



City of Leavenworth  
100 N. 5<sup>th</sup> Street  
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING  
COMMISSION CHAMBERS  
TUESDAY, FEBRUARY 27, 2024 6:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting  
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

---

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

1. Minutes from February 13, 2024 Regular Meeting **Action:** Motion (pg. 02)

**Second Consideration Ordinance:**

2. Second Consideration Ordinance No. 8235 Amending Chapter 28 Nuisances of the Leavenworth Code of Ordinances  
**Action:** Roll Call Vote (pg. 10)

---

**NEW BUSINESS:**

**Public Comment:** (i.e. Items not listed on the agenda or receipt of petitions)-Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak.

**General Items:**

3. Mayor's Appointments **Action:** Motion (pg. 27)

**Resolutions:**

4. Resolution B-2360 Annual Report for Stormwater 2023 **Action:** Motion (pg. 28)  
5. Resolution B-2361 Section Eight Management Assessment Program(SEMAP) Certification **Action:** Motion (pg. 51)

**First Consideration Ordinance:**

6. First Consideration Ordinance for Special Use Permit for Gas Station Use in North Neighborhood Redevelopment Overlay District at 300 N 4<sup>th</sup> Street **Action:** Consensus (pg. 58)  
7. First Consideration Ordinance for Special Use Permit 920 N 14<sup>th</sup> Street for Two-Family Dwelling in R1-6 Zoning District **Action:** Consensus (pg. 68)  
8. First Consideration Ordinance Development Regulations Text Amendments **Action:** Consensus (pg. 75)  
9. First Consideration Ordinance Amending Chapter 2, Article II of the Leavenworth Code of Ordinances  
**Action:** Consensus (pg. 157)

**Staff Report:**

- Camp Leavenworth Feedback Session (pg. 163)
- Revenue Overview Presentation (pg. 164)

---

**Consent Agenda:**

Claims for February 9, 2024 through February 22, 2024, in the amount of \$1,360,004.37; Net amount for Payroll #3 effective February 9, 2024, in the amount of \$387,387.52 (No Police & Fire Pension). **Action:** Motion

**Other:**

**Adjournment** **Action:** Motion



**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Griff Martin, Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson (via telephone call-in).

**Staff members present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Planning & Community Development Director Julie Hurley, Parks & Recreation Director Steve Grant and Parks & Recreation Deputy Director Brian Bailey, Police Chief Patrick Kitchens, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Mayor Martin asked everyone to stand for the pledge of allegiance followed by silent meditation.

**PROCLAMATION:**

**Susan B. Anthony Day, February 15<sup>th</sup>** – Mayor Martin read the proclamation proclaiming February 15<sup>th</sup> as Susan B. Anthony Day. The proclamation was accepted by TerriLois Mashburn of the Leavenworth County Historical Society.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Bauder moved to accept the minutes from the January 23, 2024 regular meeting. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8234 Amending Chapter 8 Animal Control and Regulation of the Leavenworth Code of Ordinances** – Police Chief Kitchens reviewed the ordinance and recommended the removal of the last sentence of the first paragraph of Section 8-601 of the proposed ordinance. Staff will further evaluate recommendations provided by the LAWS organization regarding the feral cat issue and bring back any recommendations to the City Commission.

Commissioner Bauder moved to approve Ordinance No. 8234, to include the removal of the last sentence of the first paragraph of section 8-601. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0

**Public Comment:** *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

TerriLois Mashburn, 300 Walnut St:

- Noted that the Register of Deeds Office was recently recognized as a top register to the property fraud program
- A flyer will be going out March 1<sup>st</sup> about the property fraud program



Michael Lay, 907 Columbia:

- Addressed issues with sealing of the streets
- Addressed boxes not being picked up, requested boxes to be picked up without being bagged

**Public Hearing:**

**Public Hearing for Waiver of Distance Requirement for Temporary Liquor Permits for St. Joseph Church & Immaculate Conception Church:**

**Open Public Hearing:**

Commissioner Hingula moved to open the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Staff and Public Comment:**

City Clerk Sarah Bodensteiner reviewed the request for the waiver.

