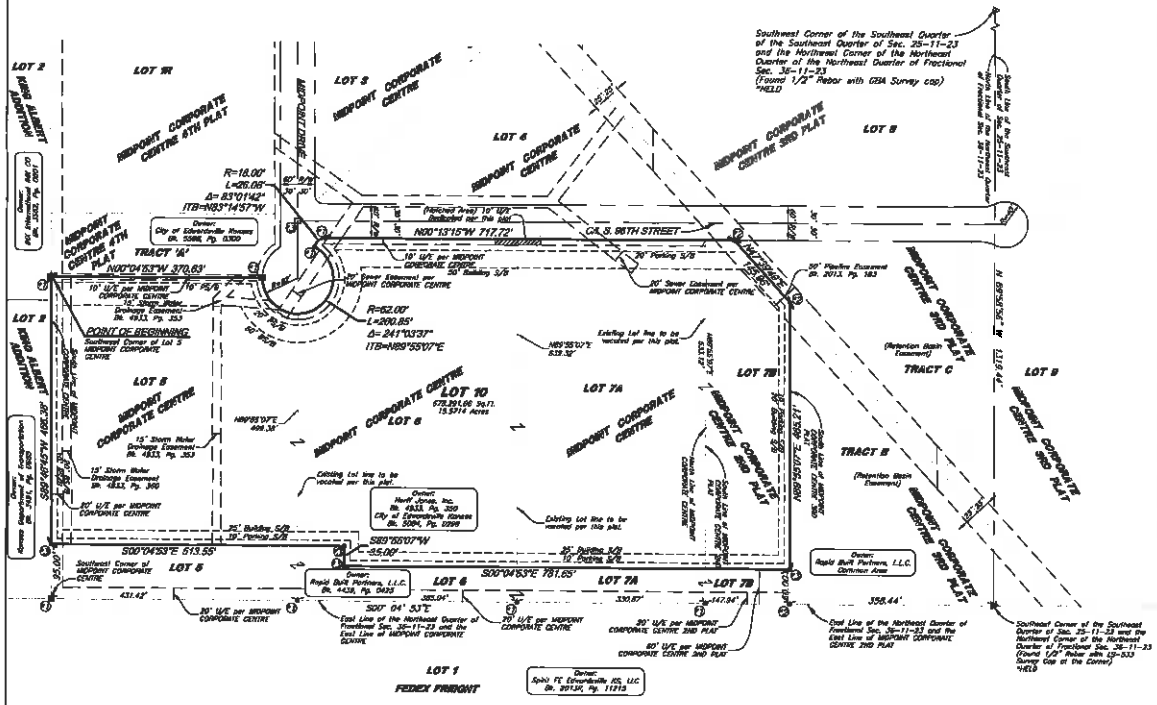
Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 25, Township 11 South, Range 23 East; Found ½" Rebar with GBA Survey Cap.

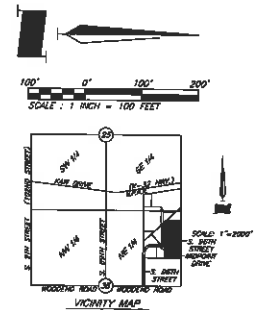
1. NE 104.70' to Northeast corner of building.
2. E 26.30' to West edge of asphalt paving.
3. SE 146.10' to top centerline of fire hydrant.
4. W 102.70' to East rail of rail road tracks.

Closure Summary
Precision, 1 part in: 354,421.102'
Error distance: 0.010'
Error direction: S06° 59' 06"E

AREA OF PROPOSED PLAT:

678,291.06 Sq.Ft. or 15.5714 Acres





VICINITY MAP
SEC. 25, TWP. 11, RG. 23
&
FRAC. SEC. 36, TWP. 11, RG. 23

BASIS OF BEARING:

East line of the Northeast Quarter of Fractional Section 36-11-23 being South 00°04'53" East as shown on MIDPOINT CORPORATE CENTRE, in Plat Book 40 at Page 7, and on MIDPOINT CORPORATE CENTRE 2ND PLAT, in Plat Book 41 at Page 40, and on MIDPOINT CORPORATE CENTRE 3RD PLAT, in Plat Book 42 at Page 32.

LEGEND

- (1) – Origin – MIDPOINT CORPORATE CENTRE Rhodes Surveyors, Inc.
- (2) – Origin – MIDPOINT CORPORATE CENTRE 3RD PLAT George Butler Associates, Inc.
- (3) – Origin – Unknown
- ■ – Denotes Found 1/2" Rebar with LS-533 Survey Cap set in concrete at Property Corner
- ○ – Denotes Found 1/2" Rebar
- ● – Denotes Set 1/2" Rebar with GBA Cap at Property Corner
- □ – Denotes Found Magnetic Nail
- ▲ – Denotes Section Corner Found as noted hereon
- S/B – Denotes Setback Line
- BS/B – Denotes Building Setback Line
- PS/B – Denotes Parking Setback Line

REGISTER OF DEEDS:

State of KANSAS)
) SS
County of WYANDOTTE)

This is to certify that this instrument was filed for record in the Register of Deeds office on this _____ day of _____, 2016, at _____ o'clock and is duly recorded.

_____
Nancy Burns, Register of Deeds

_____
Susie Nelson, Deputy

SURVEYOR'S CERTIFICATION:

I hereby certify this _____ day of _____, 2016, that a survey was made on the ground of the premises herein described and that the results of said survey are represented hereon.

ANDREW J. RIDDLE
LICENSED
LS-1530
KANSAS
LAND SURVEYOR

Andrew J. Riddle
Kansas Land Surveyor No. 1530

OWNER/DEVELOPER:

Herrt Jones, Inc.
25525 Midpoint Drive
Edwardsville, Kansas
66111

OWNER:

City of Edwardsville, Kansas
P.O. Box 13130
Edwardsville, Kansas
66113

RESTRICTIONS:

The restrictions for this subdivision shall be those established for this area in the Zoning and Ordinances of the City of Edwardsville, Kansas. Further restrictions for this subdivision shall be those established in the Declaration with Respect to Covenants and Restrictions Affecting MIDPOINT CORPORATE CENTRE, recorded in Book 4443 at Page 249.

Job No. 13416 March 31, 2016 Drawn By: M.B.L.

GBA
GEORGE BUTLER ASSOCIATES, INC.
ENGINEERS / ARCHITECTS / LANDSCAPE ARCHITECTS / PLANNERS
ONE HERITAGE PLACE, 5200 HEDGE LANE, SHAWNEE, KS 66226 / (913)962-5000

MIDPOINT CORPORATE CENTRE 5TH PLAT
Section 36, Township 11, Range 23
City of Edwardsville, Wyandotte County, Kansas

City of Edwardsville
Staff Report
Planning Commission April 20, 2016
Item 4a – DRAFT Zoning Ordinance

General Information

In light of recent development activity the City of Edwardsville has been working on updating and revising the Zoning Ordinance. The current Zoning Ordinance was adopted in 1990 and has been amended numerous times between that adoption and 2016. As a result the ordinance has been cumbersome to use and outdated.

The Draft Zoning Regulations provided as part of the Planning Commission Agenda Packet incorporate a number of changes. These changes have been discussed with the Commission at previous meetings. As part of previous meetings the staff has provided verbal overviews of the major changes being recommended in the regulations.

In addition to the draft regulation text, zoning panel maps are being provided as part of the Planning Commission Agenda Packet. The intent being that the panel maps will serve as the official zoning map for the City of Edwardsville. Only one map change is being recommended. This change is from R-1 to R-2 for the residential area primarily north and east of 4th and K-32. This change is being recommended because the properties in this area are non-conforming to the R-1 district regulations and are better suited for R-2 district designation in regard to lot sizes and setbacks.

On March 23, 2016 the Planning Commission conducted a public hearing regarding the draft Zoning Regulations. This item is before the Planning Commission for discussion and consideration as a result of hearing no comments from the public and a desire to further review the draft changes prior to this meeting.

After discussion the Planning Commission may desire that additional adjustments be researched or make a recommendation to the Governing Body regarding adoption of the draft regulations and map.

Attachments

- Draft Zoning Ordinance and Map materials

CITY OF EDWARDSVILLE ZONING REGULATIONS – CHAPTER 14 ARTICLE 14.06
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- 14.06.02.004 Official Zoning District Map
- 14.06.02.005 Interpretation of District Boundaries
- 14.06.02.006 Interpretation / Application of Regulations
- 14.06.02.007 Interpretation Rules and Provisions
- 14.06.02.008 Severability
- 14.06.02.009 Repeal of Conflicting Ordinances
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  - D. Place and time of meetings; officers; rules and regulations
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  - G. General Provisions for Comprehensive Plan Content, Adoption and Annual Review
  - H. General Provisions for Zoning District and Map Amendments including Rezoning
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14.06.05.005 - Medium Density Residential District (R-2)
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14.06.05.009 – General Commercial District (C-3)
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14.06.05.012 – Planned Unit Development District (PUD)
14.06.05.013 – Land Use Schedule

SECTION 14.06.06 GENERAL REGULATIONS

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14.06.06.002 - Home Occupations
14.06.06.003 - Manufactured Homes / Mobile Home Parks / Recreational Vehicle Parks
14.06.06.004 - Parking / Access
14.06.06.005 - Telecommunication Towers

CODE OF ORDINANCES CHAPTER 14 ORGANIZATION

Article 14.01 Comprehensive Plan (Ord #911 codify into Chapter 14; Article 14.01 – no changes)
Article 14.02 Floodplain Management Regulations (adopted July, 2015 – no changes)
Article 14.03 Landscaping and Screening Regulations (move from Code of Ordinances Chapter 3; Article 3.08 to Chapter 14; Article 14.03 – no changes)
Article 14.04 Sign Regulations (Ord #921 codify into Chapter 14; Article 14.04 – no changes / move fees to Fee Schedule)
Article 14.05 RESERVE for Subdivision Regulations (move Chapter 10 reference to Chapter 14 move fees to Fee Schedule)
Article 14.06 Zoning Regulations

SECTION 14.06.01 TITLE

These regulations, including the Official Zoning District Map incorporated by reference, shall be known, cited and referred to as "The City of Edwardsville Zoning Regulations."

SECTION 14.06.02 GENERAL PROVISIONS

14.06.02.001 PURPOSE AND INTENT.

These zoning regulations, adopted and amended pursuant to the provisions of K.S.A. Chapter 12 Article 7 are intended to serve the following purposes:

A. To divide the City of Edwardsville into land use zones and districts;
B. To regulate and restrict the location, design and use of buildings and the uses of land within each district or zone;
C. To promote the health, safety and general welfare of the City.

14.06.02.002 JURISDICTION.

The provisions of The City of Edwardsville Zoning Regulations shall apply within the corporate limits of the City of Edwardsville, KS.

14.06.02.003 ESTABLISHMENT OF DISTRICTS.

The jurisdictional area is here by divided into the zoning districts identified in Section 14.06.05 of these regulations.

14.06.02.004 OFFICIAL ZONING DISTRICT MAP.

The City is hereby divided into districts, as shown on the Official Zoning District Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

No changes of any nature shall be made in the Official Zoning District Map or matter shown thereon except in conformity with the administrative procedures set forth in these regulations.

Regardless of the existence of purported copies of the Official Zoning District Map which may, from time to time, be made or published, the Official Zoning District Map (digital and/or hardcopy) which shall be on file in the Office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

In the event that the Official Zoning District Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning District Map. The new Official Zoning District Map may correct drafting or other errors or omissions in the prior Official Zoning District Map, but no such correction shall have the effect of amending the original Official Zoning District Map or any subsequent amendment thereof. Unless the prior Official Zoning District Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

14.06.02.005 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
F. All streets, alleys, public ways, waterways and rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets, alleys, public ways, waterways or railroad rights-of-way. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
G. Boundaries indicated as parallel to or extensions of features as described above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning District Map, or in other circumstances not covered in this section, the Board of Zoning Appeals shall interpret the district boundaries.
I. Where a district boundary line divides a lot which was in single ownership at the time of passage of these regulations, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

14.06.02.006 INTERPRETATION / APPLICATION OF REGULATIONS.

In the interpretation and application of these regulations, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, or resolution, the provisions of this ordinance shall control. Furthermore, in the case of:

A. Overlapping or Contradictory Regulations: Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern;
B. Private Agreements: These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provision of these regulations shall govern;
C. Unlawful Uses: No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

14.06.02.007 INTERPRETATION RULES AND PROVISIONS.

In the construction of these regulations, the rules and provisions of this section shall be preserved and applied, except when the context clearly requires otherwise:

A. Words used in the present tense shall include the future.
B. Words in the singular number include the plural number, and words in the plural number include the singular number.
C. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for."
D. The word "shall" is mandatory.
E. The word "may" is permissive.
F. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
G. The word "Board" means the Edwardsville Board of Zoning Appeals.
H. The word "Commission" means the Edwardsville Planning Commission.
I. Unless otherwise specified, all distances shall be measured horizontally.
J. The word "City" means the City of Edwardsville, Kansas.
K. The abbreviation N/A means not applicable.
L. Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

14.06.02.008 SEVERABILITY.

It is hereby declared to be the intention of the City that the provisions of these regulations are severable, in accordance with the following rules:

A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations; and
B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

14.06.02.009 REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with these regulations, or inconsistent with the provisions of these regulations, are hereby repealed to the extent necessary to give these regulations full force and effect.

14.06.02.010 EFFECTIVE DATE.

These regulations shall take effect and be in force from and after passage and publication according to law.

SECTION 14.06.03 ADMINISTRATION

14.06.03.001 DEVELOPMENT RIGHTS.

A. For the purpose of single-family residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five (5) years of recording a plat, the development rights in such shall expire.
B. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the city or county and

construction has begun and substantial amounts of work have been completed under a validly issued permit.

C. The governing body may provide in the zoning regulations for earlier vesting of development rights, however, vesting shall occur in the same manner for all uses of land within a land-use classification under the adopted zoning regulations.

14.06.03.002 STAFF RESPONSIBILITIES.

The provisions of these regulations shall be administered and enforced by the City Manager, or his / her appointed designee, who shall have the power to make inspection of buildings or premises necessary to carry out his / her duties in the enforcement of these regulations. The City Manager, or his / her appointed designee, shall enforce these regulations and in addition thereto and in furtherance of said authority, he or she shall:

A. Receive, file, and forward to the Board of Zoning Appeals the records in all appeals and variances, and to the Planning Commission all applications for zoning, plan review and special uses;
B. Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, special uses, variances, exceptions, appeals and applications therefore and records of hearing thereon; and
C. Maintain for distribution to the public a supply of copies of the zoning map, and the compiled text of the zoning regulations.

14.06.03.003 FEES

At the time that application for permits and/or processes associated with the zoning regulations there shall be deposited the corresponding application and/or permit fee identified in Appendix A Fee Schedule of the Code of Ordinances. In addition to such application / permit fee the applicant is also responsible for all other fees associated with the administration, processing and review of submitted materials by staff and outside contractors hired by the City per the fee schedule.

14.06.03.004 PENALTIES.

Pursuant to State law including but not limited to K.S.A. 12-761, the owner or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be subject to the provisions of Section 1.01.009 of the Code of Ordinances.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his rights under the U.S. Constitution.

14.06.03.005 REMEDIES.

In case any building or structure is erected, construed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of these regulations, or any regulation made pursuant to these regulations, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent such unlawful erection construction, reconstruction, alteration, repair, conversion, maintenance

or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

SECTION 14.06.03.006 PLANNING COMMISSION

A. **Established.** Under the authority of K.S.A. Chapter 12 Article 7, there is hereby created a planning commission for the city.

B. **Composition; appointment and term of members; compensation of members.** The planning commission shall consist of seven members, all of whom shall reside within the city limits. The members of the planning commission shall be appointed by the mayor with the approval of the city council. The two members of the commission first appointed shall serve respectively for terms of one year, and the second two for two years, and the other three shall serve for terms of three years. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the commission shall serve without compensation for their service.

C. **Absence from meetings.** The mayor is hereby authorized to declare the seat, position or office of any city planning commission member to be vacant where such member absents himself or herself from three consecutive meetings or from four meetings in any one calendar year. There shall be no vacancy until so declared by the mayor. Such vacancies may be filled by appointment under the provisions of Article 1.06 of the Code of Ordinances.

D. **Place and time of meetings; officers; rules and regulations.** The commission shall meet at least once monthly at a place and time it shall fix and elect a chairperson, vice-chairperson, and a secretary, all as provided by its resolution, and adopt such rules and regulations as necessary to carry out its duties.

E. **Powers and duties.** The powers and duties of the planning commission shall be as established by the Kansas Statutes Annotated.

F. **General provisions for public project review**. Public improvements, facilities and utilities projects are subject to Planning Commission review per K.S.A. 12-748, as may be amended from time to time, whether proposed as an individual project or part of a capital improvement program / plan.

   In the event that certain public improvements, facilities and utilities of a type embraced within the recommendations of the comprehensive plan are classified as special uses or are the subject of a change in zoning classification or district boundary, the consideration of such uses by the planning commission as a zoning amendment may also constitute their project review of such proposed use if concurrently processed under procedures required by K.S.A. 12-748, as may be amended from time to time; provided, that a statement of findings is included in the recommendation as to whether such proposed use is or is not in conformance with the comprehensive plan.

   In case the Planning Commission finds that the proposed use is not in conformance to the plan and states in writing the manner in which it is not in conformance, then the City Council shall not proceed with construction of such a proposed use unless the Council overrules the disapproval of the commission and the plan shall be deemed to have been amended and the commission shall make the necessary changes in the plan to reflect the vote of the council.

G. **General provisions for comprehensive plan content, adoption and annual review.** The Planning Commission shall periodically develop, adopt and maintain the City of Edwardsville Comprehensive Plan the Planning Commission shall follow the content, procedures for adoption and annually hold a public review per K.S.A. 12-747 to consider amendments or changes, if any, to the plan.

H. **General provisions for zoning district and map amendments, including rezoning.**

1. **Authority.** The regulations and the districts created under the authority of these regulations may be amended from time to time by the planning commission following a public hearing and the approval by the City Council. No such amendment shall be adopted except in accordance with the procedures of this Article.

2. **Proposal.** Amendments may be proposed: (1) by the City Council, (2) by the planning commission or (3) upon application by, or on behalf of, the owner of the property affected, if such proposed amendment is not a general revision of the existing regulations and affects specific property. When the City Council proposes an amendment, it shall transmit its proposal to the planning commission for a public hearing and recommendation thereon.

3. **Application.** When the owner of the property affected proposes an amendment to any of these regulations or to any zoning district created thereby, an application for such amendment shall be filed with the planning commission for a hearing. This paragraph and section apply also to special use applications. See Section 14.06.03.006 I. for further special use requirements both as to applications and otherwise. The application shall be in such form and contain such information as shall be prescribed from time to time by the planning commission, but shall in all instances contain the following information:
    a. The applicant's name, address and telephone number;
    b. The precise wording of any proposed amendment to the text of these regulations;
    c. In the event that the proposed amendment would change the zoning district of any property;
        i. The name and address of the owner(s) of the property,
        ii. The legal description and street address of the property,
        iii. The present zoning district and existing uses of the property,
        iv. The dimensions of the property and the area stated in square feet or acres or fractions thereof, and
        v. An ownership list of names, address and zip codes of the owners of all property located within two hundred (200) feet of the exterior of the property to be considered in the amendment application.

4. **Public Hearing.** The planning commission shall hold a public hearing on each proposed amendment that is filed with, referred to, or initiated by the planning commission. The planning commission shall select a reasonable time and place for such public hearing, and it shall hold such hearing within sixty-five (65) days from the date on which the proposed amendment is received or initiated by the planning commission. An applicant for an amendment may waive the requirement that such hearing be held within sixty-five (65) days.

5. **Notice of Hearing**. On behalf of the chairman or secretary of the planning commission, public notice of a hearing on a proposed amendment shall be published once in the official newspaper. At least twenty (20) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such hearing and contain a statement

regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. All notices concerning specific property shall include a statement that a complete legal description is available for public inspection at the City Clerk's office. The notice shall include the present zoning classification and the proposed classification. When a proposed amendment will affect the zoning classification or district boundary of specific property, the planning commission shall mail a written notice of the hearing containing the same information as the published notice thereof to the owner(s) of the property affected and to the owners of all property within two-hundred (200) feet of the exterior boundaries thereof so that at least twenty (20) days shall elapse between the mailing date and the hearing date. Failure to receive such notice shall not invalidate any subsequent action taken; provided, however, the applicant has submitted an accurate ownership list based on available records. The planning commission may give such additional notice to other persons as it may from time to time provide by rules.