- City Code allows for a waiver to permit alcoholic liquor to be sold or served from a location within 300 feet from any church, school, nursing home, library or hospital
- Immaculate Conception Church located at 711 N 5<sup>th</sup> is having its annual St. Patrick's Corned Beef and Cabbage dinner on March 10, 2024, and St. Joseph Church located at 306 N Broadway St. is having its Annual Germanfest Dinner & Dance on October 5, 2024, and are requesting waivers to apply for the temporary liquor licenses
- Letters were sent to all property owners within 300 feet of both locations notifying them of the public hearing

John and Theresa Williams:

- Provided history and details of the annual events to the Commission
- Highlighted the church's mission regarding education

Stacy Cotton, 2032 Marjorie Circle:

- Asked about the integrity of a church raising money by serving alcohol

Steffany Trofino, 1710 Randolph Ct:

- Stated they are getting money but they are doing something good with it

**Close Public Hearing:**

Commissioner Bauder moved to close the public hearing. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Commissioner Bauder moved to approve the request to waive the 300 foot requirement from any church, school, nursing home, library or hospital for the St. Patrick's Corned Beef and Cabbage event at Immaculate Conception Church and the Annual Germanfest Dinner & Dance at St. Joseph Church. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**General Items:**

**Mayor's Appointments:**

Mayor Martin moved to appoint to the Convention & Tourism Committee Jeanie Hazels to an unexpired term ending January 31, 2025. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Special Event Street Closure Request** – City Clerk Sarah Bodensteiner presented for consideration a street closure request for a special event occurring on April 27, 2024. The request is to close the 400 to 600 block of Delaware Street and to close 5<sup>th</sup> Street from Shawnee Street to Cherokee Street from 10:00 a.m. to 6:00 p.m. to accommodate the street event.

Cari Payer, 200 S 5<sup>th</sup> Street:

- Provided background on the event and the road closure request

Mr. Kramer:

- Staff is neutral and supportive of events that bring attention to our downtown
- Concerns from staff perspective are about traffic, towing cars, awareness of the businesses, and is the area returned to the previous condition after the event
- Touched upon cost components

Mayor Martin:

- Asked if staff had estimates about cost, specifically around towing cars and refuse services

Mr. Kramer:

- Costs can range anywhere between \$600-800 in costs to tow or more
- For refuse it depends on what is needed

Police Chief Kitchens:

- Stated for the motorcycle show held in August towing cost was about \$800 and for Camp Leavenworth it was around \$2,000

Commissioner Pittman:

- Asked for clarification on what would be in the street and on the sidewalk

Ms. Payer:

- Event would encompass both street and sidewalk

Commissioner Bauder:

- Asked if they are working with Main Street on this event

Ms. Payer:

- Advised she is not working with Main Street, just businesses in the downtown working together

Commissioner Hingula:

- Asked about the amount of food trucks possibly participating

Commissioner Wilson:



- Asked if feedback was received regarding the Christmas event

Ms. Payer:

- Positive feedback was received

Mayor Martin:

- Event is a great idea and would like more
- Concern is from a cost standpoint and making sure City is covering its cost

Mr. Kramer:

- Suggested approval be contingent upon the event taking care of its own refuse and if towing occurs, that those costs should be paid for by the event or worked out between the event and City

Commissioner Pittman moved to approve the street closure request for Saturday, April 27, 2024 upon the details of refuse and towing/moving of vehicles being worked out between the City Manager and Event Organizer. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Approval of Updated Purchasing Policy** – Finance Director Roberta Beier presented for approval updates to the City’s Purchasing Policy. Reviewing and updating the Purchasing Policy on a regular basis is necessary to maintain adherence to laws, regulations, and best business practices. Since the last update to the Purchasing Policy, the City Commission amended Charter Ordinance 40 with Ordinance No. 8213 which increased the threshold permitted for Design/Build contracts to \$10,000,000 and the Finance Department made several changes to its routine practices to improve internal controls. At the same time, it has become clear that the Purchasing Policy is now outdated with regard to current practices and purchasing limits. Therefore, Staff is bringing an updated Purchasing Policy to the City Commission for approval. The updated Policy has been reviewed and endorsed by the City Manager. Because a number of years have passed since most of the processes and practices in the Purchasing Policy have been updated, this revision of the Purchasing Policy contains several changes. The majority of these changes are minor clarifications to established procedures and responsibilities, but several of the changes are substantive. Ms. Beier reviewed the substantive changes:

- Update and clarification of responsibilities within the Finance Department
- Purchase Cards
- Updated Purchasing Limits
- Addition of Solicited Quote Process
- Increase in City Manager’s Approval Authority
- Increase in Minimum Limit for Requests for Proposals
- Required Forms
- Design/Build Contracts
- Equal Opportunity

Commissioner Bauder moved to approve the updated Purchasing Policy as presented. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.



**Review Draft of 2023 KDHE Annual Report for Stormwater** – Public Works Director Brian Faust reviewed the draft report. The report summarizes the actions the City has taken the previous year to protect and enhance stormwater quality. The guidelines for the activities to be reported on are set by the revised Stormwater Management Program which was adopted by the City Commission on October 27, 2020 and these guidelines have been used since 2021. The report is required to be submitted annually and it is suggested by KDHE and EPA that the report be available for review in a public forum and allow time for public comment. The report will come back to the City Commission for approval at the February 27, 2024 meeting to allow time for public comments. No action is needed by the Commission at this time. Key narratives in the report are:

- Executive Summary
- Six minimum control measures: Discussion on effectiveness and annual performance measures:
  - Public education and outreach
  - Public involvement and participation
  - Illicit discharge detection and elimination
  - Construction site stormwater runoff and control
  - Post construction stormwater management in new development and post development projects
  - Pollution prevention and good housekeeping

**Bids, Contracts and Agreements:**

**Consider KDOT Agreement for 4<sup>th</sup> Street Improvements – Rees Street to Poplar Street** – Public Works Director Brian Faust presented for consideration approval of the KDOT Agreement for the 4<sup>th</sup> Street Improvements from Rees Street to Poplar Street. This project is part of the City Connecting Link Improvement Program (CCLIP). In 2023, the City applied for and was awarded a CCLIP grant for the improvements along 4<sup>th</sup> Street between Rees and Poplar. This project does not involve reconstruction of the pavement, but will include localized base patching and mill/overlay of the pavement. There will also be some ADA ramp, curb and sidewalk upgrades. The City is responsible for design costs along with non-participating items to include sidewalk, curb/gutter and ADA ramps. The City is currently requesting qualifications for interested design consultants and tentatively plan to award the design phase in late March. The project schedule from KDOT shows design completed in late 2024 with bidding in April 2025. Construction of the improvements are tentatively slated for the summer of 2025.

Commissioner Pittman moved to authorize the Mayor to sign KDOT Agreement No. 29-24 for the 4<sup>th</sup> Street Surface Preservation Project between Rees Street and Poplar Street. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Award of Bid for Buffalo Bill Cody Park Sports Court Replacement Project** – Parks & Recreation Director Steve Grant and Parks & Recreation Deputy Director Brian Bailey presented for consideration award of bid for the replacement of the sports courts at Buffalo Bill Cody Park. The 2024 Capital Improvement Program included the renovation and reconstruction of the sports court area at Cody Park. The design firm was selected in September 2023 for design, plan development, specification development and project administration. Two open house public meetings were held at the Riverfront Community Center to garner input from the public for the project. Both meetings were well attended with extensive input from the public regarding types of preferred recreation activities as well as best utilization of space. Bids were solicited and opened on February 6, 2024. The base bid included the post-tension concrete,



which drastically extends the life of the courts along with dramatically reducing cracking and separation from occurring on the court playing surface. Staff recommends the base bid from Sands Construction LLC, utilizing \$11,000 deduction with alternates number three and five, for a total bid cost of \$713,000.00. There are sufficient funds in the 2024 CIP Reserves to cover the additional cost that was not allocated in the 2024 CIP construction.

Commissioner Hingula:

- Asked for clarification on the alternates
- Asked if both court surfaces will be done in post-tension concrete

Commissioner Bauder:

- Asked about a timeline

Mr. Grant:

- Stated both surfaces will be the post-tension concrete
- This is about a 6 month project, hopefully ready to open in the fall

Commissioner Hingula moved to approve and award the bid for the Buffalo Bill Cody Sports Court Replacement Project to Sands Construction, LLC in an amount not to exceed \$713,000.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

#### **First Consideration Ordinance:**

**First Consideration Ordinance Amending Chapter 28, Nuisances of the Leavenworth Code of Ordinances –** Planning & Community Development Director Julie Hurley presented for first consideration an ordinance amending Chapter 28, Nuisances of the City of Leavenworth Code of Ordinances. The revisions are intended to bring the City Ordinance into compliance with Kansas Statute and primarily refine internal staff procedures. City Attorney David Waters reviewed the revisions regarding the Nuisances Chapter of the City Code:

- General nuisances: too tall grass, sitting water, vermin, etc. junk yard/auto
- International property maintenance codes are adopted and ensuring they are properly cross-referenced
- Biggest changes are about providing notices and self-help provisions
- More clear provisions on general enforcement
- Worked with City Prosecutor and Municipal Court Judge to ensure processes are aligned and clearly defined
- Expanding junk definition on property regarding inoperable vehicles
- Short hand procedures regarding weed notices

Commissioner Hingula:

- Asked how boats in disrepair or unsightly may be handled under this section

Attorney Waters:

- Replied that scenario could be handled under this section as a general nuisance



Commissioner Pittman:

- Asked if there has been any issue with right of entry

Ms. Hurley:

- If we go onto a property it is done so via a court ordered abatement

There was a consensus by the Commission to place on first consideration.

**Staff Report:**

**Transportation Update** – Planning & Community Development Director Julie Hurley and Transportation Director at The Guidance Center Brian Golubski provided an update on the RideLV program, as well as potential areas for improvement and growth for the service. In January 2018, a Transportation Study was completed in partnership with the Mid-America Regional Council (MARC), Kansas City Area Transportation Authority (KCATA), the City of Leavenworth and Leavenworth County. As part of that study, the primary transit alternative suggested for development in Leavenworth was a demand-response service. After the completion of the Transportation Study, the Leavenworth City Commission made a commitment to its implementation through annual goal setting and an annual commitment of funding. In December 2022, a Temporary Transit Committee was convened, comprised of representatives from local service agencies and members of the public. The Committee worked to identify specific transportation needs of the public, as well as the logistical means of how to best meet those needs. In partnership with The Guidance Center and KCATA, the RideLV transportation system launched for service in April 2023. Funding for capital and operating costs is provided through KDOT Grants, administered by The Guidance Center staff, as well as matching funds from the City of Leavenworth. The transportation fleet consists of 3 vans, with all operations being managed by The Guidance Center. Other items of discussion included:

- 618 unique riders
- 6.2 average rides per rider each month
- 10,938 total rides completed
- Approximately 350 unique pick up and drop off locations
- Stats for monthly ridership and shared rides
- Overview of top pickup and drop off locations
- Looking to implement a voucher/coupon option for community service organizations to provide individuals
- Work with City of Lansing and State of Kansas to expand service area
- Look for new ways to promote service
- Continue to emphasize use of app as best option for booking and paying for rides
- Feedback has been overwhelmingly positive

Commissioner Bauder:

- Asked for the schedule/times that rides can be made
- Asked if there is a number for how many calls come in from Lansing residents
- It's a great program and so glad to see it doing so well

**Commissioner Wilson left the meeting**

**Consent Agenda:**



Commissioner Hingula moved to approve claims for January 19, 2024, through February 8, 2024, in the amount of \$2,648,038.56; Net amount for Payroll #2 effective January 26, 2024, in the amount of \$424,377.03 (Includes Police & Fire Pension in the amount of \$7,491.38). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

**Other:**

Commissioner Hingula:

- Enjoy the parade if you're going, and be safe

Commissioner Bauder:

- Appreciate the communication regarding the feral cat issue
- Very dedicated people and groups on this matter
- If you call and leave a message, please leave a name and number so I can return your calls

Commissioner Pittman:

- Congratulated the Chiefs on their victory
- Happy valentine's day
- Noted some items/event coming up in the downtown