6. **Posted Notice.** In addition to the publication of the notice herein prescribed, a notice may be posted in a conspicuous place on or near the property on which action is pending. If posted, such notice should not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1-1/2) inches in height. If posted, such notice should be so placed upon such premises that it is easily visible from the street nearest the same and should be so posted at least ten (10) days prior to the date of such hearing.

7. **Conduct of Hearing.**
    a. All hearings that these regulations require the planning commission to conduct for amendments to changes in the text of the regulations or the zoning classifications or in district boundaries shall be open public meetings according to K.S.A. 75-4317 et seq., the Open Meetings Act.
    b. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney.
    c. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the planning commission may from time to time prescribe by rule or bylaws which are not in conflict with these regulations or applicable state statutes.
    d. The planning commission shall keep minutes of the proceedings showing evidence presented, findings of fact by the planning commission, motions made and the vote of each member upon each question or if absent or abstaining, indicate such fact. Records of the hearings and other official actions shall be kept.
    e. The planning commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested person(s) prior to or at the public hearing.
    f. The planning commission may make recommendations on proposed amendments to specific properties which affect only a portion of the land described in the hearing notice or which give all or any part of the land described in the hearing notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation for a zoning

classification of lesser change than that set forth in the notice shall not be valid, however, without republication and, where necessary, remailing of notices unless the planning commission shall have previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications.

g. For action on zoning amendments, a quorum of the planning commission must be more than one half of the membership as established by ordinance. A vote either for or against an amendment by a majority of all the planning commissioners present constitutes a recommendation of the planning commission.
h. A hearing may be adjourned from time to time upon a motion to continue in the future at some stated date, time and place. At the conclusion of a hearing, the planning commission shall prepare its recommendations and vote.
i. If a meeting is called and no quorum is present, the members in attendance may agree to hold the hearing at another meeting in the future at a stated date, time and place or at the next regular meeting for which, when announced at the present scheduled meeting, no further public notice need be given to continue the hearing.

8. **Amendments to text.** When a proposed amendment would result only in a change in the text of these regulations, the report of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:
    a. Whether such change is consistent with the intent and purposes of these regulations; and
    b. Whether the proposed amendment is made necessary because of changed or changing conditions in the zoning districts affected and, if so, the nature of such changed or changing conditions.

9. **Amendments to Change Zoning Districts.** When a proposed amendment would result in a change of the zoning classification of any specific property, the report of the planning commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the commission is based using the following guidelines where relevant to the proposed amendment:
    a. Would the change in district classification be consistent with the purposes of these regulations and the intent of the proposed district?
    b. What is the character and condition of the surrounding neighborhood?*
    c. What are the uses of property nearby and their district classification?*
    d. Is the proposed amendment requested because of changed or changing conditions in the area affected and, if so, what is the change?
    e. Is the subject property suitable for the uses to which it is restricted by the current district classification?*
    f. Is the subject property suitable for the uses that are permitted by the proposed district reclassification?
    g. Would the uses permitted by the proposed district reclassification and the accompanying restrictions have a detrimental affect on nearby property?*
    h. Would the proposed amendment correct an error in the application of these regulations as applied to the subject property?

i. Should the length of time the subject property has remained vacant be a factor in the consideration for reclassification?*
j. Do adequate utilities and streets exist or will they be provided to serve the uses that would be permitted by the proposed district reclassification?
k. Is there a recommendation from a professional staff or consultant?*
l. Would the proposed amendment be in conformance with the comprehensive plan?*
m. Does the relative gain to the public health, safety and welfare outweigh the hardship imposed upon the applicant by not reclassifying the property?*

* This factor is paraphrased from the decision in Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

10. **Recommendation to City Council.** No amendment, supplement, change, or modification of this Ordinance including the boundaries of any zoning district, shall be made by the City Council without first the consideration of each by the City Planning Commission. Following a public hearing before and consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change, or modification to the City Council within sixty (60) days after receipt thereof. Such written recommendation shall contain determinations on the items listed in Section 14.06.03.006 H.8. and/or H.9. of this section and on such other items as the commission may consider relevant. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change, or modification on the Comprehensive Plan. The report submitted to the City Council shall be accompanied by a copy of the record of the hearing on the proposed amendment. In lieu of a report, the above information may be contained in a copy of the minutes. Said recommendations shall be of an advisory nature only.

11. **Filing of Protest.** If a written protest against a proposed amendment for a specific property including a special use shall be filed in the office of the clerk within fourteen (14) days after the date of the conclusion of the hearing by the planning commission on the proposed amendment pursuant to the published notice, which protest is duly signed and acknowledged by the owners of twenty percent (20%) or more of any property proposed to be altered or changed, or by the owners of twenty percent (20%) or more of the total area, excepting public streets and ways, located within or without the corporate limits of the city and within two-hundred (200) feet of the exterior boundary of the property proposed to be rezoned, then such amendment shall not be passed except by at least a three-fourths (3/4th) vote of the City Council.

12. **Adoption of amendments by Council.** When the planning commission in its report submits a recommendation of approval or disapproval of a proposed amendment, the City Council shall review the proposed amendment and adopt the recommendation, override the recommendation, or return it to the commission as provided in K.S.A. 12-757, as may be amended from time to time.

    In considering its decision under each of the above sets of circumstances the City Council shall take into account the factors in in Section 14.06.03.006 H.8. and/or H.9. which are relevant to the proposed amendment and, having reviewed the planning commission's findings of fact and the factors upon which their recommendation is based, the City Council either adopts the commission's findings and factors by reference or records their own findings of fact and the factors upon which their decision is based.

13. **Additional provisions.** In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:
    a. Minimum Area. An application for a change of district to Commercial Intensive (C-1) or Commercial Extensive (C-2) shall contain a minimum area of one (1) acre. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
    b. Minimum Area. An application for a change of district to an Industrial Non-hazard District (I-1) or Industrial Hazard District (I-2) shall contain a minimum area of three (3) acres. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
    c. Minimum Area. The foregoing requirements in Section 14.06.03.006 H. 13.b. and H. 13.c. shall not apply in the case of an extension of a Commercial Intensive or Commercial Extensive District, or Industrial Non-hazard District or Industrial Hazard District.

I. **General provisions for special uses.** Because of particular factors associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as "special uses" when their proposed location is supplemented by additional conditions such as to make the use considered compatible with the surrounding property, the neighborhood and the zoning district.

1. **Process**. The City Council shall have the power to hear and decide in accordance with the provision of these regulations special uses which it is specifically authorized to pass on by the terms of these regulations; to decide such questions as are involved in determining whether special uses should be granted; and to grant special uses with such conditions and safeguards as are appropriate under these regulations, or to deny special uses when not in harmony with the purpose and intent of these regulations.

   Special uses shall not exist as a matter of right, but only upon the issuance of the special use permit by the City Council following and after prior consideration by the Planning Commission and public hearing by the Planning Commission.

   In granting a special use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in these regulations. The requirements may be made more stringent if there is potentially injurious effects which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public. Such additional conditions may include but are not limited to requirements affecting:
   a. the lot size or yard dimensions;
   b. changing street width;
   c. the extent and location of entrance or exit drives;
   d. controlling the location and number of signs;
   e. the period and time of operation;
   f. the coverage and height of buildings;
   g. requiring screening, fencing and/or landscaping to protect the surrounding property;
   h. establishing environmental standards for air and water pollution, noise, vibration, lighting and other such conditions;

i. additional improvements such as street construction, sidewalks, utilities and storm drainage, if necessary, including platting and/or dedications and easements.

Such conditions may be placed upon the property which is the subject of the special use application or upon the applicant or both.

Additionally, the City Council shall have the authority to limit the length of time associated with a special use permit. Such time periods may include 1 year, 3 years or permanent subject to meeting all conditions and being in compliance with all applicable code requirements.

2. **Procedure.** Although the official zoning map is not amended, the procedure for approval of a special use shall otherwise be the same as for an amendment to change zoning districts which is set forth in Article III Section 5 subsection H. including the provisions for filing protest petitions and fees; provided, that any additional requirements which are further imposed upon the special use shall be made a part of the effectuating permit. Concurrent amendments may be processed for changing zoning classifications and approving special uses on the same property.

3. **Application.** In addition to Section 14.06.03.006 H. 3. requirements, the application shall contain the following information:
    a. Full, specific and particular description of the use sought, both as to function and operation, and as to any structures, installations, equipment or surface improvement or change incidental to such use.
    b. A plat or drawing showing the exact scaled location of such land, and of any structures, installations, equipment or change of surface contemplated, including all public ways, with access thereto.
    c. Period of time for the special use if a temporary special use is requested; up to two years.
    d. Special condition as to operation, site development, signs, and other pertinent descriptive factors.
    e. Full statement of the environmental affect of such use with respect to adjoining property, and the zoning district in which the same is to be located.
    f. Statement of position of the applicant as to any other matters of information, requested in writing by the City Staff after review of the preliminary form which shall be helpful to the Commission or the Council. If applicant does not agree with the reasonableness of any such request, he may so state and give reasons in written form.
    g. The recommendation of the Planning Commission upon hearing such application, need not be limited to approval or disapproval of the application as filed, but also may be subject to conditions attached.

4. **Findings**. Before any special use permit shall be issued, the City Council shall make written findings certifying compliance with the specific rules governing individual special uses and that satisfactory provision and arrangement has been made concerning the following where applicable:
    a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

b. Off-street parking and loading areas where required, with particular attention to the noise, glare, or odor effects of the special use on adjoining properties and properties generally in the district.
c. Refuse and service areas.
d. Utilities, with reference to locations, availability, and incompatibility.
e. Screening and buffering with reference to type, dimensions, and character.
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
g. Required yards and other open spaces.
h. General compatibility with adjacent properties and other property in the district.

The special use shall not adversely affect, reduce or depreciate property values of land and property surrounding the same, whether or not immediately adjoining, when devoted to permitted uses.

The special use shall be in compliance with height and area regulations of the district in which the same is located, except as otherwise specifically provided in the special use.

Both temporary and permanent special uses shall be in compliance with these criteria and these standards shall be maintained in consideration of the existing state of development of the district in which located. In the case of special uses granted for the indefinite term, the relation to the reasonably foreseeable future for the entire term of such special use and completed development of the district shall be considered.

5. **Violation or Non-Compliance**. If there be violation of or noncompliance with any of the stated conditions of such special use permit during the term thereof, the same shall be subject to revocation by resolution of the City Council after public hearing after notice to the then owner and occupant of the land which is the subject of the use, and by public notice to the general public. Upon such revocation, such special use shall thereafter be void and of no effect.

   Such special use shall not constitute a defense to any lawful action for civil or private rights on account of any such use.

   If such special use shall be for a limited or stated term of use, the same may be extended by action of the City Council for a term not to exceed the original term after public hearing and upon notice of such hearing, upon application. For such extension, consideration by the Planning Commission is required and the Council shall, before holding public hearing, refer the same to such commission for its hearing and recommendation.

6. **Assignment of special use permit**. Every individual, partnership, association, or corporation holding a special use permit hereunder shall give notice in writing to the City Council within seventy-two (72) hours after having sold, transferred, given away or otherwise disposed of interest in or control of a project, the subject of such permit. Such notice shall include the name and address of the successor in interest to the ownership or control of such project, the name and address of the manager of the new permit holder, and the name and address of the registered agent if the permit holder is a corporation. A special use may be assigned only with the consent of the City Council, with such consent given after due consideration by the City Council to the qualifications of the assigned.

Such consent shall not be unreasonably withheld. Enforcement of a security interest in the property covered by a special use by the holder of such security interest shall not be considered an assignment of such special use.

7. **Construction plans.** All plans for construction of or alteration of any structure shall be submitted to the City staff for review. Such plan review shall be for the purpose of determining compliance with the conditions, stipulations and requirements proposed by the Planning Commission and affirmed by the City Council at their respective reviews and public hearings. Should the plan not include all such conditions, stipulations and requirements, the City Manager or his / her designee shall not authorize the issuance of a Building Permit.

J. **General provisions for architectural / site plan review.** Any land use / development that requires RD-3; PUD; C-1; C-2; C-3; I-1 or I-2 zoning is subject to architectural / site plan review and approval per the provisions of this section of these regulations.

1. **Architectural / Site plan Design Review Committee**. There is hereby established a Design Review Committee (DRC) empowered to review applications, plans and designs proposed in respect to all proposed development requiring R-3; PUD; C-1; C-2; C-3; I-1 or I-2 zoning. At a minimum the DRC shall consist of City Staff, one member of the Planning Commission, one member of the City Council and such other persons as the governing body may appoint. There shall be no fixed meetings. The committee shall meet when materials to be reviewed for compliance with the provisions of these regulations are submitted for such purpose.
2. **Design considerations and standards**. Each plan shall include due consideration and incorporation of desirable existing conditions and features, as well as incorporate the best practices of the associated design profession(s) (architecture, engineering, landscape architecture, urban planning and design).

   Submitted concepts and plans shall address the following in respect to architectural and site design as proposed for the site:

   - Relationship of proposed development to existing site features, as well as surrounding features – woodland, water, topographic, geologic, historic, etc. Existing natural or cultural features shall be incorporated into the proposed plan whenever possible, or remediation plans for the loss of such features shall also be provided. Impacts related to storm water drainage, visual change and habitat, as well as other considerations may be of influence.
   - Consideration of surrounding context - uses, building materials, styles and size, etc. Functional and design compatibility or differentiation with the surrounding built environment (use, buildings, circulation, etc.) must be demonstrated or justified, while using the highest quality materials and best practice methods.
   - Incorporation of architectural elements and / or design features of all structures. Such elements and features should create both visual / structural variety in form and scale, yet retain uniformity among structures in the same development and be harmonious with or of a higher level than structures on adjacent parcels or tracts.
   - Incorporation of landscape and hardscape features. Such features shall be complementary to the structure(s) and the development in its entirety considering both views from and views of the development, screening of various utilities, mechanical equipment, other functional elements (trash receptacles, shipping docks, etc.), highlighting and enhancement

of entry areas and public spaces, addressing storm water drainage short and long term establishment and maintenance, as well as variety of form, material and size.

- Integration of circulation methods and elements as a functional network with minimal conflicts. Circulation and access shall address a variety of methods (pedestrian, bicycle, and vehicular) including patterns, volumes and routes on site for service, emergency and routine daily use, as well as connections to the existing / planned adjacent system(s).

a. **Specific architectural design /site plan requirements (apply to all permanent and temporary structures).**

i. Residential / Commercial / Office Building Design –

1. A minimum of fifty percent (50%) of each exterior wall, excluding windows and doors, shall consist of masonry rough texture, glass walls, wood (other than plywood) or a combination thereof.
2. The following materials shall be prohibited upon exterior walls: concrete finish or precast concrete panels, unless the finish or panels have exposed aggregate or are hammered, sandblasted, or textured; and aluminum or metal panel or strip siding, whether painted or unpainted.

ii. Industrial Building Design –

1. Uninterrupted walls or facades facing public streets shall not be permitted.
2. Each exterior wall of a building that fronts on a public street, excluding windows and doors, shall consist of the following materials:
   a. Masonry with rough texture
   b. Glass walls
   c. Wood, other than plywood
   d. Concrete, tile and/or stucco
   e. Concrete finish or precast concrete panels with exposed aggregate or hammered or sandblasted or textured.
   f. Architectural metal panels as approved by the DRC
   g. Other materials approved by the DRC

iii. Utilities, including electrical and mechanical equipment, shall be screened from public view and designed to be harmonious with the surrounding design.

iv. Loading docks, bays, and doors shall not face public roadways or pathways, or must be adequately screened from public view.

v. Outdoor storage / stockpile areas shall be located behind the front building line established by the primary structure on the site and must be adequately screened from public view.

vi. Portable or mobile equipment used in support of manufacturing or processing operations must be anchored permanently to structurally adequate foundations and footings, and screened in a manner that meets the applicable building design requirements for commercial or industrial buildings as specified above, as well as other site design requirements.

vii. Trash, recycle, compaction and other such features shall not face public roadways or pathways, or must shall be adequately screened from public view.

viii. Landscape planting areas, as well as trees and shrubs shall be irrigated.

ix. All areas not within a structure or identified as landscape area are required to be paved with an adequate and appropriate hard surface pavement material.

3. **Plan contents**. The plan shall contain, at minimum the information as is required by city codes and ordinances, in addition to meeting the content, filing, and submission requirements of this Article.
    a. **Preliminary architectural / site plan**. Every request for change of zoning, subdivision plat, lot split and building permit for uses requiring R-3; PUD; C-1; C-2; C-3; I-1 or I-2 zoning shall include a preliminary plan. Such plan shall depict or reflect the following:
        i. Existing topography at 5-foot contour intervals, and proposed topography at 2-foot contour intervals.
        ii. Proposed location, height, and arrangement of buildings, including pad sites, parking areas, existing and proposed streets or internal circulation systems, open spaces, landscaped areas, storm water detention/retention area, and drainage easements.
        iii. Identification of phases of development, interim phases time frame in improvements.
        iv. Identification on the site plan of the name, address, and telephone number of the property owner, the developer, and the person preparing the plan.
        v. A project schedule that shall include a tabulation of square footage of development, floor area ratios, types of uses, parking spaces, impervious materials coverage, residential development density, and/or land area of each proposed usage as a percentage of the total site.
        vi. Preliminary sketches, showing the general style, size and exterior construction material of any and all proposed buildings; in the event of several building types, a separate sketch shall be prepared for each type.
        vii. Preliminary sketches related to proposed location and size of signage on buildings and the site.
        viii. The relationship of the site to surrounding uses, buildings, zoning districts, existing and proposed (approved but not built) developments and structures and streets and driveways within two-hundred (200) feet of the exterior boundaries of the property.
        ix. A Traffic Impact Analysis may be required if recommended by the city staff and the Planning Commission.
        x. A Parking Analysis shall be performed to demonstrate the adequacy of off-street parking that must meet applicable design or zoning code requirements in all phases of the development.
        xi. A list of proposed plan deviations and exceptions from the standards and requirements of the zoning code and this article. Such list shall identify the desired deviation / exception and the reason for the requested deviation / exception.
        xii. Such additional materials as may be required from time to time by city staff, the DRC, the Planning Commission, or the Governing Body.
    b. **Final Architectural / Site Plan**. Upon review and approval of a preliminary plan, the developer shall then submit a final plan, which shall reflect or depict the following:
        i. Finished grades or contours for the entire site (five- or two-foot contour intervals may be required depending upon the site).

ii. All adjacent public street rights-of-way, existing and proposed, within the centerline location thereof.
iii. The location, width, curb cuts and radii of all public streets and private drives, existing and proposed.
iv. The location, width, and limits of all existing and proposed sidewalks.
v. The location, size, and radii of all existing and proposed median breaks and turning lanes.
vi. The distance between all buildings, between buildings and property lines, and between all parking areas and property lines.
vii. The location of all required building and parking setbacks.
viii. The location, dimensions, number of stories, and area in square feet of proposed buildings.
ix. The area of land included on the site plan, in square feet or acres.
x. The limits, location, size, and material to be used in all proposed retaining walls.
xi. The location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks.
xii. The location, height, candle power, and type of outside lighting fixtures for buildings and parking lots.
xiii. The location, size, type of material, and message of all proposed monuments or detached signage. Per the Master Sign Plan requirements in the City of Edwardsville Sign Regulations.
xiv. Pertinent peripheral information, including adjacent developments, alignment and location of public and private driveways and streets, medians, and public and semi-public easements.
xv. Preliminary drainage design, and location of existing drainage facilities.
xvi. Elevations of all sides of proposed buildings, including notations indicating the building materials to be used on exterior walls and roofs thereof.
xvii. The location, size and materials to be used in all screening of rooftop mechanical equipment.
xviii. A landscaping plan or depiction that shows the size, species, location and number of all proposed landscaping material; notations depicting all areas to be seeded or sodded; and the location, size, and materials to be used for all landscaping, and screening, as well as irrigation plans for such materials.
xix. A list of proposed plan deviations and exceptions from the standards and requirements of the zoning code and this article. Such list shall identify the desired deviation / exception and the reason for the requested deviation / exception.

4. **Plan Review Procedure**. Each proposed plan shall be subject to the review and approval process. The intent of plan review is to provide for adequate review and consideration of the potential effects of the proposed development upon surrounding uses and activities, and to require and maintain a high standard of site planning and building design. The approval process shall consist of a coordinated meeting and review of applications and plans by the city staff, the DRC, the Planning Commission and the Governing Body. The Governing Body shall have final authority to approve or disapprove a proposed plan for development.

The City Manager or his / her designee shall be responsible for coordinating review and analysis of each preliminary and/or final plan application by City Staff and by the DRC. The results of this review shall be compiled and reported to the Planning Commission for review and consideration. Additionally, the Planning Commission shall hold a Public Hearing as part of its consideration of the preliminary plan submission following the public notification procedures utilized for zoning amendment / rezoning requests and the review factors, which are set forth in Section 14.06.03.006 H. including the provisions for filing protest petitions and fees. Following the Planning Commission's review and recommendations, the Governing Body shall review the preliminary and final plan applications. The Governing Body may approve, disapprove, or conditionally approve the preliminary plan and/or final plan application.

a. Consistency of the proposed development with the zoning district and all applicable zoning regulations and review criteria.
b. Compatibility of the proposed development with existing or permitted uses on abutting or adjoin sites or properties, in respect to building height, building materials, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
c. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed used and other uses reasonably anticipated in the area, considering existing zoning and land uses in the area.

5. **Certain deviations from preliminary plan – public notification procedures**. The City Manager and/or his / her designee shall notify the applicant to initiate a public notification procedure at the expense of the applicant if deviations from an approved preliminary plan will:
    a. Increase density or intensity of residential uses by more than five percent (5%).
    b. Increase the floor area of nonresidential building by more than ten percent (10%).
    c. Increase by more than five percent (5%) the ground covered by buildings.
    d. Increase the number of stories of a building.
    e. Involve changes that will result in a different development concept, create less architectural harmony or quality, or impose greater loads upon streets and neighborhood facilities.

6. **Conditions and Restrictions**. In approving preliminary and initial site plan applications, the Governing Body, upon the recommendation of the Planning Commission, may vary the standards set forth in the Zoning Ordinance, provided that the general intent of the ordinance is carried out.

    The Governing Body shall use the requirements and standards set forth in the Zoning Ordinance as a guide, and may permit adjustments of those requirements and standards in the interest of efficient land development and utilization, if it is deemed that other amenities or conditions thus gained will result in a development of equal or higher quality.

    In its review and approval of preliminary and final site plan applications, the Governing Body may increase the minimum requirements designated in the applicable sections of the zoning code based upon its review of the topography of the individual site, the orientation of buildings in relationship to street rights-of-way and adjoining properties, the building materials used, and the mass and height of buildings. A purpose of such increases in minimum requirements shall

be to minimize any adverse impacts of the proposed development on adjoining or nearby properties and the general community.

If the Governing Body imposes conditions or restrictions upon a preliminary site plan, it shall designate specific requirements that must be met before an applicant may submit a final site plan application. If the Governing Body imposes conditions or restrictions upon a final site plan, it shall designate specific requirements that must be met before issuance of a building permit. The Governing Body may delegate to the City Manager or his / her designee the authority to determine if specifically prescribed conditions have been satisfied by an applicant.

7. **Period of validity of preliminary site plan approval**. If a preliminary site plan is approved by the Governing Body, the approval shall not be valid for a period longer than twenty-four (24) months from the date of its approval, unless within such period a final site plan application is submitted. The Governing Body shall be authorized to impose new conditions or restrictions upon an approval of the resubmission, or to disapprove the resubmission.

8. **Period of validity of final site plan approval**. If a final site plan is approved by the Governing Body, the approval shall not be valid for the period longer than twelve months (12) form the date it is approved, unless within such a period a building permit is obtained and substantial construction is commenced. The Governing Body may grant one extension, not to exceed twelve (12) months, upon written request of the original applicant, and resubmission of the application, provided that the application as resubmitted is substantially the same as the application originally approved; however, the Governing Body shall be authorized to impose new conditions upon an approval of the resubmission, or to disapprove the resubmission.

14.06.03.007 BOARD OF ZONING APPEALS

A. **Establishment.** Under the authority of K.S.A 12-759, there is hereby created a board of zoning appeals for the city.

B. **Composition; appointment and term of members; compensation of members.** The board of zoning appeals shall consist of the planning commission members as appointed by the mayor with the approval of the City Council per Section 14.06.03.006 B.

C. **Absence from meetings.** The mayor is hereby authorized to declare the seat, position or office of any city board of zoning appeals member to be vacant where such member absents himself or herself from three consecutive meetings or from four meetings in any one calendar year. There shall be no vacancy until so declared by the mayor. Such vacancies may be filled by appointment under the provisions of Section 1.06 of Code of Ordinances.

D. **Place and time of meetings; officers; rules and regulations.** Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The board annually shall elect one of its members as chairperson, as vice chairperson and as secretary. The board shall adopt rules and regulations as necessary to carry out its duties. The board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the board, decisions of the board and the vote upon each question. Records of all official actions of the board shall be filed in its office and shall be a public record.

E. **Hearings: Purpose and Intent**. The board of zoning appeals shall administer the details of appeals from or other matters referred to it regarding the application of the zoning ordinance or resolution as hereinafter provided. The board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official city newspaper at least 20 days prior to the date fixed for hearing. A copy of the notice shall be mailed to each party to the appeal and to the planning commission.

Appeals to the board of zoning appeals may be taken by any person aggrieved, or by any officer of the city, county or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance or resolution. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefor. The officer from whom the appeal is taken, when notified by the board or its agent, shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

The board shall have the power to hear and decide appeals where it is alleged there in the enforcement of the zoning ordinance or resolution. In exercising the foregoing powers, the board, in conformity with the provisions of these regulations, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit.

F. **Variances and exceptions.** When deemed necessary by the city staff and/or the board of zoning appeals, the board and/or city staff may grant variances or exceptions from the zoning regulations on the basis and in the manner hereinafter provided:

1. To authorize in specific cases a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. A request for a variance may be granted in such case, upon a finding by the board that all of the following conditions have been met per K.S.A. 12-759(e):
    a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
    b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
    c. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
    d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
    e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

2. To grant exceptions to the provisions of the zoning regulation in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning

regulation. In **no** event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation. Further, under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulation by the governing body, are not found to be present.

3. Administrative variances maybe granted by staff with the following specific limitations:
    a. Front, side and rear yard setbacks - in cases where a legal non-conforming property/lot size exists in the AG/R or R-1 zoning district the city staff may grant a variance from the required setback that is in keeping with the intent of the applicable zoning district, and recognizes the context of existing structures on the property and adjacent properties.

G. Appeals. Any person, official or governmental agency dissatisfied with any order or determination of the board may bring an action in the district court of the county to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the board.

SECTION 14.06.04 DEFINITIONS

14.06.04.001 DEFINITIONS

Unless otherwise stated, the following words shall, for the purpose of these regulations, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not discretionary. The word "building" shall include the word "structure".

A. **Alley** is any public or private way set aside for public travel, twenty-four (24) feet or less in width.
B. **Appeal** means a request for a review of the city's interpretation of any provision of this ordinance or a request for a variance.
C. **Adult Entertainment Business** is defined for purposes of the zoning regulations as defined in The Standard Adult Entertainment Code, 1993 Edition.
D. **Alternative tower structures** are man-made trees, clock towers, bell steeples, light poles and similar alternative design mounted structures that can camouflage or conceal the presence of antennas or towers.
E. **Antenna** is an exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication.
F. **Boarding House** is the use of a site / dwelling for occupancy by a group of more than 4 persons, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls and rooming or lodging houses.
G. **Building** is any structure constructed or intended for residence, business, industry for either public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, house trailers, billboards, signs, and similar structures whether stationery or movable.
H. **Building, Principal** is a building, including covered porches and paved patios, in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.
I. **Building, Accessory** is a subordinate building, the use of which is incidental to that of a principal building on the same lot.

J. **Cell Site** is a tract or parcel of land that contains the cellular communication antenna, its support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to cellular communication transmission.

K. **Daycare** is an establishment that provides care, protection and supervision for children under 16 years of age on a regular basis away from their primary residences for less than 24 hours per day. The term does not include: a) kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; b) facilities operated in connection with a shopping center or other principal activity, where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or c) adult day care; or d) special activities programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable and governmental organizations.

For purposes of these regulations, there are 3 separate types of daycare. In computing the occupancy of the categories of daycare listed below, all children, including children of the daycare provider and children of employees, shall be counted.

(1) **Daycare, Limited:** A daycare that provides care, protection and supervision for up to 6 individuals.

(2) **Daycare, General:** A daycare that provides care, protection and supervision for 7 to 12 individuals.

(3) **Daycare, Commercial:** A daycare that provides care, protection and supervision for more than 12 individuals.

L. **Development** is any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

M. **Dish Antenna** is a dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

N. **Duplex** is a two-family dwelling unit, each unit having separate, ground level entrances.

O. **Dwelling** is a house, apartment building, or other building designed or used primarily for human habitation. The word **dwelling** shall not include boarding, or rooming houses, hotels, motels, or other structures designed for transient residence.

P. **Dwelling Unit** is one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

Q. **Extended Family Dwelling –**

(1) **Accessory:** is an additional detached dwelling unit on the same site as a primary single family dwelling unit, which is used only by members of a family (as defined by Section 14.06.04.001 R. (2)) residing in the primary single family dwelling unit.

(2) **Attached:** is an additional dwelling unit attached to the primary single family dwelling unit, which is used only by members of a family (as defined by Section 14.06.04.001 R. (2)) residing in the primary single family dwelling unit.

R. **Family** in all zoning districts, family shall be defined to mean:

(1) a person living alone, or

(2) two or more persons related by blood, marriage, legal adoption, guardianship, or other legally authorized custodial relationship, or

(3) a group of not more than four (4) persons age eighteen (18) or older who are unrelated by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit; provided, that if any one of the adult persons

is unrelated to another adult person in the group, the entire group shall be classified as unrelated.

Exemption. Group Homes, Limited, as defined in this section. The burden of proving a facility qualifies as a Group Home, Limited, rests solely with the party exerting or claiming the exemption.

S. **Feedlot, Commercial** is a place where the principal business is the feeding of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feedlot is a part.

T. **Fence** is a structure serving as an enclosure, barrier or boundary, usually made of posts, boards, wire, stakes or rails, the total height of which is greater than one foot (1') when measured above ground level. Specifically excluded from this definition are fences which enclose land primarily used for agricultural purposes if such fence encloses an area of one (1) acre or more. It shall be unlawful to erect or maintain any electrified fence or wire fence that is constructed with a wire material commonly known as barb-wire, except on land which is primarily used for agricultural purposes which enclose an area greater than one (1) acre, or as a security fence on I-1 or I-2 zoned land. Barb-wire, up to three (3) strands may be placed on top of a fence at least six feet (6') high in these districts for security purposes.

U. **Floor Area** is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

V. **Group Home** is a facility generally located in residential environments providing such minimum medical or supervisory personnel as may be required to meet the standards of Federal, State or local governmental licensing agencies. These facilities may provide medical, behavioral, psychiatric, social, educational, rehabilitative or protective services for persons with a disability.

(1) **GROUP HOME, LIMITED:** A dwelling occupied by not more than 10 persons, including 8 or fewer persons with a disability, who need not be related by blood or marriage and not to exceed 2 staff residents who need not be related by blood or marriage to each other or to the residents, which dwelling is licensed by a regulatory agency of this state.

(2) **GROUP HOME, GENERAL:** A dwelling occupied by 9 to 15 persons with a disability who need not be related by blood or marriage, not including staff residents, who need not be related by blood or marriage to each other or to the residents, which dwelling is licensed by a regulatory agency of this state.

W. **Guest House** is a small detached accessory dwelling unit located on the same lot as a primary single-family detached dwelling unit that is intended to provide temporary, not year round, sleeping quarters for nonpaying personal guests of the occupants of the principal residence.

X. **Halfway House** is a residence for individuals after release from institutionalization or as part of the rehabilitative process (such as for alcohol /drug addiction, or criminal activity) that is designed to facilitate their readjustment to private life.

Y. **Height of Building** is the vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

Z. **Home Occupation** means an occupation conducted in a dwelling unit as described in Article VI Section 3 of the zoning regulations.

AA. **Lawful** means not in conflict with any laws, ordinances, or statutes existing at the time of the enactment of these regulations.

BB. **Lot** means a piece, parcel, or plot of land occupied by or to be occupied by one principal building and its accessory buildings and including the open spaces required under these regulations.

CC. **Lot of Record** means any lot which is duly recorded and on file at the time of enactment of these regulations in the office of the Wyandotte County Clerk or Register of Deeds of Wyandotte County.

DD. **Manufactured Home** means a structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Section 5403.

EE. **Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

FF. **Microwave** is an electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.

GG. **Microwave Antenna** is a dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

HH. **Mobile Home** is a semi-permanent, single-family dwelling unit that is constructed as a unit at the factory complete with an integral utility system capable of being connected to an outside system; can be transported over the road on its own chassis and wheels to a site where it would be connected semi-permanently to a separate utility system. Any unit that is originally constructed with its own chassis and wheels will be considered a mobile home except all recreational vehicles (self-propelled or non self-propelled) campers, tent trailers or other units designed for overnight and transitory use.

II. **Mobile Home Park or Mobile Home Subdivision** is an area of land upon which has been divided into two or more lots for rent or sale and on which one or more mobile homes are parked, connected to utilities, and used by one or more persons for living or sleeping purposes.

JJ. **Modular Home** is a home constructed of pre-made parts and unit modules. Such parts / unit modules are transported from the factory to the building site where they are placed onto a foundation and permanently anchored. The modular home is built to conform to the local building code.

KK. **Monopole Tower** is a communication tower consisting of a single pole, constructed without guy wires and ground anchors. Also referred to as a Self-Support Tower.

LL. **Multiple Family Dwelling –**

(1) **General** is the use of a site for 4 or more dwelling units in multiple buildings. Typical uses include fourplexes, apartments, residential condominiums and townhouses that are located within a complex of buildings.

(2) **Limited** is the use of a site for 2 or more dwelling units attached as a single building. Typical uses include duplexes, triplexes, fourplexes, residential condominiums and townhouses.

MM. **New Construction** means structures for which the "start of construction or substantial improvement is commenced on or after the effective date of the FIRM."

NN. **Nonconforming Use** is a use of a building or land lawful at the time of the enactment of this Ordinance that does not conform with the permitted use provisions of this Ordinance for the district in which it is located.

OO. **Overlay District** is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

PP. **Public Property** is any real property, easement, right-of-way, air space, or other interest in real estate including a street, owned or controlled by the City, County, State, Federal government.

QQ. **Residential-Design Manufacturer Home** means a manufactured home on permanent foundation which has (A) minimum dimensions of 24 body feet in width, (B) a pitched roof and (C) siding and roofing materials which are customarily used on site-built homes; and that conforms to the Design Guidelines for Manufactured Housing as adopted by the City of Edwardsville.

RR. **Retail / Service – Limited** - Retail and service establishments designed to provide basic products and services to businesses, employees, and visitors to offices and businesses. Specifically permitted uses include, but are not limited to: banking services; barber and beauty shop; drugstore; dry cleaners and laundry; florist; gasoline sales; hotel and motel; medical and dental clinics; postal services; printing and photocopying; restaurants, fast food and general; and shoe repair.

Other uses not specifically listed may be permitted which meet the above definition and where functionally and visually compatible with surrounding uses. Manufacturers' and warehouse outlets may be permitted for business when included as part of a retail center, for those businesses within the center' s target market area.

SS. **Roof and/or Building Mount Facility** is a low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof, including rooftop appurtenances, or building face or façade.

TT. **Rooming House** – See Boarding House.

UU. **Self-Support Tower** is a communications tower that is constructed without guy wires and ground anchors.

VV. **Single Family Dwelling** - The use of a lot for only 1 detached dwelling unit, other than a mobile home.

WW. **Special Use** is a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special uses, if specific provisions for such special use are made in these regulations.

XX. **Street** means any public or private way set aside for public travel that is more than twenty (20) feet in width. The word **street** shall include the words **road**, **highway**, and **thoroughfare**.

YY. **Street, Center Line** means the center line of the surveyed street right-of-way.

ZZ. **Structure** means anything constructed or erected on the ground or attached to something having a location on the ground.

AAA. **Subdivision** means the division of a lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building development, including re-subdivision.

BBB. **Subdivision Regulations** mean the lawfully adopted subdivision ordinances of the city.

CCC. **Substantial Improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition **substantial improvement** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

DDD. **Townhouse / Townhome** is a multiple family dwelling. A townhouse / townhome building consists of three or more attached dwelling units, each unit having ground level, outdoor access on at least two (2) sides.

EEE. **Use** means the purpose or activity for which a building, structure, or land is occupied or maintained.

FFF. **Variance** is a relaxation of the terms of the zoning regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship. (As used in these regulations, a variance is authorized only for height, area, parking spaces, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district).

GGG. **Yard** is an open space on the same lot or lots with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky, except as otherwise provided in this Ordinance.

HHH. **Yard, Front** is the yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building.

III. **Yard, Side** is the yard extending from the front yard along the side lot line to the rear lot line and the nearest part of the principal building.

JJJ. **Yard, Rear** is the yard extending across the entire width of the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

KKK. **Zoning** means the regulation or restriction of the location and uses of buildings and uses of land.

LLL. **Zoning Regulations** means the lawfully adopted zoning ordinances of the city.

SECTION 14.06.05 DISTRICTS

For the purpose of these regulations, the City is hereby divided into twelve (12) districts, designated as follows: Agricultural / Residential District (AG/R); Rural Residential (R-1); Residential Developed without Sewers (RD-NS); Residential Developed with Sewers (RD-WS); Medium Density Residential (R-2); High Density Residential (R-3); Neighborhood Commercial (C--1); Commercial Retail (C-2); General Commercial (C-3); Industrial Non-Hazard (I-1); Industrial Hazard (I-2); and Planned Unit Development (PUD).

14.06.05.001 AGRICULTURAL / RESIDENTIAL DISTRICT (AG/R)

A. Intent. The intent of the Agricultural / Residential District (AG/R) is to provide for large lot (5 acre or larger) residential development and agricultural uses within a rural atmosphere / environment.

B. Uses.

1. **Permitted Uses.** Permitted uses in the Agricultural / Residential District (AG/R) are listed in the Land Use Schedule in Section 14.06.05.013. The following uses shall be limited to property meeting or exceeding the minimum requirements for lot size of five (5) acres, unless otherwise noted below:
   a. Communication and Utility uses
   b. Extended Family Dwelling – accessory or attached (on properties of three (3) acres or larger)

2. **Permitted Accessory Uses.** Accessory uses normally appurtenant to a permitted use in the Agricultural / Residential District (AG/R) shall be permitted when established within the space limits of this district, other applicable codes associated with an already established permitted use. Such

uses may include but are not limited to: agricultural support, home occupations, personal vehicle parking / storage.

3. **Special Uses**. Special uses are listed in the Land Use Schedule in Section 14.06.05.013. After the provisions of the regulations relating to the special use permit process have been fulfilled the City Council may permit special uses identified in the Land Use Schedule in the Agricultural / Residential District (AG/R) on properties meeting or exceeding the minimum requirements for lot size of five (5) acres, unless noted below:
    a. Communication and Utility uses (on properties of one (1) to five (5) acres)
    b. Extended Family Dwelling – attached (on properties of one (1) to three (3) acres)

4. **Prohibited Uses**. All other uses which are not specifically permitted or not permissible as special uses shall be prohibited from the Agricultural / Residential District (AG/R).

C. Lot / Yard / Structure Requirements

1. **Lot Size Requirements**. The minimum lot area shall be five (5) acres. With a minimum lot width of two hundred ten (210) feet at the front property line and a maximum lot depth of three and one-half (3.5) times the front lot width.