Mayor Martin:

- Echoed the sentiments about the Chiefs
- Be safe at the parade

**Adjournment:**

Commissioner Hingula moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 7:54 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8235  
AMENDING CHAPTER 28 NUISANCES OF THE CITY OF LEAVENWORTH  
CODE OF ORDINANCES**

**FEBRUARY 27, 2024**



Sarah Bodensteiner, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the February 13, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING CHAPTER 28 (NUISANCES), ADDING NEW AND  
SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS CHAPTER  
AND SECTIONS SO AMENDED.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8235 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8235



*(Summary Published in the Leavenworth Times on March 2, 2024)*

**ORDINANCE NO. 8235**

**AN ORDINANCE AMENDING CHAPTER 28 (NUISANCES), ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS CHAPTER AND SECTIONS SO AMENDED.**

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

**Section 1.** Chapter 28 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

**CHAPTER 28. NUISANCES<sup>1</sup>**

**ARTICLE I. IN GENERAL**

**Sec. 28-1. Nuisances; legislative findings.**

- (a) The purpose of this article is to provide reasonable controls restricting and prohibiting the allowance of nuisances to exist on property within the city; to declare that certain conditions which are unsightly, are a menace and dangerous to the health of the inhabitants of the city, or are offensive to the general public health, safety and welfare of the community constitute public nuisances; to provide a method of enforcement of this article; to provide procedures to notify property owners or those in control of real property, notification and an opportunity to be heard concerning violations of this chapter; to provide administrative procedures to allow the city to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the city; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.
- (b) The governing body of the city hereby finds that the allowances of nuisances, as defined herein, on private property or adjacent rights-of-way or easements, are public nuisances, a menace and dangerous to the health of the inhabitants of the city, and of the residential or commercial areas of the city, and are offensive to the general public health, safety, and welfare of the community. Such nuisances promote conditions which may cause disease; pollution; proliferation or rats, vermin, mosquitoes, and snakes; the spread of fire; a harmful environment for transients and the community as a result of transient use; harmful attractions for children; creates long

---

<sup>1</sup> State law reference(s)—K.S.A. 12-1617e (Abatement of nuisances; notice; assessment and collection of costs; procedure; disposition of motor vehicles); K.S.A. 12-1617f (Weeds; removal or destruction; assessment and collection of costs; notice; procedure); K.S.A. 12-1617g (Ordinances on nuisances).



and short-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the city.

**Sec. 28-2. Definitions.**

- (a) As used in this chapter, the following terms shall have the following meanings. Certain terms used herein but not defined herein shall have such meanings as set forth in the International Building Code or the International Property Maintenance Code, as adopted by the city, which definitions are incorporated herein by this reference.
  
- (b) *Nuisance* – means any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either: injures or endangers the comfort, repose, health or safety of others; offends decency; is offensive to the senses; unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; in any way renders other persons insecure in life or the use of property; or essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:
  - (1) Weeds when such growth reaches twelve (12) inches in height, noxious weeds, and rank vegetation (as may be further defined in Article V below);
  - (2) Accumulation of garbage, rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things which create an unsightly appearance;
  - (3) Any condition which provides harborage for rats, mice, snakes and other vermin;
  - (4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation or kept in such an insanitary condition that it is a menace to the health of people residing in the vicinity thereof or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
  - (5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises; any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the city;



- (6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances;
- (9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
- (11) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities; or
- (12) The parking, storing, leaving, or permitting the parking, storing or leaving, of any vehicle, machinery, appliances, implements or equipment, including abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers, lumber, junk, trash or other debris, which is in a wrecked, junked, partially dismantled, inoperative, unsafe or abandoned condition on private property in the city, so located upon the premises as to be visible from any public place or any surrounding private property, unless it is in connection with a business enterprise properly operated in the appropriate business zone pursuant to the zoning laws and other ordinances of the city; or
- (13) Any nuisance condition identified under the International Property Maintenance Code, as adopted by the city.