2. **Lot Coverage**. Maximum lot coverage, building and impervious surface area, is ten (10) percent of the total area of the lot.

3. **Setback / Yard Area**. Minimum setback distances in the AG / R District are:
    a. Front yard: Sixty (60) feet
    b. Rear Yard: Fifty (50) feet
    c. Side Yard: Not less than thirty (30) percent of the front lot width.

4. **Height**. Maximum structure height is thirty-five (35) feet.

5. **Primary Structures**. The minimum floor area of the primary structure exclusive of basements, open or screened porches and garages, shall not be less than twelve hundred and eighty (1,280) square feet.

6. **Accessory Structures**. Detached accessory structures may be constructed not closer than twenty-five (25) feet from any property line and a side yard not less than ten (10) percent of the front lot width or ten (10) feet, whichever is greater. Barns or stables shall be located a minimum of one hundred (100) feet from any residential building. The aggregate square footage of all accessory structures shall not exceed 10,000 square feet per property on property of five (5) acres or larger. On private properties smaller than 5 acres a single-family dwelling must be established on the property prior to or concurrent with any proposed accessory structure being permitted and the aggregate square footage of such accessory structures cannot exceed 4% of the property area or 4 times the size of the single-family dwelling, whichever is smaller.

14.06.05.002 – RURAL RESIDENTIAL DISTRICT (R-1)

A. Intent. The intent of the Rural Residential District (R-1) is to provide for low density (3 acres or larger) residential use together with certain prescribed compatible uses that are developed in a manner that reflects a rural feel or character.

B. Uses.

1. **Permitted Uses**. Permitted uses in the Rural Residential District (R-1) are listed in the Land Use Schedule in Section 14.06.05.013. The following uses shall be limited to property meeting or exceeding the minimum requirements for lot size of three (3) acres, unless otherwise noted below:
    a. Extended Family Dwelling – accessory or attached
    b. Communication and Utility uses
    c. Keeping of livestock and poultry per the following requirements and other applicable animal control / care regulations:
        i. Property owners may keep livestock as part of a school-sponsored 4-H project
        ii. Property owners may keep up to one equine (horse, mule or donkey) per acre upon a parcel or lot
        iii. Property owners may keep domesticated poultry for the purpose of supplying food for those living on the property (on properties of one (1) acre or larger)

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the Rural Residential District (R-1) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: agricultural support, home occupations, personal vehicle parking / storage.

3. **Special Uses**. Special uses permitted in the Rural Residential District (R-1) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special use permit process have been fulfilled the City Council may permit special uses from the Land Use Schedule in the Rural Residential District (R-1) on properties meeting or exceeding the minimum requirements for lot size of three (3) acres, unless otherwise noted below:
    a. Communication and Utility uses (on properties of one (1) to three (3) acres)
    b. Extended Family Dwelling – attached (on properties of one (1) to three (3) acres)

4. **Prohibited Uses**. All other uses which are not specifically permitted or not permissible as special uses shall be prohibited from the Rural Residential District (R-1).

C. Lot / Yard / Structure Requirement

1. **Lot size Requirements**. The minimum lot area shall be three (3) acres. With a minimum lot width of two hundred ten (210) feet at the front property line and a maximum lot depth of three (3.0) times the front lot width.

2. **Lot Coverage**. Maximum lot coverage, building and impervious surface, is ten (10) percent of the total area of the lot.

3. **Setback / Yard Area**. Minimum setback distances in the R-1 District are:
    a. Front yard: Fifty (50) feet
    b. Rear Yard: Fifty (50) feet
    c. Side Yard: Not less than ten (10) percent of the front lot width.

4. **Height**. Maximum structure height is thirty-five (35) feet.

5. **Primary Structures**. The minimum floor area of the primary structure exclusive of basements, open or screened porches and garages, of not less than twelve hundred and eighty (1,280) square feet.

6. **Accessory Structures**. Detached accessory structures may be constructed not closer than twenty-five (25) feet from any property line and a side yard not less than ten (10) percent of the front lot width or ten (10) feet, whichever is greater. Barns or stables shall be located a minimum of one hundred (100) feet from any residential building. The aggregate square footage of all such accessory structures shall not exceed 5,000 square feet per property on property of three (3) acres or larger. On private properties smaller than 3 acres a single-family dwelling must be established on the property prior to or concurrent with any proposed accessory structure being permitted and the aggregate total square footage of all such accessory structures cannot exceed 2% of the property area or 2 times the size of the single-family dwelling, whichever is smaller.

14.06.05.003 – RESIDENTIAL DEVELOPED NO SEWER DISTRICT (RD-NS)

A. Intent. The intent of the Rural Developed No Sewer District (RD-NS) is to provide for low density (1 acres or larger) residential use areas together with certain prescribed compatible uses that are developed in a manner that does not require sanitary sewers or public improvements of a suburban or urban nature north of Kaw Drive (K-32).

B. Uses.

1. **Permitted Uses**. Permitted uses in the Residential Developed No Sewer District (RD-NS) are listed on the Land Use Schedule in Section 14.06.05.013. The following uses shall be limited to property meeting or exceeding the minimum requirements for lot size of one (1) acre, unless otherwise noted:
    a. Extended Family Dwelling – accessory or attached (on properties of three (3) acres or larger)
    b. Keeping of poultry per the following requirements and other applicable animal control / care regulations: Property owners may keep domesticated poultry for the purpose of supplying food for those living on the property (on properties of one (1) acre or larger)

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the Residential Developed No Sewer District (RD-NS) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: home occupations, personal vehicle parking / storage.

3. **Special Uses**. Special uses permitted in the Residential Developed No Sewer District (RD-NS) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit as special uses in the Residential Developed No Sewer District (RD-NS) on properties meeting or exceeding the minimum acreage requirement of one (1) acre, unless otherwise noted:
    a. Bed & Breakfast establishments (on properties of three (3) acres or larger)
    b. Communication and Utility uses (on properties of one (1) acre or larger)
    c. Extended Family – attached (on properties of one (1) to three (3) acres)

4. **Prohibited Uses**. All other uses which are not specifically permitted or not permissible as special uses shall be prohibited from the Residential Developed No Sewer District (RD-NS).

C. Lot / Yard / Structure Requirement

1. **Lot size Requirements**. The minimum lot area shall be one (1) acre. With a minimum lot width of one hundred fifty (150) feet at the front property line and a maximum lot depth of three (3.0) times the front lot width.

2. **Lot Coverage**. Maximum lot coverage, building and impervious surface, is twenty-five (25) percent of the total area of the lot.

3. **Setback / Yard Area**. Minimum setback distances in the RD-NS District are:
   a. Front yard: Twenty-five (25) feet
   b. Rear Yard: Twenty-five (25) feet
   c. Side Yard: Twenty-five (25) feet

4. **Height**. Maximum structure height is thirty-five (35) feet.

5. **Primary Structure**. The minimum floor area of the primary structure exclusive of basements, open or screened porches and garages, of not less than twelve hundred and eighty (1,280) square feet.

6. **Accessory Structures**. Detached accessory structures may be constructed not closer than twenty-five (25) feet from any property line and a side yard not less than ten (10) percent of the front lot width or ten (10) feet, whichever is greater. Accessory structures must be associated with an established primary structure / use and cannot be placed in the front yard. The aggregate square footage of all such accessory structures shall not exceed 1,500 square feet per property on property of one (1) acre or larger. On private properties smaller than 1 acre the aggregate total square footage of all such accessory structures cannot exceed 2% of the property area or 2 times the size of the single-family dwelling, whichever is smaller.

14.06.05.004. RESIDENTIAL DEVELOPED SEWER DISTRICT (RD-S)

A. Intent. The intent of the Residential Developed Sewer District (RD-S) is to provide for low density (8,000 square feet or larger lot) residential use areas developed in a manner that reflects a suburban character north of Kaw Drive (K-32).

B. Uses.

1. **Permitted Uses**. Permitted uses in the Residential Developed Sewer District (RD-S) are listed on the Land Use Schedule in Section 14.06.05.013. The following uses shall be limited to property meeting or exceeding the minimum requirements for lot size:
   a. Multi-Family Dwellings - Limited (Duplexes - up to two (2) units per lot; Townhouses / Townhomes – up to four (4) units per lot)

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the Residential Developed Sewer District (RD-S) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: home occupations, personal vehicle parking / storage.

3. **Special Uses**. Special uses permitted in the Residential Developed Sewer District (RD-S) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit special uses in the

Residential Developed Sewer District (RD-S) on properties meeting or exceeding the minimum lot size requirements.

4. **Prohibited Uses.** All other uses which are not specifically permitted or not permissible as special uses shall be prohibited from the Residential Developed Sewer District (RD-S).

C. Lot / Yard / Structure Requirement

1. **Lot size Requirements.** The minimum lot area shall be eight-thousand (8,000) square feet for the first dwelling unit. The minimum lot area per dwelling unit beyond the first unit shall be two thousand (2,000) square feet. With a minimum lot width of sixty (60) feet at the front property line.

2. **Lot Coverage.** Maximum lot coverage, building and impervious surface, is forty (40) percent of the total area of the lot.

3. **Setback / Yard Area.** Minimum setback distances in the RD-S District are:
   a. Front yard: Twenty-five (25) feet
   b. Rear Yard: Twenty-five (25) feet
   c. Side Yard: Nine (9) feet; Corner lot twenty-five feet (25) feet from all rights-of-way

4. **Height.** Maximum structure height is thirty-five (35) feet.

5. **Primary Structure.** The minimum floor area of the primary structure exclusive of basements, open or screened porches and garages, of not less than twelve hundred and eighty (1,280) square feet. Duplexes and townhomes cannot be less than nine hundred sixty (960) square feet per unit exclusive of basements, open or screened porches and garages.

6. **Accessory Structures.** Detached accessory structures may be constructed not closer than nine (9) feet to the rear property line. Accessory structures must be associated with an established primary structure / use and cannot be placed in the front yard nor have an aggregate total floor area that exceeds two hundred (200) square feet, or four hundred eighty (480) square when a single car detached garage with driveway access is located on the property, or six hundred forty (640) square feet when a detached 2+ car garage with driveway access is located on the property.

14.06.05.005. MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

A. Intent. The intent of the Medium Density Residential District (R-2) provides for established medium density (5,000 square foot or larger lot) residential use areas in a suburban or urban environment in south central Edwardsville and other locations where suitable infrastructure (roads, utilities, etc.) is planned or provided.

B. Uses.

1. **Permitted Uses.** Permitted uses in the Medium Density Residential District (R-2) are listed on the Land Use Schedule in Section 14.06.05.013. The following uses shall be limited to property meeting or exceeding the minimum requirements for lot size:
   a. Multi-Family Dwellings - Limited (Duplexes - up to two (2) units per lot; Townhouses / Townhomes – up to four (4) units per lot)

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the Medium Density Residential District (R-2) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: home occupations, personal vehicle parking / storage.

3. **Special Uses**. Special uses permitted in the Medium Density Residential District (R-2) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit special uses in the Medium Density Residential District (R-2) on properties meeting or exceeding the minimum lot size requirements.

4. **Prohibited Uses**. All other uses which are not specifically permitted or not permissible as special uses shall be prohibited from the Medium Density Residential District (R-2).

C. Lot / Yard / Structure Requirement

1. **Lot size Requirements**. The minimum lot area shall be five thousand (5,000) square feet for the first dwelling unit. The minimum lot area per dwelling unit beyond the first unit shall be one thousand (1,000) square feet. The minimum lot width shall be fifty (50) feet.

2. **Lot Coverage**. Maximum lot coverage, building and impervious surface, is fifty (50) percent of the total area of the lot.

3. **Setback / Yard Area**. Minimum setback distances in the R-2 District are:
   a. Front yard: Fifteen (15) feet
   b. Rear Yard: Fifteen (15) feet
   c. Side Yard: Five (5) feet; Corner lot Fifteen (15) feet from all rights-of-way

4. **Height**. Maximum structure height is thirty-five (35) feet.

5. **Primary Structure**. The minimum floor area of the primary structure exclusive of basements, open or screened porches and garages, of not less than five hundred seventy five (575) square feet per unit.

6. **Accessory Structures**. Detached accessory structures may be constructed not closer than nine (9) to the rear property line. Accessory structures must be associated with an established primary structure / use and cannot be placed in the front yard nor have an aggregate total floor area that exceeds two hundred (200) square feet, or four hundred eighty (480) square when a single car detached garage with driveway access is located on the property, or six hundred forty (640) square feet when a detached 2+ car garage with driveway access is located on the property.

14.06.05.006. HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

A. Intent. The intent of the High Density Residential District (R-3) is to provide for higher density residential uses in areas that are located along or in close proximity to highway and arterial road corridors served with municipal water and sewer. All uses that require High Density Residential (R-3) zoning are subject to the architectural / site plan review process outlined in Section 14.06.03.006 J of these regulations.

B. Uses.

1. **Permitted Uses.** Permitted uses in the High Density Residential District (R-3) are listed on the Land Use Schedule in Section 14.06.05.013.

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the High Density Residential District (R-3) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: home occupations, personal vehicle parking / storage.

3. **Special Uses**. Special uses permitted in the High Density Residential District (R-3) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit special uses in the High Density Residential District (R-3) on properties meeting or exceeding the minimum lot size requirements.

4. **Prohibited Uses**. All other uses which are not specifically permitted or not permissible as special uses shall be prohibited from the High Density Residential District (R-3).

C. Lot / Yard / Structure Requirement

1. **Lot size Requirements**. The minimum lot area shall be five thousand (5,000) square feet for the first two (2) dwelling units plus one thousand (1,000) square feet per dwelling unit after that, provided that for efficiency units the minimum lot area per dwelling unit shall be eight hundred (800) square feet. The minimum lot width shall be fifty (50) feet.

2. **Lot Coverage**. Maximum lot coverage, building and impervious surface, is fifty (50) percent of the total area of the lot.

3. **Setback / Yard Area**. Minimum setback distances in the R-3 District are:
   a. Front yard: Fifteen (15) feet
   b. Rear Yard: Fifteen (15) feet
   c. Side Yard: Fifteen (15) feet

4. **Height**. Maximum structure height is fifty (50) feet.

5. **Primary Structure**. The minimum floor area of the primary structure exclusive of basements, open or screened porches and garages, of not less than four hundred ten (410) square feet per unit.

6. **Accessory Structures**. Detached accessory structures may be constructed not closer than nine (9) to the rear property line. Accessory structures must be associated with an established primary structure / use and cannot be placed in the front yard nor have an aggregate total floor area that exceeds two hundred (200) square feet, or four hundred eighty (480) square when a single car detached garage with driveway access is located on the property, or six hundred forty (640) square feet when a detached 2+ car garage with driveway access is located on the property.

14.06.05.007. NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)

A. Intent. The Neighborhood Commercial District (C-1) is intended to accommodate commerce activities that are associated with small scale neighborhood level commercial retail and services, and professional offices and services, supporting the daily needs of residents in near-by neighborhoods (a

market trade area of approximately 1 to 2 miles from the location). All uses that require Neighborhood Commercial (C-1) zoning are subject to the architectural / site plan review process outlined in Section 14.06.03.006 J of these regulations.

B. Uses.

1. **Permitted Uses.** Permitted uses in the Neighborhood Commercial District (C-1) are listed on the Land Use Schedule in Section 14.06.05.013.

2. **Permitted Accessory Uses.** Accessory uses normally appurtenant to the permitted uses shall be permitted in the Neighborhood Commercial District (C-1) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: signs, open space activity areas, trash enclosures, home occupations, parking, interior storage, etc.

3. **Special Uses.** Special uses permitted in the Neighborhood Commercial District (C-1) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit special uses in the Neighborhood Commercial District (C-1).

4. **Prohibited Uses.** All other uses which are not listed as permitted or permissible special uses in the Land Use Schedule in Section 14.06.05.013 or are found not to be consistent with the stated intent of the district shall be prohibited from the Neighborhood Commercial District (C-1). Specifically – outdoor storage; mechanical repair; plumbing, electrical, and other building trades and services; pawnbroker, precious metal dealer, or pay day or title loan businesses; liquor sales; adult business establishments; and fabrication / manufacturing activity of any type are prohibited.

C. Lot / Yard / Structure Requirement

1. **Lot size Requirements.** None.

2. **Lot Coverage.** None.

3. **Setback / Yard Area.** The front yard for the primary structure shall not exceed ten (10) feet. The front yard for all secondary or accessory structures, parking areas, and loading areas, etc. shall be fifteen (15) feet or more of landscaped area (such area may be used for outdoor eating / entertainment purposes if approved as a special use). Provided, however, lots adjacent to a Residential District shall provide a minimum landscaped yard of twenty-five (25) feet along that portion of the lot adjacent to the Residential District.

4. **Height.** Maximum structure height is thirty (30) feet.

5. **Primary Structure.** The maximum size first floor footprint of a primary structure may not exceed 10,000 square feet.

6. **Accessory Structure.** The maximum size first floor footprint of any accessory structure may not exceed 1,500 square feet.

14.06.05.008. COMMERCIAL RETAIL DISTRICT (C-2)

A. Intent. The Commercial Retail District (C-2) is intended to accommodate small and medium scale commerce activities and development for primarily commercial retail trade and sales, professional office / limited service oriented opportunities serving the Edwardsville community and immediately surrounding area, as well as community oriented cultural / entertainment / recreational / social venues. All uses that require Commercial Retail (C-2) zoning are subject to the architectural / site plan review process outlined in Section 14.06.03.006 J of these regulations.

B. Uses.

1. **Permitted Uses**. Permitted uses in the Commercial Retail District (C-2) are listed on the Land Use Schedule in Section 14.06.05.013. The following uses shall be limited as follows:
    a. Fabrication / Manufacturing of articles to be sold on the premises, as well as repair services shall be incidental to a retail business or service with not more than five (5) persons employed in such fabrication / manufacturing or repair services.

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the Commercial Retail District (C-2) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: signs, open space activity areas, trash enclosures, home occupations, parking, interior storage, etc.

3. **Special Uses**. Special uses permitted in the Commercial Retail District (C-2) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit special uses in the Commercial Retail District (C-2) with the following conditions:
    a. Pawnbroker – cannot be within one (1) mile of any other pay day / title loan business, pawnbroker, or precious metal dealer within the city limits; or within one-thousand (1000) feet of any such business located outside the city limits; or within two-hundred (200) feet of any residentially zoned property.
    b. Pay Day / Title loan services – cannot be within one (1) mile of any other pay day / title loan business, pawnbroker, or precious metal dealer within the city limits; or within one-thousand (1000) feet of any such business located outside the city limits; or within two-hundred (200) feet of any residentially zoned property.
    c. Precious Metal Dealer - cannot be within one (1) mile of any other pay day / title loan business, pawnbroker, or precious metal dealer within the city limits; or within one-thousand (1000) feet of any such business located outside the city limits; or within two-hundred (200) feet of any residentially zoned property.

4. **Prohibited Uses**. All other uses which are not listed as permitted or permissible special uses in the Land Use Schedule in Section 14.06.05.013 or are found not to be consistent with the stated intent of the district shall be prohibited from the Commercial Retail District (C-2). Specifically – adult business establishments; outdoor storage; outdoor service or equipment yards; and activities of a fabrication / manufacturing / industrial nature as primary uses are prohibited.

C. Lot / Yard / Structure Requirement

1. **Lot size Requirements**. None.

2. **Lot Coverage**. None.

3. **Setback / Yard Area**. None. There shall be a front yard of not less than ten (10) feet. This front yard shall be free of all principal buildings, accessory buildings, parking areas, and loading areas. Provided, however, lots adjacent to a Residential District shall provide a minimum yard of twenty-five (25) feet along that portion of the lot adjacent to the Residential District.

4. **Height**. Maximum structure height is forty-five (45) feet.

5. **Primary Structure**. The maximum size first floor footprint of a primary structure may not exceed 60,000 square feet.

6. **Accessory Structure**. The maximum size first floor footprint of any accessory structure may not exceed 10,000 square feet.

14.06.05.009. GENERAL COMMERCIAL (C-3)

A. Intent. The General Commercial District (C-3) is intended to accommodate community, highway and regional commerce activities, commercial services and sales, professional office / service oriented employment opportunities, and cultural / entertainment recreational/ social venues. All uses that require General Commercial (C-3) zoning are subject to the architectural / site plan review process outlined in Section 14.06.03.006 J of these regulations.

B. Uses.

1. **Permitted Uses**. Permitted uses in the General Commercial District (C-3) are listed on the Land Use Schedule in Section 14.06.05.013. The following uses shall be limited as follows:
   a. Fabrication / Manufacturing of articles to be sold on the premises, as well as repair services shall be incidental to a retail business or service with not more than fifteen (15) persons employed in such fabrication / manufacturing or repair services.

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the General Commercial District (C-3) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: signs, open space activity areas, trash enclosures, home occupations, parking, interior storage, etc.

3. **Special Uses**. Special uses permitted in the General Commercial District (C-3) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit special uses in the General Commercial District (C-3) with the following conditions:
   a. Pawnbroker – cannot be within one (1) mile of any other pay day / title loan business, pawnbroker, or precious metal dealer within the city limits; or within one-thousand (1000) feet of any such business located outside the city limits; or within two-hundred (200) feet of any residentially zoned property.
   b. Pay Day / Title loan services – cannot be within one (1) mile of any other pay day / title loan business, pawnbroker, or precious metal dealer within the city limits; or within one-thousand (1000) feet of any such business located outside the city limits; or within two-hundred (200) feet of any residentially zoned property.
   c. Precious Metal Dealer - cannot be within one (1) mile of any other pay day / title loan business, pawnbroker, or precious metal dealer within the city limits; or within

one-thousand (1000) feet of any such business located outside the city limits; or within two-hundred (200) feet of any residentially zoned property.

4. **Prohibited Uses**. All other uses which are not listed as permitted or permissible special uses in the Land Use Schedule in Section 14.06.05.013 or are found not to be consistent with the stated intent of the district shall be prohibited from the General Commercial District (C-3). Specifically – outdoor storage; outdoor service or equipment yards; and activities of a fabrication / manufacturing / industrial nature as primary uses are prohibited.

C. Lot / Yard / Structure Requirement

5. **Lot size Requirements**. None.

6. **Lot Coverage**. None.

7. **Setback / Yard Area**. None. There shall be a front yard of not less than ten (10) feet. This front yard shall be free of all principal buildings, accessory buildings, parking areas, and loading areas. Provided, however, lots adjacent to a Residential District shall provide a minimum yard of twenty-five (25) feet along that portion of the lot adjacent to the Residential District.

8. **Height**. Maximum structure height is forty-five (45) feet.

14.06.05.010. INDUSTRIAL NON-HAZARD DISTRICT (I-1)

A. Intent. It is the intent of the Industrial Non-hazard District Regulations to provide standards for area suitable for industrial, distribution and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that users of this land conduct activities that create low to moderate hazards to neighboring lands. All uses that require Industrial Non-Hazard (I-1) zoning are subject to the architectural / site plan review process outlined in Section 14.06.03.006 J of these regulations.

B. Uses.

1. **Permitted Uses**. Permitted uses in the Industrial Non-Hazard District (I-1) are listed on the Land Use Schedule in Section 14.06.05.013.

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the Industrial Non-Hazard District (I-1) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: commercial retail, food service, freight handling, office, parking stockpiling storage, warehousing, etc.

3. **Special Uses**. Special uses permitted in the Industrial Non-Hazard District (I-1) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit special uses in the Industrial Non-Hazard District (I-1).

4. **Prohibited Uses**. All other uses which are not listed as permitted or permissible special uses in the Land Use Schedule in Section 14.06.05.013 or are found not to be consistent with the stated intent of the district shall be prohibited from the Industrial Non-Hazard District (I-1).

C. **Performance Standards.** To be a permitted industrial use in Industrial Non-hazard District (I-1), whether as a permitted use, accessory use or as a special use, such use must meet the following performance standards:

1. **Physical Appearance**. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in building when such containers are not readily visible from the street.

2. **Fire Hazard**. No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other City ordinances.

3. **Noise**. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. Al noises shall be muffled so as not to be objectionable due to intermittence, heat frequency or shrillness.

4. **Sewage and Liquid Wastes**. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

5. **Air Contaminants**. Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half (1/2) hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

   Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal, but not exceed six tenths (.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

   Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

6. **Odor**. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed

that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not be considered obnoxious within the meaning of this Ordinance.

7. **Gases.** The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of the particular establishment involved.

8. **Vibration.** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (3/10,0000) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.

9. **Glare and Heat.** All glare, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

D. Lot / Yard / Structure Requirements

1. **Minimum Lot Requirements.** None specified.

1. **Minimum Yard Requirements.** There shall be a front yard of not less than a depth of twenty-five (25) feet. There shall be a rear yard of not less than a depth of twenty (20) feet. Each side yard shall be not less than ten (10) feet, provided, that on lots adjacent to a Residential District, all buildings shall be located so as to provide a minimum side and rear yard of twenty-five (25) feet along that portion of the lot adjacent to the Residential District. No required yard may be used for outdoor storage or parking.

2. **Maximum Lot Coverage.** The maximum lot coverage for all buildings and impervious surfaces shall be not more than fifty (50) percent of the total lot area.

14.06.05.011. INDUSTRIAL HAZARD DISTRICT (I-2)

A. Intent. It is the intent of the Industrial Density District Regulations to provide areas and standards for development of those areas suitable for industrial and storage activities, and particularly to separate high hazard activities from those less hazardous and to prevent the encroachment of less hazardous activities into the high hazard areas. . All uses that require Industrial Hazard (I-2) zoning are subject to the architectural / site plan review process outlined in Section 14.06.03.006 J of these regulations.

B. Uses.

1. **Permitted Uses.** Permitted uses in the Industrial Hazard District (I-2) are listed on the Land Use Schedule in Section 14.06.05.013. Such uses of land, structures, and buildings shall be permitted in this district and in no other district. The processes, materials, and manufacturers listed herein that qualify them as a Group H Occupancy, under the adopted Building Code, are indicative of and shall be included among high hazard uses. Structures will be allowed in this district and in no other district that have a use or quantity of materials that qualify them as a Group H Occupancy, under the adopted Building Code.

All buildings and structures or parts thereof shall be classified in the high hazard use group which are used for the storage, manufacture or processing of highly combustible or explosive products or materials which are likely to burn with extreme rapidity or which may produce poisonous fumes or explosions; for storage or manufacturing which involves highly corrosive, toxic or noxious alkalies, acids, or other liquids or chemicals producing flame, fume, explosive, poisonous, irritant or corrosive gases; and for the storage or processing of any materials producing explosive mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition.

2. **Permitted Accessory Uses**. Accessory uses normally appurtenant to the permitted uses shall be permitted in the Industrial Hazard District (I-2) when established within the space limits of this district, other applicable Codes and associated with an already established permitted use. Such uses may include but are not limited to: freight handling, office, parking, stockpiling, storage, warehousing, etc.

3. **Special Uses**. Special uses permitted in the Industrial Hazard District (I-2) are listed on the Land Use Schedule in Section 14.06.05.013. After the provisions of these regulations relating to special uses have been fulfilled, the City Council may permit special uses in the Industrial Hazard District (I-2).

4. **Prohibited Uses.** All other uses which are not listed as permitted or permissible special uses in the Land Use Schedule in Section 14.06.05.013 or are found not to be consistent with the stated intent of the district shall be prohibited from the Industrial Hazard District (I-2).

C. **Performance Standards.** To be permitted industrial uses in Industrial Hazard District (I-2), whether as a permitted use or as special use, such uses must meet the following performance standards:

1. **Appearance**. Junk, salvage, auto wrecking, and similar operations shall be shielded from view from streets and from adjacent properties in another district by means of a sturdy, sight-obscuring 10 foot high fence in good repair, and two rows of alternate planted evergreen trees.

2. **Fire Hazard**. All flammable substances involved in any activity established in this district shall be handled in conformance with the latest edition of the Fire Prevention Code and other city ordinances.

3. **Noise**. All noises and noise causing activities shall be muffled so that they will not create a disturbance greater than normal peak hour traffic noise on a major street when observed from any area Residential District. Major street noise for comparison purposes shall be measured at the property line.

4. **Sewage and Other Liquid Waste**. No operation shall be carried on which involves the discharge into a sewer, water course, or the ground of a liquid wastes of any radioactive nature, or liquid waste of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

5. **Air Contaminants**. Air contaminants and smoke shall be less dark than designated Number Two on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designed as Number Two shall be permitted for one(1) four(4) minute period in

each one-half (1/2) hour. Light-colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

Due to the fact that the possibilities of air contaminants cannot be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any source whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health, or safety of any such considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation, or property.

6. **Odor**. Odor causing operations shall be controlled so as to reduce escape of odors to the minimum practical within the limits of technology and economics.

7. **Gases**. All noxious gases shall be controlled to the extent that they will not be injurious to life and property. The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed twenty-five (25) parts per million, and nitrous fumes shall not exceed five (5) parts per million. All measurements shall be made at the property line.

8. **Vibration**. All machines including punch presses and stamping machines shall be mounted so as to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby lots.

D. Lot / Yard / Structure Requirements

1. **Minimum Lot Requirements**. None specified.

1. **Minimum Yard Requirements**. There shall be a front yard of not less than a depth of twenty-five (25) feet. There shall be a rear yard of not less than a depth of twenty (20) feet. Each side yard shall not be less than a depth of ten (10) feet, provided, that on lots adjacent to a Residential District, all buildings shall be located so as to provide a minimum side and rear yard of twenty-five (25) feet along that portion of the lot adjacent to the Residential District. No required yard may be used for outdoor storage or parking.

2. **Maximum Lot Coverage**. The maximum lot coverage for all buildings and impervious surfaces shall be not more than fifty (50) percent of the total lot area.

14.06.05.012. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

A. Intent. The planned unit development, hereinafter PUD, is designed to allow comprehensively planned projects which would provide innovative and imaginative approaches to urban design and land subdivision and development. The PUD is a process of developer and city negotiation, rather than a set of minimum requirements resulting in a standard land use product. It permits a flexibility of established land regulations as contained in the zoning districts and plat and subdivision regulation. When an area is developed under this article PUD, plat and subdivision requirements may

be waived, zoning district requirements pertaining to area, height, spacing, and use may be waived or modified and various land use mixtures may be permitted with appropriate screening, landscape buffers, and setback restrictions. In essence, the developer, with the review of a design review team and the approval of the planning commission, may write their own rules for land subdivision and development of a planned unit. However, in no case shall the purpose of zoning and platting nor the intent of the district regulations be violated.

B. **Design standards.** The planned unit development shall be planned as integral units and may be residential, commercial, industrial, or a combination of land uses. When land uses are mixed, the PUD shall be designed to be compatible with adjacent areas. PUDs shall meet all zoning district requirements unless specifically addressed in the approved development plan, however, in no case shall a PUD be less than two acres in size, nor shall a PUD be less than five acres in size if commercial or industrial uses are included.

1. **Environmental design**. Existing trees, groves, waterways, scenic points, historic spots, and other natural assets and landmarks shall be preserved whenever possible. The location of trees must be considered when designing open spaces and planning the location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finish grade levels. Excessive site clearing of topsoil, trees, and natural features will be discouraged. A general landscaping plan shall be required for all PUDs.

2. **Open space.** Common open space will be encouraged for environmental amenity or collective enjoyment by occupants of the development.

3. **Building spacing**. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings. Yard, setback, lot size, type of dwelling unit, height, frontage requirements, and use restrictions may be waivered for the PUD, provided that the spirit and intent of zoning are complied with in the total development plan, as determined by the commission. If topographical or other barriers within 50 feet of the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the commission shall impose either of the following requirements, or both:
    a. Structures located on the perimeter of the development must be set back in accordance with the provisions of the zoning district controlling the area within which the development is situated; and
    b. Structures located on the perimeter of the development must be well screened in a manner which is approved by the commission.

4. **Traffic circulation**. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUDs shall not be connected to local streets outside the development in such a way as to encourage their use by through traffic. The pedestrian circulation system and its related walkways shall be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the commission,

pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic. All nonresidential land uses within a PUD shall have direct access to a major street or frontage road, especially where large parking areas are included. Standards of design and construction for roadways, within PUDs may be modified as is deemed appropriate by the commission. Right-of-way width and street pavement widths may be reduced as deemed appropriate by the commission, especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

5. **Community services.** PUD approvals shall not be granted unless such facilities as water lines, sanitary sewer lines, and major streets exist in sufficient quantity to serve the PUD without overloading or creating traffic along local streets in residential neighborhoods, or unless the developer is willing to install them at his own expense.

6. **Phase development**. PUDs may be designed to be developed in phases. If the PUD is proposed in a residential zoning district, 20 percent of the total dwelling units must be physically constructed before any commercial use may begin construction.

C. **Administration.**

1. **Principal interests.** A planned unit development should generally satisfy the requirements of preliminary and final subdivision plats, and preliminary and final in the city and state statutes relating to the making and adopting of a city plan. The administration of a PUD involves the interaction and negotiation of three principal interests:
    a. **Developer**. The landowners or the representative of the landowners which is authorized to file a PUD application in their names and represent their interests in negotiating the terms of the PUD.
    b. **Design review team**. A review committee made up of city staff, planning commission and City Council representation. The team's function is to provide a review of the proposed PUD and make recommendations to maintain high quality planning standards.
    c. **Commission**. The city planning commission has many and varied functions to perform in PUD projects. They determine whether the PUD conforms with the adopted city plan and land regulations, conduct public hearings to receive citizen input, and negotiate the terms for acceptance for the PUD.

2. **Preconference**. It is intended that the filing, review, negotiation, deliberation, and approval process for a PUD avoids confusion or undue hardships on either the developer, design review team, or commission. The preconference is a joint informational meetings of the developer and design review team for their general review and understanding of the proposed PUD and the development policies of the city. Before filing any application for a PUD, the developer shall submit to the chairperson preliminary plans, maps, sketches, and basic site information. The chairperson shall arrange a joint meeting for consideration and advice as to the relation of the proposed PUD to general development and policies of the city. The general outline of the proposed PUD is to be presented, reviewed, and discussed with opinions, suggestions, and general recommendations given to inform and assist the developer. Suggestions made during the preconference are not legally binding but merely informed reaction to development proposals which should guide the developer in preliminary plans.

D. Preliminary development plan.

1. **Preliminary plan review.** The preliminary stage is the point at which major substantive review of the proposed PUD takes place. Recommendations are made on any necessary zoning changes or city plan revisions, and the citizens have a chance to respond to the proposed development.
    a. **Developer.** The developer shall initiate the action or a PUD by filing, with the building official, the following:
        i. **Fee.** Filing fee in the amount set forth in the city's fee schedule.
        ii. **Documentation.** Written documents as follows:
            a) A legal description of the total site proposed for subdivision and/or development, including a statement of present and proposed ownership and present and proposed zoning.
            b) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the developer. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the developer.
            c) A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
            d) Quantitative data for the following: total number and type of dwelling units, parcel size or minimum parcel sizes, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for useable open space), total amount of nonresidential construction (including a separate figure for commercial or institutional facilities), and other studies as required by the design review team.
            e) A copy of the proposed covenants, easements, and other provisions or land use restrictions proposed in the PUD.
        iii. **Site plan and supporting maps.** A site plan and any maps necessary to show the major details of the proposed PUD shall contain the following information:
            a) The existing site conditions including contours at two-foot to five-foot intervals, watercourse, floodplains (100-year flood elevations), unique natural features, and forest cover.
            b) Proposed lot lines and plot designs. In industrial and commercial portions of a PUD, the requirements for final lot lines or plot plan may be waived, considering the general flexibility required by the subdivider or developer to size lots to meet needs of individual projects. However, if the requirement for lot lines is waived, then the PUD site plan and other appropriate written documents must address minimum lot sizes permissible.
            c) The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and nonresidential structures (including commercial, industrial and public facilities).
            d) The location and size in acres of square feet of all areas to be conveyed, and dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses.

e) The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development).
f) The existing and proposed pedestrian circulation system, including its inter-relationship with the vehicular circulation system, indicating proposed treatments of points of conflict.
g) The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.
h) A general landscape plan, indicating the treatment of materials used for private and common open spaces.
i) Enough information on land adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
j) The proposed treatment of the perimeter of the PUD including materials and techniques used such as screens, fences, and walls.
k) Any additional information as required by the design review team necessary to evaluate the character and impact of the proposed PUD.

b. **Design review team**. After the developer has initiated action by filing the proposed PUD with the building official, the design review team has 30 days to review the PUD in detail, then convey their findings and recommendations in writing to the commission.

c. **Commission**. The commission shall take the following actions:
   i. Determine if the proposed PUD is in conformance with the intent of this chapter and the purposes of the platting and subdivision regulations.
   ii. Conduct a public hearing, then consider the concerns the local citizens have expressed relating to the proposed PUD.
   iii. Review the recommendations of the design team and negotiate or arbitrate the differences between the developer, the design review team, or local citizens.
   iv. Determine if the PUD is in conformance with the adopted city plan.
   v. After weighing all the evidence, the commission shall either approve the PUD as presented, approve the PUD subject to certain specified modifications, or disapprove the PUD. If the PUD is approved and a zoning change is required, the PUD shall be presented at the next regularly scheduled city council meeting for council approval or disapproval. If the PUD is approved subject to modifications, no zoning change actions shall occur until after final development plans have been approved.

E. **Final development plan.**

1. **Filing time limit**. If the developer fails to apply for final approval within one year following the approval of the preliminary development plan, the approval shall be deemed to be null and void. At its discretion and for good cause, the commission may extend, one time, for six months the period for filing of the final development plan.

2. **Final review.** The final development plan shall be filed with the city manager or staff designee and sent to the design review team for review. The design review team shall within 30 days of filing determine that the final development plan does not vary substantially from the previously

approved preliminary development plan and that all new information provided is in compliance with the ordinance requirements.

3. **Commission action**. The final development plan shall then be sent to the commission for final approval and appropriate changes in the zoning map and city plan shall be completed. If the commission does not approve a final development plan, their specific reasons for disapproval shall be stated in writing and made part of the public record, as well as presented to the developer.

4. **Acceptance and recording**. After commission approval, the PUD shall be sent with a recommendation to the city council for acceptance of streets, easements, public ways, public areas, and official recording in the county recorder's office. A performance bond may be required by the council for the construction of all public improvements including streets, utilities, and public areas. Following the council's formal acceptance and recording, engineering and/or building permits may be issued and construction may begin.

5. **Failure**. If the developer does not substantially complete the PUD, or any stage of the planned unit development, within the time limits proposed by the construction schedule, the commission shall review the PUD and may recommend that the time for completion be extended, that the PUD be amended, or that the approval be revoked and a new precise plan shall be required for any further development on subject property. If the developer has not begun development with the time limits imposed by the construction schedule, the approved and accepted PUD shall be considered null and void. Any zoning changes which resulted from the PUD approval shall automatically revert back to the original districts.

6. **Changes**. Minor changes in the location, siting, and height of buildings and structures or the position of lot lines so long as the new lot lines do not violate minimum lot sizes permitted by the zoning classification or subdivision/development plan, may be authorized by the city manager, planning commission and / or city council without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
    a. A change in the use or character of the development;
    b. An increase in the problems of traffic circulation or public utilities;
    c. A reduction in approved open space;
    d. A reduction of off-street parking and loading space; or
    e. A reduction in required pavement width.

All other changes in use, or any changes in the provision of common open spaces and changes other than listed in this subsection, must be made by the city council after report of the design review team and recommendations by the planning commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in community policy. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for recording of the initial final plan documents.

14.06.05.013. LAND USE SCHEDULE.

The Land Use Schedule provides a tabular summary of the land-use types allowed within each zoning district. The schedule is intended for reference and does not necessarily reflect all of the regulations that

may apply to particular uses or districts. In the event of conflict between the schedule and the permitted and special use regulations found within the individual district sections of this Article the text of the individual district regulations shall prevail.