**Sec. 28-3. Nuisances unlawful; responsibility to abate.**

It shall be unlawful for any property owner, owner's agent, or tenant of real property to allow or maintain a nuisance on any lot or parcel of ground within the city, including any areas between the property lines of said property and the center line of any adjacent street or alley including sidewalks, streets, alleys, easements, and rights-of-way. The property owner, owner's agent, or tenant shall be responsible for the removal or abatement of any nuisance. The City shall have the power to cause the removal of, or to remove or abate, any nuisance as provided in this chapter and under Kansas statute.

**Sec. 28-4. Designation of officer.**



In addition to those persons identified as the "code official" under the International Property Maintenance Code, as adopted by the city, the director of planning and community development, the building official, building inspector, code enforcement officer, or other designated city official tasked with enforcing property maintenance laws in the city are designated as the enforcing officer(s) charged with the administration of the provisions of this chapter. The city commission authorizes the enforcing officer, or his or her designee, to serve as the city commission's designated representatives for purposes of hearings as described in this section.

**Sec. 28-5. Notice of abatement; commencement of proceedings.**

If it is determined that a nuisance exists, then the enforcing officer, or his or her designated agent, shall file a written report describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. The enforcing officer, on behalf of the city commission, may:

- (1) Issue an order of abatement without the commencement of city abatement procedures, in an attempt to obtain voluntary compliance. In such cases, the order of abatement shall be served on the property owner, owner's agent, or tenant by such means as may be reasonably calculated by the enforcing officer to obtain compliance, including but not limited to mailing, personal service, door hangers, conspicuously posting notice of such order on the property, personal notification, or telephone communication.
- (2) Commence city abatement procedures as provided in section 28-6 below by issuing an order of abatement directing the property owner or owner's agent, and any tenant, to remove and abate the nuisance within a time, not exceeding ten (10) days, to be specified in the order of abatement; and/or
- (3) Commence or cause to be commenced proceedings in the municipal court in accordance with this chapter, with notice and service to be provided as may be required under applicable law, including but not limited to section 28-157 of this code.

**Sec. 28-6. Notice of abatement to commence city abatement process.**

- (a) If the city should determine to proceed with possible removal or abatement of a nuisance itself, as described in section 28-5(2) above, then the order of abatement shall state:
  - (1) A common or legal description of the property, or both;
  - (2) That the property is in violation of this article;
  - (3) The nature of the nuisance, including relevant ordinances or statutes, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;



- (4) That the recipient must remove and abate the nuisance within a time, not exceeding ten (10) days, to be specified in the order;
  - (5) That the recipient, upon written request, may obtain a hearing before the city commission or its designated representative, provided that such request is received by the city clerk within the period of time established for abatement of the nuisance;
  - (6) That failure to comply with the order shall result in the city's right to remove and abate the nuisance with assessment of the city's costs being made against the property and the recipient;
  - (7) That failure to pay such assessment within thirty (30) days after the city's notice of costs of such removal and abatement may result in the filing of a tax lien against the property, or the filing for a personal judgment against the recipient, or both; and
  - (8) That such violations are subject to prosecution, and that such prosecution shall be independent of the order of any enforcement of the order.
- (b) The order of abatement shall be served on the property owner or owner's agent, or tenant by certified mail, return receipt requested, or by personal service; provided, any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a nonresident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If during the preceding twenty-four (24) month period the owner, owner's agent or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this section, in addition to the methods of service described above, the enforcing officer, on behalf of the city commission, may serve on such person any further order by other methods, including but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a nonresident, any alternative notice provided for in this paragraph shall be given by telephone communication or first class mail.
- (c) If a recipient of an order of abatement makes a written request for a hearing within the period of time established by the order, a hearing shall be scheduled before the city commission or its designated representative. At such hearing, all relevant parties, interest holders, and city officials shall be allowed to present evidence concerning the status of the property and the conditions creating the nuisance. Thereafter, the city commission or its designated representative may rescind, modify, or uphold the order of abatement. In making such a determination the city commission or its designated representative shall describe the relevant facts and specific statute or code provisions being relied upon and state any such other stipulations, methods of removal and abatement of orders as deemed necessary. If the order of abatement is either modified or upheld, the



property owner, owner's agent or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed ten (10) days.