1. **Permitted:** Uses identified in a particular district column of the Land Use Schedule with a "P" are "permitted by right" and shall be permitted in such district, subject to such all other requirements of this Chapter and the Code of Ordinances.
2. **Special Permit Uses:** Uses identified in a particular district column of the Land Use Schedule with an "S" are "special permit uses" and shall be permitted in such district if reviewed and approved by the Governing Body in accordance with the procedures and standards of this Chapter. Special permit uses shall be subject to such supplementary use regulations all other requirements of this Chapter and the Code of Ordinances.
3. **Not Permitted:** Uses not identified in a particular district column of the Land Use Schedule as permitted or by special use permit are not allowed in such district unless otherwise expressly permitted by other regulations of this Chapter or via the interpretation of such proposed use as comparable to those listed in the schedule and in keeping with the intent of the applicable zoning district.

P = Permitted, S = Special Permit Use, PS=Parking Study Required,*=supplemental regulations apply. All uses requiring R-3, C-1, C-2, C-3, I-1 or I-2 zoning are subject to the development plan review and approval process. PUD's may have a mixture of uses subject to the PUD review and approval process.

	Residential Districts						Commercial Districts			Industrial Districts			Parking Requirement
	AG/ R	R-1	RD-NS	RD-S	R-2	R-3	C-1	C-2	C-3	I-1	I-2	PUD	
RESIDENTIAL USES													
Boarding House						S	S	P					PS
Extended Family Dwelling - accessory	P*	P*	P*										2 spaces / unit
Extended Family Dwelling - attached	P* / S*	P* / S*	P* / S*										2 spaces / unit
Group Home - Limited	P	P	P	P	P	P							2 spaces
Group Home - General					S	S							1 space / 4 residents plus 1 space / employee
Halfway House					S	S							PS
Multi-Family Dwelling - Limited				P*	P*	P	P*	P*	P*				2 spaces per unit
Multi-Family Dwelling - General						P	P*	P*	P*				PS
Manufactured Home **	P	P	P	P	P								2 spaces
Mobile / Manufactured Home Park					S	S							2 spaces / unit
Rooming House						S	S	P					PS
Single-Family Dwelling	P	P	P	P	P	P	P*	P*	P*				2 spaces / unit
PUBLIC / CIVIC USES													
Aviation Field / Airport	S												PS

	Residential Districts						Commercial Districts			Industrial Districts			Parking Requirement
	AG/ R	R-1	RD-NS	RD-S	R-2	R-3	C-1	C-2	C-3	I-1	I-2	PUD	
Cemetery	S	S	S										PS
Church / Place of Worship	S	S	S	S	S	S	P	P	P				1/3seats in main assembly plus school / other uses separately
Club or Lodge													1/200 sq. ft.
College or University													PS
Correctional Facility - General													PS
Correctional Facility - Limited													PS
Communication and Utility Uses **	P* / S *	P */ S *	S*	S	S	S	S	S	S	P	P		PS
Cultural Facility / Services									P				1/300 sq. ft.
Daycare – Commercial							P	P	P				1 space plus 1 space per employee
Daycare – General					S	S	P						1 space plus 1 space per employee
Daycare - Limited **	P	P	P	P	P	P	P						None
Hospital						S	S	P	P				PS
Medical / Healthcare Facilities						S	S	P	P				PS
Nursing Home					S	P							1 space / 3 beds plus 1 space / employee

	Residential Districts						Commercial Districts			Industrial Districts			Parking Requirement
	AG/ R	R-1	RD-NS	RD-S	R-2	R-3	C-1	C-2	C-3	I-1	I-2	PUD	
Public Park / Recreation Facilities	P	P	P	P	P	P			P				PS
Public Safety / Government services	P	P	P	P	P	P	P	P	P	P	P		PS
School - Nursery / Preschool	S	S	S	S	S		S						PS
School - Elementary / Secondary	S	S	S	S	S	S	P	S	S				.5 spaces / student plus 1 space / employee
School - College / Vocational / Technical	S	S	S						S				PS
Wind Farm	S	S								S	S		PS
COMMERCIAL USES													
Adult Business establishments **									S*				PS
Amusements								P	P				PS
Arcade - commercial								P	P				PS
Auction services - Limited								S	S				PS
Auction services - General									S				PS
Auto sales - new								P	P				PS
Auto Sales - without sale lot							S	S					PS
Auto sales - used								S*	P				PS
Auto / Vehicle repair / service - Limited							P	P	P	P			2 spaces/ service bay
Auto Vehicle repair / service								S	P	P			2 spaces/ service bay

	Residential Districts						Commercial Districts			Industrial Districts			Parking Requirement
	AG/ R	R-1	RD-NS	RD-S	R-2	R-3	C-1	C-2	C-3	I-1	I-2	PUD	
Banking services							P	P	P				1/200 sq. ft.
Bar or Nightclub (Drinking Establishment)								S	P				1/75 sq. ft.
Bed & Breakfast establishments	S	S	S*				S						PS
Broadcast studio								P	P				1/300 sq. ft.
Building Materials / Supplies sales and services									P				PS
Campground - with or without Recreational Vehicle Park **	S								S				1 space / campsite
Car wash								P	P	P			1 space / bay
Commercial use of residential property							S						PS
Construction sales and service									S	P			1/250 sq. ft. plus 1 /1,000 sq. ft. of outdoor storage / display area
Consumer repair services							P	P	P				1/250 sq. ft.
Convenience store							S	P	P	P			1/250 sq. ft.
Entertainment, indoor							S	P	P				1/200 sq. ft. or 1/3 seats whichever is greater
Entertainment, outdoor							S	S	P				PS
Fitness center							S	P	P				1/200 sq. ft.

	Residential Districts						Commercial Districts			Industrial Districts			Parking Requirement
	AG/ R	R-1	RD-NS	RD-S	R-2	R-3	C-1	C-2	C-3	I-1	I-2	PUD	
Funeral home							S	P	P				1 space per 3 permanent seats plus 1 per 25 sq. ft. of temporary seating area
Garden Center							S	P	P				PS
Gasoline sales								P	P	P			1/250 sq. ft.
Golf Course / Country Club / Driving Range	S												4 spaces / hole
Gun Club or shooting range	S												1 space / range position
Home Occupation **	P	P	P	P	P	P	P						PS
Hotel / Motel / Lodging								S	P				1 space / rooming unit
Industrial and business equipment and supplies									S	P			1/250 sq. ft.
Kennel, commercial	S							S	P				1/200 sq. ft.
Laundry or dry cleaning							P	P	P				1/250 sq. ft.
Lottery / Gaming Facility (state licensed)									S				PS
Maintenance services									P	P			PS
Mechanical sales / maintenance / repair									P	P			PS
Medical or dental office							P	P	P				1/250 sq. ft.
Medical or dental clinic							S	P	P				1/250 sq. ft.

	Residential Districts						Commercial Districts			Industrial Districts			Parking Requirement
	AG/ R	R-1	RD-NS	RD-S	R-2	R-3	C-1	C-2	C-3	I-1	I-2	PUD	
Medical or dental lab								P	P				1/250 sq. ft.
Nursery, General							S	P	P				PS
Nursery, Wholesale	S												PS
Outdoor sales area (permanent / seasonal)								S	S				PS
Professional Office / Service							P	P	P				1/250 sq. ft.
Parking, commercial							P	P	P				
Parking Lot, storage										P	P		
Pawnbroker								S*	S*				1/250 sq. ft.
Pay Day Loan business								S*	S*				1/250 sq. ft.
Personal instruction							S	P	P				.5 spaces /person in largest class plus 1 space per employee
Personal services							P	P	P				PS
Precious Metal Dealer								S*	S*				1/250sq ft.
Produce stand							S	S					PS
Recreation / Social venues - fraternal, civic lodges									P				PS
Research services								P	P	P			1/250 sq. ft.
Restaurant, drive-in / thru services								P	P	P			1/75sq ft.
Restaurant, fast food								P	P	P			1/75 sq. ft.
Restaurant, general							P	P	P	P			1/75 sq. ft.
Restaurant, outdoor eating / entertainment areas							S	S	P	S			1/75 sq. ft.

	Residential Districts						Commercial Districts			Industrial Districts			Parking Requirement
	AG/ R	R-1	RD-NS	RD-S	R-2	R-3	C-1	C-2	C-3	I-1	I-2	PUD	
Retail								P	P				1/250 sq. ft.
Retail / Service limited									P	P	P		1/250 sq. ft.
Sales yard										P	P		PS
Self-service storage										P			1 space / 75 storage bays
Service station									P	P			2 spaces per service bay
Service Yard / Outdoor storage area									S	P	P		PS
Stable, commercial	S												PS
Tanning Salon								S	S				1/250 sq. ft.
Tattoo Parlor								S	S				1/250 sq. ft.
Title loan business								S*	S*				1/250 sq. ft.
Theater, indoor								P	P				1 space / 3 seats
Trade / Wholesale businesses and services									P	P	P		PS
Truck wash										P	P		PS
Vehicle and equipment repair									P	P			2 spaces per service bay
Vehicle and equipment sales / rental								P	P	P			1/300 sq. ft.
Veterinary or pet hospital / clinic / boarding facilities	S							P	P				1/200 sq. ft.
INDUSTRIAL USES													
Basic industry										P	P		1/1,000 sq. ft.

	Residential Districts						Commercial Districts			Industrial Districts			Parking Requirement
	AG/ R	R-1	RD-NS	RD-S	R-2	R-3	C-1	C-2	C-3	I-1	I-2	PUD	
Freight Depot / Distribution Center										P	P		PS
Lab, analytical / experimental										P	P		1/250 sq. ft.
Laundry service										P	P		1/1,000 sq. ft.
Manufacturing / Fabrication										P	P		1/1,00sq ft.
Manufacturing / Fabrication, Limited								P*	P*				1/1,000 sq. ft.
Outdoor Storage									S	P*	P*		PS
Printing and publishing										P	P		1/1,00 sq. ft.
Salvage yard											S		1/200 sq. ft.
Wholesale / warehousing										P	P		1/1,500 sq. ft.
AGRICULTURAL, EXTRACTIVE, UNDERGROUND USES													
Agriculture / Horticulture	P	P								P	P		None
Landfill											S		PS
Livestock Sales										S	S		PS
Livestock / Poultry Husbandry **	P	P*								P	P		None
Raising Crops	P	P								P	P		None
Rendering Plant											S		PS
Mining and quarrying											S		PS
Oil or gas drilling											S		PS

SECTION 14.06.06 GENERAL REGULATIONS

14.06.06.001. ADULT ENTERTAINMENT.

A. Additional Requirements. In addition to the procedural requirements of the zoning regulations of the Edwardsville City Code, the following shall apply to adult entertainment businesses:

1. The exact adult entertainment business shall be specified in the application. No more than one adult entertainment business shall be applied for on an application.
2. The proposed use shall not be located within 250 feet of or in any residential type zoning districts including but not limited to the following Zoning Districts: Agricultural / Residential (AG/R), Rural Residential District (R-1), Residential Developed No Sewer (RD-NS), Residential Developed Sewer (RD-S), Medium Density Residential District (R-2), and High Density Residential District (R- 3) and PUD development or zoning of any type.
3. An Adult Entertainment Business shall not be located in any park or within 500 feet of any pre-existing public, private or parochial school property, or the property of any park, Day Care Center, pre-school facility, church, synagogue or similar place of worship or any pre-existing residence.
4. An Adult Entertainment Business shall not be located in a building or structure which contains another business that sells or dispenses alcoholic liquor or cereal malt beverages.
5. An Adult Entertainment Business shall not be located within 1000 feet of another existing Adult Entertainment Business.
6. All building openings, entries, windows, doors and similar openings for Adult Entertainment Businesses shall be so located, covered or screened in such a manner to prevent a view into the interior from any pubic or semi-public place by outside passers-by.
7. Lobby and entrances shall be so designed to minimize obstruction of nearby streets and sidewalks during construction.
8. All distances specified herein shall be measured in a straight line from the nearest point on the building housing an Adult Entertainment Business to the nearest point of the property, property of a business or zoning district mentioned in subparagraphs (2), (3), and (5) above.
9. No noise from inside a building housing an Adult Entertainment Business shall not be audible at a point fifty (50) feet from any point on the outside of the building.
11. The Planning staff shall schedule a public hearing before the Planning Commission no more than sixty days after submission of the complete application. Such hearing may be adjourned from time to time, but in no instance shall the Planning Commission fail to present its recommendations to the City Council more than thirty days after the public hearing is opened. The City Council shall either approve such recommendations by the adoption of the same by ordinance, override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Council or return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the City Council's failure to approve or disapprove, within thirty days of receipt of the Planning Commission's recommendations. The Planning Commission, after reconsidering the same, may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendations, the City Council, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by ordinance, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendations to the City Council following the Planning Commission's next regular meeting after receipt of the City Council statement specifying disapproval, the City shall consider such course of inaction on the pat of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. Upon reaching a final decision or returning the recommendations to the Planning Commission, the City Council shall advise the applicant in writing of the action taken.

12. Special use applications for an Adult Entertainment Business shall include information showing that the location of the proposed special use complies with all the conditions set out in the applicable Zoning Ordinances of this City.
13. One (1) parking space is required for each two (2) occupants based on maximum occupancy as determined by the building and fire codes.

B. Special Use Only. Adult Entertainment Businesses shall exist in Edwardsville only as special uses and only in General Commercial (C-3) districts. As such the application for a special use permit shall be subject to the review and approval criteria in Section 14.06.03.006 I. In addition to meeting the requirements of that section, the Planning Commission shall consider the following criteria in reviewing a special exception application:

a. The nature of the proposed site, including its size, shape and arrangement of structures.
b. Traffic conditions, including the resulting traffic patterns.
c. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development.
d. Facilities for sewers, water, and other utilities, and the ability of the City to supply such services.
e. The limitations of fire-fighting and rescue equipment, and the means of access for fire and police protection.
f. The conservation of property values.
g. Contribution, if any, such proposed use, building or addition would make toward the deterioration of areas and neighborhoods.

14.06.06.002 HOME OCCUPATIONS.

A. Intent

1. The intent of this section is to allow home occupations, pursuant to a validly issued Home Occupation Permit (see subsection "B" below), provided that they do not detract from the residential character of a neighborhood and will not cause excessive traffic, noise, nuisance or hazards to safety. It is also the intent of this section to allow only those home occupations that are permitted accessory uses in their district and that qualify under this section.
2. Home Occupation Permit Required. No profession or other occupation not otherwise permitted in the district where located, which is conducted as a permitted accessory use on a residential lot by one or more members of the family residing on the premises, may be permitted until a Home Occupation Permit has been applied for and obtained from the City Clerk.
3. Home Occupation Permit Not Required. A home occupation permit is not required for the following situations yet the restrictions, limitations and conditions in subsection B below may be utilized to determine if the activity has a detrimental impact on neighboring property:
   a. Internet based businesses where no service, product, material (supply / inventory), or equipment and tools beyond typical office equipment (including vehicles utilized to conduct business) is kept created, or maintained on the property.
   b. Hobby based activities such as the creation of art, home furnishings, and other items as which are taken to off-site to be displayed or sold.
   c. Sale of agricultural products (e.g. eggs, vegetables, fruit) produced / raised on the property as part of residential gardening or small scale farming activity. This activity may include a small sale stand or area (less than 200 square feet).

B. Restrictions, Limitations and Conditions. Any home occupation permit may be granted subject to the following restrictions, limitations, and conditions.

1. No more than one (1) other person, in addition to members of the family residing on the premises, shall be engaged in such occupation.

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty (30) percent of the floor area of the dwelling shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) sign, not exceeding one (1) square foot in area, non-illuminated and mounted flat against the wall of the principal building.
4. No home occupation shall be conducted in any accessory building. Except in the AG/R Agricultural Residential or the R-1 Rural Residential zoning districts, where the area used for the home occupation within an accessory structure cannot exceed 30% of the floor area of the dwelling on the property.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
7. The home occupation is permitted in the zoning district.

14.06.06.003 MANUFACTURED HOMES / RV PARKS / MOBILE HOME PARKS

A. **Design Guidelines for Manufactured Housing.** The City of Edwardsville, Kansas recognizes the need for promoting a wide variety of housing types for its citizens. To help in the realization of that goal, the city has prepared these Design Guidelines for Manufactured Housing.

The following are the design guidelines for manufactured housing:

1. The roof must be double-pitched and have a vertical rise of 3.0 feet for each 12 feet of horizontal run, and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
2. Exterior siding cannot have a high-gloss finish and must be residential in appearance, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
3. The home must be placed on a permanent foundation that complies with the city building code for residential structures.
4. The hitch, axles, and wheels must be removed.
5. The unit must be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50% of the unit's long dimension.
6. The lot must be landscaped to ensure compatibility with surrounding properties.
7. The home must be at least 24 feet in width, and at least 40 feet in length, not including overhang, and shall contain at least 960 square feet of living space.
8. All fuel supply systems shall be constructed and installed in compliance with all applicable building and safety codes. Bottled gas tanks may be permitted only if gas service is not available on the nearest street and installation shall be in compliance with NFPA 58. Connection is to be made as soon as the gas service is available on the nearest street.

9. A garage is required. The external material and roofing of the garage must be of a comparable material as that of the dwelling unit.

B. Mobile Home Parks. The City Council by grant of a special use shall permit mobile home parks to be located in Medium Density Residential District (R-2) and High Density Residential District (R-3) provided that the proposed mobile home park meets all the following requirements:

1. A mobile home park shall have an area of not less than two (2) acres, nor more than ten (10) acres, and no mobile home park lot or office or service building shall be closer to a street or road right-of-way or other property line than twenty-five (25) feet.
2. The margins along the side and rear property lines shall be densely planted to coniferous or cedar trees for a depth of not less than twenty-five (25) feet, and shall be properly landscaped.
3. Individual mobile home lots shall have an area of not less than three thousand (3,000) square feet and the mobile home park shall not include more than eight (8) units per gross acre.
4. A minimum of twenty (20) feet, measured from any entrance, leanto, or other extension from said mobile home shall be maintained between mobile homes. Accessory buildings in rear yard area of the lot shall have a minimum of six (6) feet clearance from any lot line.
5. A request for a Special Use, for the purposes of this subsection, shall set forth the location and legal description of the proposed mobile home park property, a sketch of the proposed mobile home park, showing dimensions, driveways, proposed locations of mobile homes, and location of sanitary conveniences and other buildings and improvements.
6. No certificate of occupancy shall be granted until after certification of compliance with all ordinances and regulations regarding mobile home park licensing, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances has been made.
7. The applicant for a mobile home park shall prepare or cause to be prepared an application for rezoning and a development plan and shall present three copies of the plan for review and approval by the Planning Commission. The plot plan shall show topography and the location and size of:
   a. Mobile home sites
   b. Service buildings
   c. Off street parking area
   d. Electrical outlets
   e. Sewer outlets
   f. Water outlets
   g. Water lines
   h. Sewer lines
   i. Recreational areas
   j. Landscaped areas and walls or fences
   k. Roadways
   l. Sidewalks
   m. Storm shelters
8. The mobile home park shall be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
9. All mobile home spaces shall front upon a private roadway of not less than 40 feet in width, which shall have unobstructed access to a public street, alley or highway.
10. Walkways, not less than 30 inches wide, shall be provided from the mobile home spaces to service buildings.
11. All roadways and walkways within the mobile home district shall be hard surfaced and adequately lighted at night.
12. Laundry facilities for the exclusive use of the mobile home occupants may be provided in a service building.

13. At least one electrical service outlet supplying adequate electrical service as determined by the Planning Board shall be provided for each mobile home space.
14. A recreational area shall be provided at a central location in the mobile home district at the rate of 200 square feet for each trailer space.
15. A solid fence or wall and a 10-foot landscaped buffer area shall be provided between the Mobile Home Park District and any adjoining property zoned for residential purposes. The solid fence or wall shall not be less than four feet high nor more than six feet high. The owner shall be responsible for the maintenance of the fence or wall and the landscaped buffer area.
16. All mobile homes shall utilize "skirts" or visual screens for the open areas beneath the mobile home.
17. Water Supply: An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the district. Each mobile home space shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.
18. Tie Downs: Each mobile home shall be anchored by securing the superstructure against uplift, sliding, rotation, and overturning.
    a. Anchors and tie-downs, such as cast-in-place concrete "dead men", eyelets embedded in concrete slabs or runways, screw augers, arrowhead anchors, or other devices may be used to stabilize the mobile home.
    b. Anchors and tie-downs shall be attached to the mobile home according to the manufacturer's specifications and shall be capable of sustaining a minimum load of 2,800 pounds.
19. Utilities: All mobile homes within the district shall be connected to an approved public water supply and an approved sanitary sewer system.
20. Storm Shelters:
    a. Provision is to be made for a storm shelter to give protection to all residents of the mobile home development.
    b. Such storm shelter shall provide 30 square feet per mobile home in the development.
        i. The storm shelter shall be constructed to give adequate protection from tornados and high winds.
        ii. Provisions of the applicable building codes in effect for the City of Edwardsville shall be met. Items such as exits, fire protection, type of construction, ventilation, emergency lighting, etc., for "assembly" uses shall be observed. The Planning Board shall review such design for storm shelters prior to approval of any mobile home district.

C. **Recreational Vehicle Parks.** The following guidelines and restrictions shall apply to all Recreational Vehicle Parks.
1. The minimum tract size of land on which a Recreational Vehicle Park is situated shall be ten (10) acres.
2. An applicant seeking to construct a Recreational Vehicle Park shall prepare and submit a schedule of construction, which shall provide for the construction to commence within 180 days and to be completed within one year after City should issue an approval for the construction to commence.
3. Each applicant for a Recreational Vehicle Park shall prepare a development plan for submission to the Planning Commission and the Governing Body. The plan must depict or show all elements of the proposed development, and conform to the following criteria:
    a. The Recreational Vehicle Park shall be located on a well-drained site that is not subject to objectionable noise, smoke, odor, or other objectionable influences including

unpredictable or sudden flooding. All roadways, parking areas, and recreational vehicle areas shall be paved. Unpaved areas are subject to use shall be graveled or vegetated to eliminate and prevent dust.

b. Recreational vehicle parks shall have a maximum density of twenty (20) spaces per acre. A minimum of one thousand two hundred fifty (1,250) square feet shall be provided for each space.

c. Each recreational vehicle space shall be at least twenty feet wide and fifty feet deep, and have a clearly defined or marked boundary. The applicant should be aware that these are minimum sizes and the applicant should allow for a variety of sizes to accommodate a range of recreational vehicles. All spaces shall be designed to allow for pull-through operation of each recreational vehicle. Each space shall be designed to accommodate the recreational vehicle and any associated towing vehicle in such that no vehicle is closer than five feet to any interior circulation street or roadway. Each internal circulation road and the Recreational Vehicle Park must be designed to allow safe turning into spaces and onto circulation roadways of the park. Recreational vehicles must not block the view of the driver when pulling into or out of a recreational vehicle space.

d. Recreational vehicles shall be placed is such a way to provide for clearance of not less than ten feet between each recreational vehicle. This clearance shall not include any extension space from the vehicle side or any awning or sunshade extending from the side of the vehicle. Each recreational vehicle shall be situated at least than twenty from any building within the park or any property or boundary line of the park. No shall be no recreational vehicle or structure shall be parked or situated within twenty-five feet of a Street right of way line.

e. Each Recreational Vehicle Park must be designed and constructed so as to provide safe and convenient vehicular access to each vehicle space. The Recreational Vehicle Park owner(s) shall surface and maintain internal park roadways to ensure smooth dust-free paved surfaces that are well drained and meet all minimum requirements for parking lots and streets within the City. The minimum width required for all internal roadways shall be a minimum of 36 feet.

f. All roadways and walkways in a Recreational Vehicle Park shall be hard-surfaced, paved, and adequately lighted with electric lamps.

g. The recreational area shall be provided in a centralized location within the park. The size of the area shall be in proportion to the size of the park, but shall be a minimum of ten percent of the total park area.

h. If the park adjoins or abuts residentially zoned property, a solid or semi-solid fence, wall or evergreen hedge not less than six feet in height and having visual density of ninety percent or more shall be installed and maintained by the owner(s). The required wall or hedge may be not less than 42 inches in height if and to the extent that it adjoins a public street. All such walls or hedges shall be so situated to ensure safe ingress and egress from public roadways.

i. One single-family unit shall be permitted within the boundaries of the park for the park operator. Such unit may be a modular or conventional home but shall not be a mobile home. The recreational vehicle operator shall not remain in the Recreational Vehicle Park for more than ten days, either consecutively or cumulatively over a thirty-day period. Recreational vehicle spaces shall be rented by the day or week only.

j. An accessible, adequate, safe and potable supply of water shall be provided in each park. The public water supply shall not be from wells but from the BPU water supply system.

k. An approved sewage system shall be provided within each Recreational Vehicle Park. If a

public sewage system is available within 500 feet of the property line, a connection shall be made to that system. An approved sanitary disposal station shall be provided at the rate of one station per 100 spaces within the Recreational Vehicle Park. Each sanitary disposal station must be screened from other activities and from off-site view through the use of fencing, screening, vegetation, or some combination thereof, and shall be separated from other spaces or property lines by at least fifty feet.

l. Electrical service shall be installed for each Recreational Vehicle Park in accordance with applicable code provisions. Overhead lines shall be not less than eighteen feet above the ground unless they are installed underground. A minimum clearance of eight feet shall be maintained between the top of any recreational vehicle and any overhead wire.

m. A central services building providing toilet and other plumbing fixtures shall be located in the park, but in no case may spaces for the parking of recreational vehicles be located more than one hundred and fifty feet from the central services building. Toilets, urinals, lavatories, showers and service sinks all separated by sex, shall be provided at the central services building in accordance with the following schedule:

Schedule Concerning Central Services Buildings

Number of Spaces	Toilets		Urinals	Lavatories	Showers		Service
	M	F			M	F	Sinks
1-15	1	1	1	1	1	1	1
16-30	1	2	1	2	1	1	1
31-45	2	2	1	3	1	1	1
46-60	2	3	2	3	2	2	1
61-80	3	4	2	4	2	2	1
81-100	3	4	2	4	3	3	1

Parks having more than one hundred (100) spaces shall provide one additional toilet for each sex and one additional lavatory for each additional thirty (30) recreational vehicle spaces or faction thereof, and one additional urinal for each fifty (50) spaces or fraction thereof. The central services building shall be constructed in accordance with the specifications of the US Army Corps of Engineers.

n. The storage, collection and disposal of refuse in the park shall be performed so as to create no health hazards, or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers that shall be located not less the one hundred fifty (150) feet from any recreational vehicle space or playground.

o. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators shall be coated, constructed, maintained, and used in such a manner as to minimize fire hazards and smoke nuisance on the property where used and on neighboring properties. No open fires shall be permitted except in facilities provided by the park operator. No open fires shall be left unattended. No fuel or combustible material shall be burned which emits dense smoke or objectionable odors.

p. The park operator shall maintain a register setting forth a current record of all recreational vehicle owners and occupants within the park at any time. The register shall contain the following information: (a) The name and address of each recreational vehicle owner or occupant; (b) The name and address of each owner of a motor vehicle if other than recreational vehicle; (c) the date of arrival and departure of each recreational vehicle or motor vehicle; and (d) the license tag number of each recreational vehicle or motor vehicle within the park at any time.

The park owner, operator, manager, or caretaker shall maintain the park register and make it available for inspection at all times by law enforcement officers, public health officers, and other officials whose duties necessitate obtaining the information in the register. In addition, copies of the register shall be transmitted to the City on a monthly basis.

14.06.06.004 PARKING / ACCESS

A. Off-street Automobile Storage. Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces required for residential uses two (2) spaces shall be provided per dwelling unit and the following minimum requirements shall pertain to specific uses:

1. Commercial Centers and Buildings shall provide off street parking under the following guidelines.
   a. Commercial retail-shopping center development shall provide parking spaces at the following rates (per 1,000 SF (square feet) of building floor area):
      i. Strip Shopping Center containing less than 30,000 SF – 4 spaces
      ii. Neighborhood Shopping Center containing 30,000 to 100,000 SF – 4.5 spaces
      iii. Community Shopping Center containing 100,000 to 400,000 SF of building floor area – 5 spaces
   b. Specific uses in free-standing building(s) shall provide parking spaces at the rates identified in the Land Use Schedule (Section 14.06.05.013). Uses not listed in the table will be subject to a comparative rate if identified by the city or a rate of 4 per 1,000 sq. ft. of building area.
   c. A parking study may be done by the property owner and provided to the city if it is felt that another parking rate should be used for a proposed use or development. Such study is subject to review and approval by the City through the development plan review process.
2. If vehicle storage space or standing space required above cannot be reasonably provided on the same lot on which the principal use(s) is conducted in the opinion of the City Council, the City Council may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
3. **Dimensions of Parking Area.**
   a. **Size of Stalls.** A required off-street parking space shall be a rectangle, which is a minimum of 9 feet wide by 20 feet deep, placed at the prescribed angle so that it lies between the curb and the aisle. Handicapped parking spaces shall be a minimum of 12 feet wide by 20 feet deep and clearly indicated by paint and signage of their intended use.
   b. **Aisle Width.** Aisles shall provide access to parking spaces and shall provide the necessary space for maneuvering into and out of each space. They may serve either double or single bays of parking. The width of aisles providing access and maneuvering space shall be as follows:

Parking Angle	Stalls Serviced By Aisle	Traffic Flow	Aisle Width
90	One side	One or Two Way	24 ft.
90	Both sides	Two Way	24 ft.
45	One side	One Way	16 ft.
60	One side	One Way	16 ft.

45	Both sides	One Way	16 ft.
60	Both sides	One Way	20 ft.
45	Both sides	Two Way	20 ft.
60	Both sides	Two Way	20 ft.

d. **Ingress and Egress.** Ingress and egress shall be by means of paved driveways not exceeding twenty-five (25) feet in width for residential uses, and thirty-five (35) feet in width all other uses at points of connection with public streets. The minimum width of driveways for ingress and egress shall be the same as those specified above for aisles. Driveway width, for the purpose of this section, shall include only the pavement and not the curb and gutters.

The distance of a parking area entrance drive from the intersection of two (2) streets, and the distance between curb cuts, shall be based on the following street design standards. All measurements shall be taken from the right-of-way lines.

	Arterial	Collector	Industrial	Local/Minor Residential
Intersection ROW to curb cut	150'	150'	100'	20'
Between curb cut	200'	200'	50'	20'

4. Improvement of Parking Area.

a. **Surfacing.** All required off-street parking areas and access drives, shall be surfaced with asphalt, concrete or other surface material approved by the City Manager or his / her designee. In no event shall vehicles be parked on the grass or in any open space or yard area.

All off-street parking areas and all access drives shall be improved in a manner that provides the strength equivalent to a surface consisting of a minimum of a 6" rolled stone base overlaid with a 2" asphalt surface, or a 4" asphalt base overlaid with a 2" asphalt surface, or concrete of equal properties. This applies equally to all property in all zoning districts, except – in the Agriculture/Residential (AG/R) Zoning District it applies from the street to a distance of 75 feet and thereafter a rolled stone base is required.

b. **Maintenance.** Off-street parking areas shall be maintained in proper repair with a dust-free surface, except for parking areas and access drives in Agriculture/Residential (AG/R) zoning greater than 75 feet from the street.

c. **Drainage Facilities.** For any use which will require a parking area or access drive to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, as determined by the City, storm water drainage plans, including grading plans, shall be submitted to and approved by the City, prior to issuance of a building permit, occupancy certificate or business license.

d. **Time Limit.** All required off-street parking areas shall be ready for use, including the above surfacing requirement, before the issuance of an occupancy certificate (in the case of a new building or addition) or within forty-five (45) days after the issuance of an business license (in the case of change of occupancy in an existing building). An extension of time will be granted due to adverse weather conditions.

e. **Lighting of Parking Areas.** Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from adjoining residential uses, and

public rights-of-way.

f. **Additional Parking Regulations.**

i. Head-In Parking. Head-in parking from any public right-of-way, which would allow traffic to back out directly into the public right-of-way shall not be permitted. This paragraph shall not apply to single-family and duplex residential uses.

ii. Off-street parking, not required under this section, but voluntarily provided, shall comply with all the requirements with regard to location and construction.

iii. Required spaces shall not be used for storage and shall be kept available for their parking function.

5. **Obstructions to Vision at Street Intersections Prohibited.** No sign, landscaping, pole, or structure shall be located at elevations between two feet (2') and eight feet (8') above the accessway(s), driveway(s), street(s) or sidewalk(s) within the triangular area formed by the right angle of a line connecting them at points twenty feet (20') from the intersection point of said accessway(s), driveway(s), street(s) or sidewalk(s)or combination thereof set out as follows:

a. A vehicular accessway or driveway and a street;

b. A vehicular accessway or driveway and a sidewalk;

c. Two (2) or more vehicular accessways or driveways; or

No sign, landscaping, pole, or structure shall be located at elevations between two feet (2') and eight feet (8') above the accessway(s), driveway(s), street(s) or sidewalk(s) within the triangular area formed by the right angle of a line connecting them at points twenty-five feet (25') from the intersection point at the property line of any private street, public street or combination thereof. This is known as the sight triangle. This ordinance shall not apply to placements by the City, State or County.

6. **Off-Street Loading and Unloading Space.** Every new building or structure intended for use for business or trade shall provide not less than one (1) loading and unloading space, and sufficient driveway space to accommodate semi-trailers and tractors for the loading and unloading of vehicles off the street or public alley. Such place shall have access to a public alley or if there is no alley, to a public street and shall be screened from all residential areas adjacent to the business.

14.06.06.005 TELECOMUNICATION TOWERS

A. **Purpose and Intent.** This section is to establish the guidelines for the siting of towers and antennas for commercial wireless telecommunications. The guidelines are in part to discourage the location of towers in single family and multifamily residential areas and to encourage their location in non-residential areas and in the agricultural residential district; minimize the total number of towers throughout the city; encourage joint use of existing and proposed towers; and to encourage the users of the towers to design them to minimize visual impact of the tower on adjacent properties and the city as a whole.

B. **General Provisions**: The tower and facilities shall meet all Federal Communications Commission (FCC) requirements for radio frequency emissions.

1. **Building Codes and Safety Standards**: To ensure the structural integrity of towers, the owner of a tower shall ensure it is designed, constructed and maintained in compliance with the standards contained in the City building codes, life safety codes, and similar codes, as presently in effect and as amended from time to time.

2. **Removal of Abandoned Towers**: Any tower which is not operated for a period of 12 continuous months may be declared abandoned by the City and thereafter shall be removed at the owner's expense. For a tower with multiple users, abandonment has not occurred until all users have ceased using the facility for a period of at least 12 continuous months.

3. **Pre-Existing Towers and Antennas**: The provisions of this Section shall not apply to any towers and antennas erected prior to December 9, 1996.
4. **Inspection**: All towers shall be inspected biennially, once every two years, by an expert in the field of towers. This inspection is the responsibility of the tower owner and shall be at his expense. The report shall be filed with the City immediately upon completion of the inspection. Such inspection shall include but not be limited to the tower inspection check list of the Electronics Industries Association (EIA) Standard 22, as amended, Structural Standards for Steel Antenna Towers and Antenna Support Structures. Additional inspections may be ordered by the City upon a finding by the Governing Body that such is necessary to protect public health or safety.
5. **Authority to Trim Trees**: The operator shall have the authority to trim trees and foliage upon and overhanging streets and public property. All trimming shall be done under the supervision and direction of the City.

C. **Tower and Antenna Location and Development Standards**: The tower location and development standards shall be by special use permit and may be located in the AG/R, R-1, C-2 and C-3 zoning districts. Towers are a permitted use in the I-1 and I-2 zoning districts. Telecommunication towers proposed in zoning districts C-2, C-3, I-1 and I-2 are subject to plan review per Section 14.06.03.006 J.

1. **Height and Setback Limitations**: The setbacks required for a tower are one foot for each foot in height. Setback may be measured from the near edge of right-of-way of any public road and/or property line, whichever is closer to the location of the proposed tower. Height and/or setback deviation may be granted through the special use permit process.
2. **Tower Separation**: It is the intent of this section to minimize additional towers which are not necessary; each tower owner must make additional spaces on the tower available for qualified applicants at reasonable costs. Additional towers shall not be located within one mile of existing towers unless the applicant can demonstrate that the existing tower cannot be used for the applicant's type of service or the existing tower presently has all the co-locations which can be placed on the existing tower. If the applicant can demonstrate that one or two particular areas of the City, due to location, topography, elevation, etc. are exceptionally good locations for multiple towers, the City shall review the separation guidelines and may permit a clustering of the towers at that location with the understanding that only exceptional circumstances will be reviewed for additional tower sites within the City limits.
3. **Co-location**: Each tower constructed shall have capacity for at least three users; i.e. shall be three times the capacity of the intended use so that secondary users can lease the balance of the towers capacity at reasonable rates.
4. **Aesthetics**: All towers and accessory facilities shall be sited to have the least practical adverse visual impact on the environment. Towers shall not be lighted except if required by the Federal Aviation Administration (FAA). Towers shall be painted gray or light blue or have a gray galvanized finish unless other color is required by the FAA. If antennas are to be located on a structure other than a tower, the antenna, supports and appurtenances shall be designed, constructed and maintained to be visually compatible with the structure or building, so as to make the antenna, supports and appurtenances as visually unobtrusive as practical.
5. **Accessory Equipment Storage**: The screened and fenced area which will be located around the tower base and such additional structures necessary for the functioning of the tower, shall not be used as a general materials and vehicle storage area, unless such materials and vehicles are directly involved in construction or maintenance activities on the tower in question.
6. **Landscaping and Screening**: The purpose of landscaping and screening is to have the base area and those required appurtenances and structures necessary to operation of the tower visually blend into the surrounding area. Landscaping shall be required, a landscaping plan designed to provide screening in both the near term and long term shall accompany any application for special

use permit. If security fencing is required, it shall be in addition to instead of in place of landscaping requirements. Landscaping shall provide effective screening of the base of the tower and its appurtenances and structures from any adjacent residential zoned or used land. Natural areas, especially those containing significant trees, should not be removed but incorporated into a landscaping plan. Should the existing tree cover/vegetation be sufficient in the view of the City, additional landscaping may be deferred until such time as it should be warranted by the City.

7. **Parking Areas and Drives:** All parking and drives associated with the tower shall be paved in accordance with City ordinance, except curbs and gutters are not required unless specified by the City Engineer.
8. **Accessory Use Provisions:** Accessory uses shall include only such buildings and structures necessary to the operation of the tower. It does not include broadcast studios, offices, shops, storage structures and areas, or vehicle storage areas, or similar uses as determined by the City.
9. **Third Party Review**: The City, at its discretion, may require that any or all of the submitted information be turned over to a third party for review and comment. The applicant is responsible for any and all fees and costs incurred as a result of such third party review.

OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP A1 April 20, 2016

- AG / R – Agricultural / Residential
- R-1 – Rural Residential
- RD-NS – Residential Developed No Sewer
- RD-S – Residential Developed Sewer
- R-2 – Medium Density Residential
- R-3 – High Density Residential
- C-1 – Neighborhood Commercial
- C-2 – Commercial Retail
- C-3 – General Commercial
- I-1 – Industrial Non-Hazard
- I-2 – Industrial Hazard
- PUD – Planned Unit Development

OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP A2 April 20, 2016

- AG / R – Agricultural / Residential
- R-1 – Rural Residential
- RD-NS – Residential Developed No Sewer
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- R-2 – Medium Density Residential
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- C-3 – General Commercial
- I-1 – Industrial Non-Hazard
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OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP A3 April 20, 2016

- AG / R – Agricultural / Residential
- R-1 – Rural Residential
- RD-NS – Residential Developed No Sewer
- RD-S – Residential Developed Sewer
- R-2 – Medium Density Residential
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- C-2 – Commercial Retail
- C-3 – General Commercial
- I-1 – Industrial Non-Hazard
- I-2 – Industrial Hazard
- PUD – Planned Unit Development

OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP B1 April 20, 2016

- AG / R – Agricultural / Residential
- R-1 – Rural Residential
- RD-NS – Residential Developed No Sewer
- RD-S – Residential Developed Sewer
- R-2 – Medium Density Residential
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- I-1 – Industrial Non-Hazard
- I-2 – Industrial Hazard
- PUD – Planned Unit Development

OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP B2 April 20, 2016

- AG / R – Agricultural / Residential
- R-1 – Rural Residential
- RD-NS – Residential Developed No Sewer
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OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

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- I-2 – Industrial Hazard
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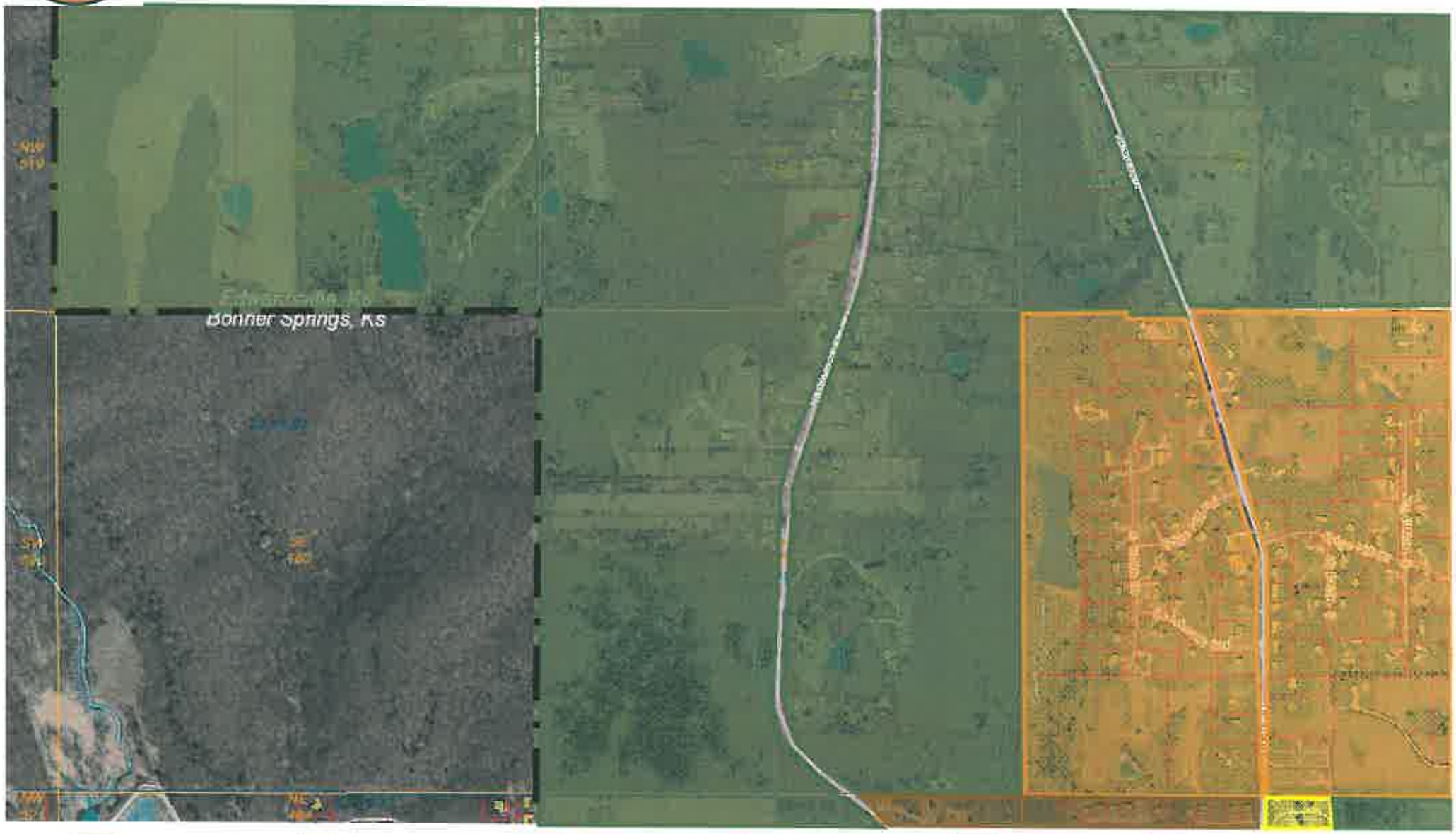
OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP C1 April 20, 2016



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OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

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OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP D1 April 20, 2016

AG / R – Agricultural / Residential	RD-NS – Residential Developed No Sewer	R-2 – Medium Density Residential	C-1 – Neighborhood Commercial	C-3 – General Commercial	I-2 – Industrial Hazard
R-1 – Rural Residential	RD-S – Residential Developed Sewer	R-3 – High Density Residential	C-2 – Commercial Retail	I-1 – Industrial Non-Hazard	PUD – Planned Unit Development

OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP D2 April 20, 2016

- AG / R – Agricultural / Residential
- R-1 – Rural Residential
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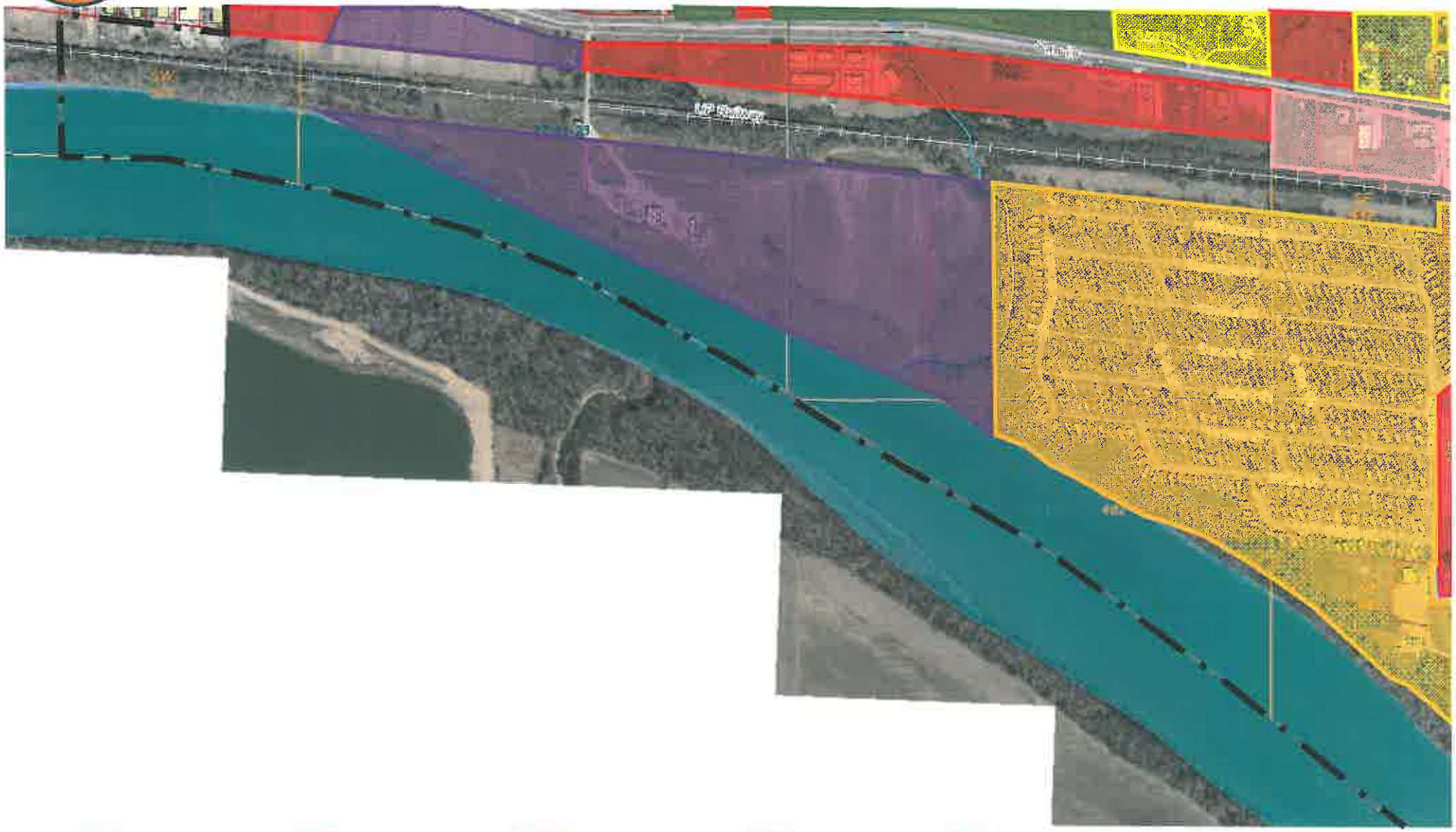
- I-2 – Industrial Hazard
- PUD – Planned Unit Development

OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP E1 April 20, 2016



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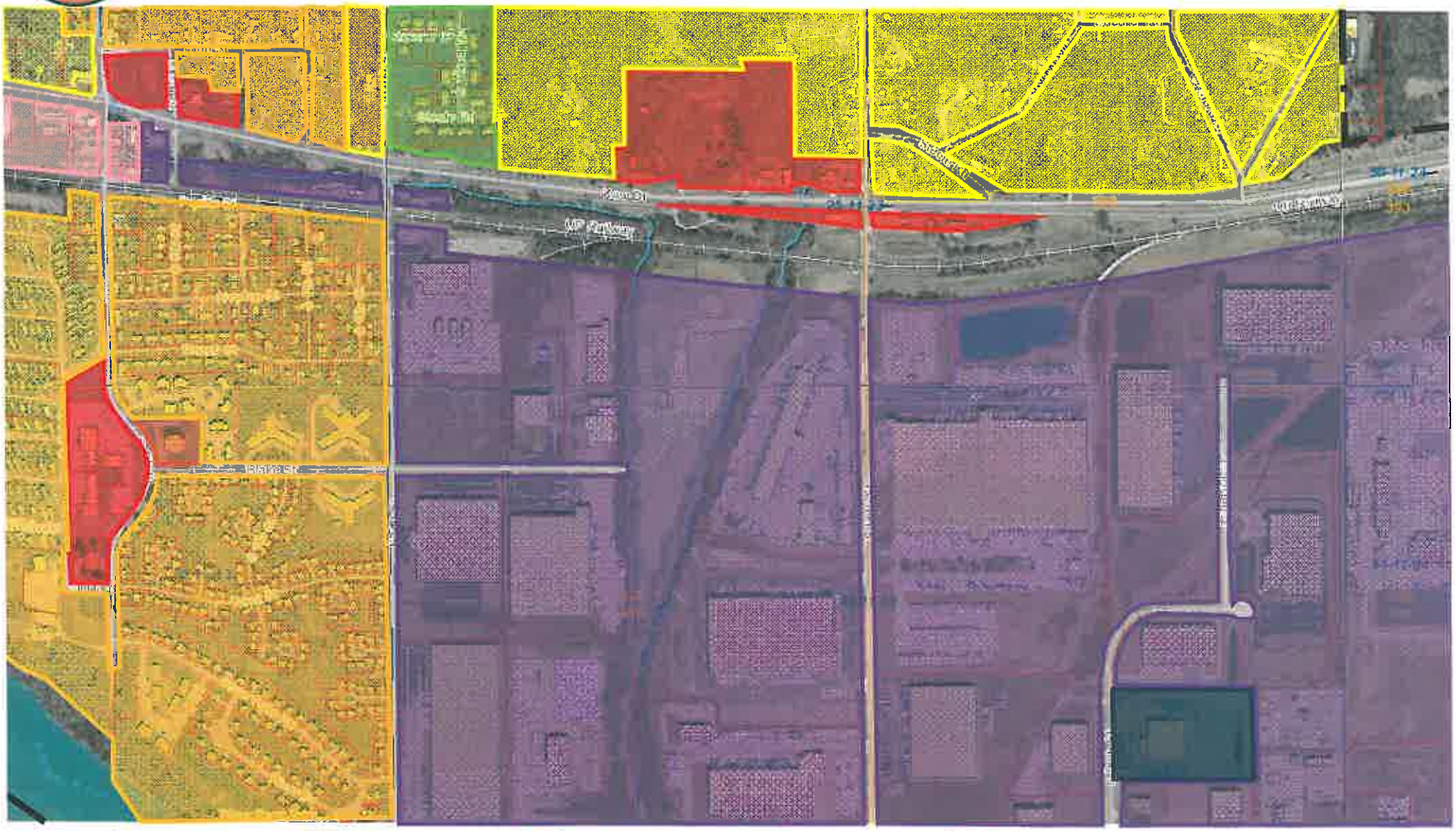
OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

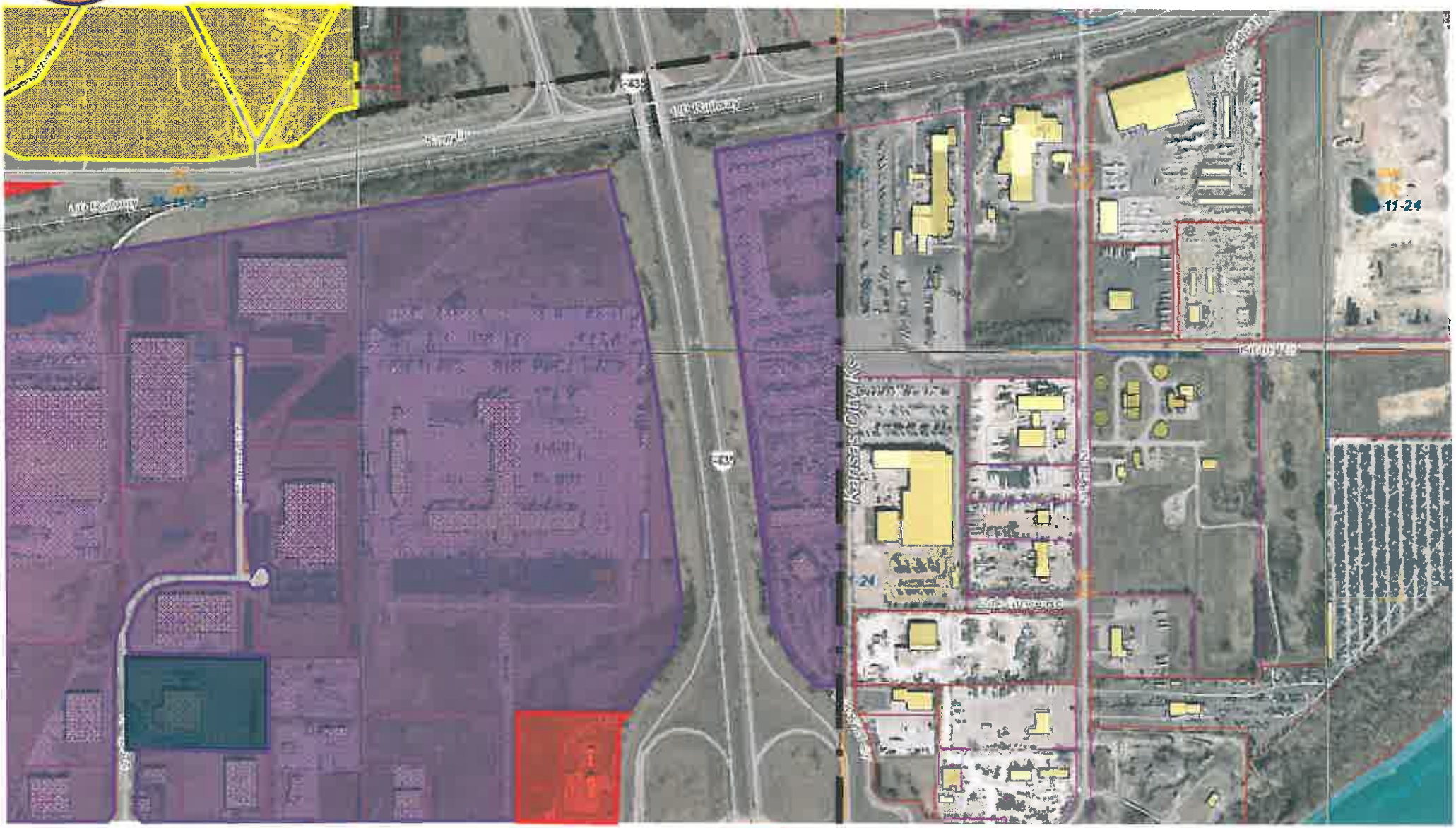
PANEL MAP E2 April 20, 2016



AG / R – Agricultural / Residential	RD-NS – Residential Developed No Sewer	R-2 – Medium Density Residential	C-1 – Neighborhood Commercial	C-3 – General Commercial	I-2 – Industrial Hazard
R-1 – Rural Residential	RD-S – Residential Developed Sewer	R-3 – High Density Residential	C-2 – Commercial Retail	I-1 – Industrial Non-Hazard	PUD – Planned Unit Development

OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP E3 April 20, 2016



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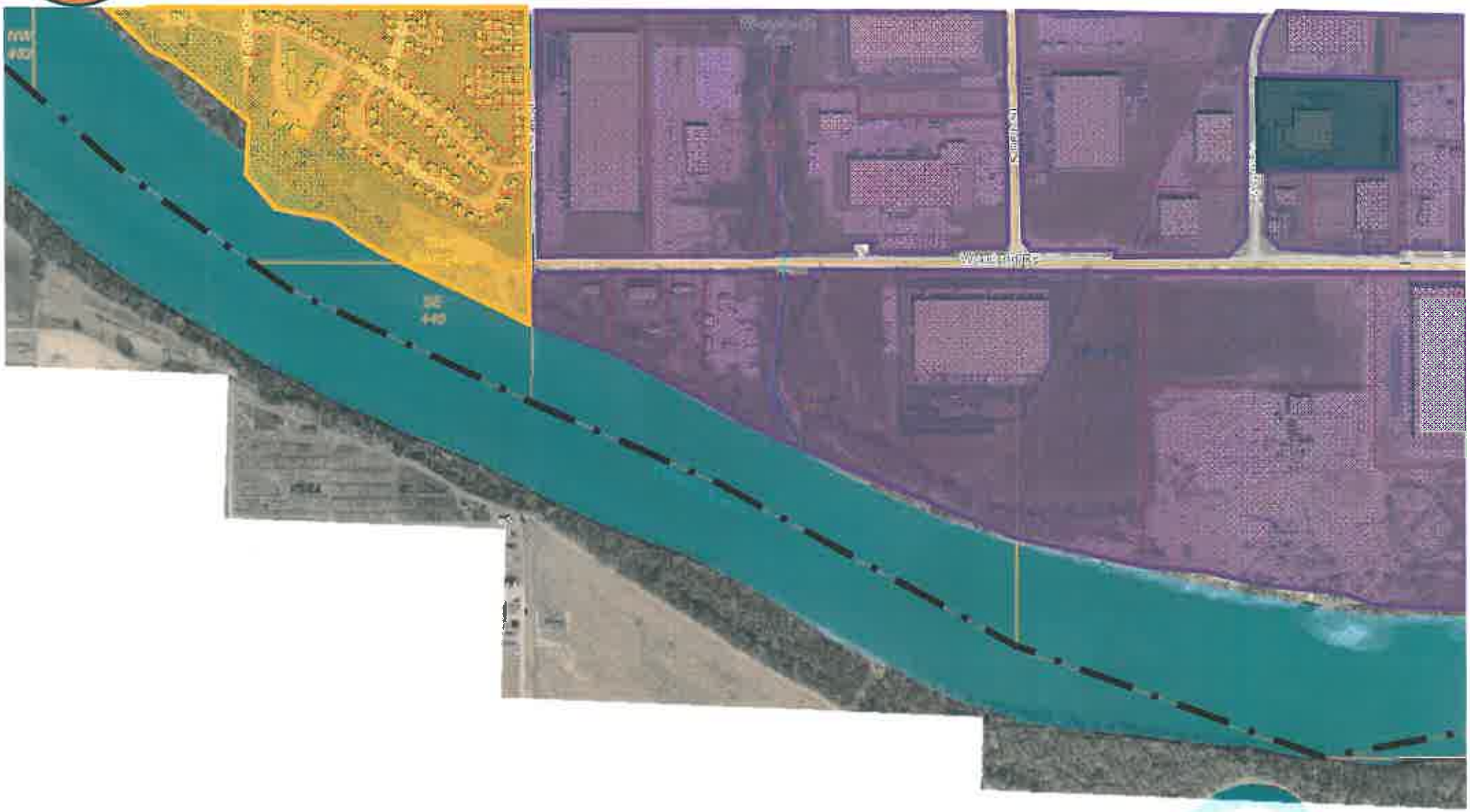
OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

PANEL MAP F1 April 20, 2016



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OFFICIAL ZONING MAP CITY OF EDWARDSVILLE

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