- (d) Notwithstanding the foregoing, the enforcing officer and the city commission shall grant extensions of such ten-day time period if the owner or agent of the property demonstrates that due diligence is being exercised in abating the nuisance.

**Sec. 28-7. Emergency abatement by city.**

- (a) When, in the opinion of the enforcing officer there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the enforcing officer is authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The enforcing officer shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance.
- (b) Notwithstanding the foregoing, nothing in this chapter shall preclude the city from proceeding as to unsafe or dangerous structures as provided in Article XI (Unsafe or Dangerous Properties; Abandoned Property) of Chapter 10 (Buildings and Construction) of the Leavenworth Code of Ordinances.

**Sec. 28-8. Abatement of nuisance by city; notice of costs; assessment and collection.**

- (a) If the recipient of the notice of abatement under section 28-6 above fails to comply with the order of abatement or, if appropriate, with any order after a hearing on the matter, the city shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner, or as otherwise permitted under applicable law. It shall be unlawful for any person to interfere with or attempt to prevent the city or its agents from such action. The city and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The city may use its own employees or contract for services to remove and abate the nuisance.
- (b) If the city removes and abates the nuisance, the city shall give a notice of costs to the property owner or owner's agent, or tenant, by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the city; provided, any notice served on a tenant shall also be served on the owner or owner's agent. The costs shall include the city's cost of providing the notice, including any postage, and administrative costs to the extent permitted under applicable law and as set forth in the city fee schedule. The recipient shall have thirty (30) days from the date of receipt of such notice to make full payment. The notice of costs shall state:
  - (1) The common or legal description of the property, or both;



- (2) The nature of the nuisance, including relevant ordinances;
  - (3) The nature of the work performed to remove and abate the nuisance;
  - (4) The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);
  - (5) That payment is due and payable within thirty (30) days of receipt of the notice;
  - (6) That payment should be made payable to the City of Leavenworth, Kansas, by check or money order with no post-dating of the check, and submitted to the city clerk with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;
  - (7) That failure to pay the entire amount within the thirty (30)-day period shall allow the city to file a lien against the property or to pursue litigation for recovery of the costs, or both; and
  - (8) That such additional remedies to recover costs shall include additional amounts, including interest, court costs, attorney fees and administrative costs.
- (c) If the costs are not paid within the 30-day period, the costs shall be collected in a manner provided by K.S.A. 12-1,115 as amended, or shall be assessed as a special assessment against the property. The city clerk at the time of certifying other city taxes, shall certify the unpaid portion of the costs, and the county clerk shall extend the same on the tax roll of the county against the property, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment, and in the manner provided by K.S.A. 12-1,115 as amended, but only until the full costs, including applicable interest, court costs, attorney's fees, and administrative costs have been paid in full.

**Sec. 28-9. Right of entry; unlawful interference.**

Any authorized officer or agent of the city, pursuant to this chapter, shall be allowed to enter onto any land within the city limits to investigate violations of this chapter or for the abatement of violations pursuant to this chapter. It shall be unlawful for any person to interfere with a public officer or agent of the city in performing his or her duties pursuant to this chapter whether investigating or abating violations. Any person who interferes with an officer or agent of the city pursuant to this chapter shall be punished as provided in this chapter.

**Secs. 28-10—28-28. Reserved.**



## ARTICLE II. ADDITIONAL PROVISIONS REGARDING JUNK ON PRIVATE PROPERTY AND VEHICLES

### **Sec. 28-29. Abatement of junk on private property; redemption by owner; sale.**

In the process of abating any nuisance consisting of any vehicle, machinery, appliances, implements or equipment, including abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers, lumber, junk, trash or other debris, which is in a wrecked, junked, partially dismantled, inoperative, unsafe or abandoned condition, the city shall dispose of the property or contract with a third party for removal of the property. The owner shall be notified of the contact information for any such third-party contractor. Claiming of the property shall be governed by state law.

### **Sec. 28-30. Motor vehicles.<sup>2</sup>**

The city may remove and abate from property other than public property or property open to use by the public a motor vehicle determined to be a nuisance. Notwithstanding other provisions of this article, disposition of such vehicle shall be in compliance with the procedures set forth in K.S.A. 12-1617e(e), K.S.A. 8-1102, and K.S.A. 8-1103, and amendments thereto. Reference is hereby further made to the International Property Maintenance Code (IPMC), as adopted by the city, which may contain additional provisions regarding motor vehicles.

### **Secs. 28-31—28-56. Reserved.**

## ARTICLE III. ADDITIONAL PROVISIONS REGARDING EXCESSIVE NOISE

### **Sec. 28-57. Horns, warning devices.**

The sounding of any horn or other warning device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning, the creating by means of any such warning device of any unreasonably loud or harsh sound, the sounding of any such device for an unnecessary and unreasonable period of time, and the use of such warning device when traffic for any reason is held up, shall be deemed a violation of this chapter.

### **Sec. 28-58. Radios, phonographs, etc.**

- (a) Using, operating or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto, shall be deemed a violation of this chapter.

---

<sup>2</sup> State law reference(s)—K.S.A. 12-1671e(e) (Disposition of motor vehicles).



- (b) The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

**Sec. 28-59. Loudspeakers, sound amplifiers.**

It is unlawful for any person to play, use or operate on the streets, alleys or public grounds of the city any instrument known as a loudspeaker or sound amplifier without first procuring a permit therefor from the city. Such permit shall be granted or refused at the discretion of the city. The fee for permits under this section shall be as provided in the city fee schedule.

**Sec. 28-60. Defect in vehicle or load.**

The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise shall be deemed a violation of this chapter.

**Sec. 28-61. Heavy equipment.**

The operation between the hours of 10:00 p.m. and 7:00 a.m. of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, shall be deemed a violation of this chapter.

**Sec. 28-62. Blowers and engines.**

The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise, shall be deemed a violation of this chapter.

**Sec. 28-63. Screeching of tires.**

The operation of any motor vehicle in such a way as to cause the tires thereof to screech, except where the same is necessarily caused in an emergency in an attempt by the operator to avoid an accident or the causing of damage or injury, shall be deemed a violation of this chapter.

**Sec. 28-64. Power mowers; construction and demolition.**

It is unlawful for any person to operate a motor-driven or power-operated lawnmower, or to engage in any construction or demolition work within the city between the hours of 10:00 p.m. and 6:00 a.m. the following day; provided, however, that in the event of an emergency, a permit may be issued exempting any person from this section for any period of time specified on the face of the permit. The permit may be issued free of charge by the police department. This



section shall not apply to emergencies of any governmental subdivision or any public utility.

**Secs. 28-65—28-90. Reserved.**

**ARTICLE IV. ADDITIONAL PROVISIONS REGARDING TREE DISEASES<sup>3</sup>**

**Sec. 28-91. Declaration of nuisance.**

The following are declared to be public nuisances that no person shall permit to remain on any premises owned or controlled by such person within the city:

- (1) Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus *Ceratocystis ulmi* (Buisman) Moreau which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichh.) or *Hylurgopinus rufipes* (Marsh.).
- (2) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

**Sec. 28-92. Inspections; right of entry.**

- (a) The parks and recreation director shall inspect or cause to be inspected all premises and places within the city at least twice each year to determine whether a violation of this article exists thereon, and shall also inspect or cause to be inspected any elm tree reported or suspected to be infected with the Dutch elm disease fungus or any elm bark-bearing material reported or suspected to be infested with the elm bark beetle.
- (b) The parks and recreation director shall have the authority to enter upon private premises at all reasonable times for the purpose of carrying out any of the provisions of this article.

**Sec. 28-93. Abatement.**

- (a) Whenever the parks and recreation director shall find with reasonable certainty on examination or inspection that any public nuisance as described in this article exists within the city, the director shall cause it to be sprayed, removed, burned, or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease fungus or the insect pests or vectors known to carry such disease.
- (b) Before abating any such nuisance on private premises or in any terrace strip between the lot line and the curb, the parks and recreation director shall pursue abatement by the owner in the following manner:

---

<sup>3</sup> State law reference(s)—Diseased trees, K.S.A. 12-3204.



- (1) If the director shall determine that danger to other elm trees from the nuisance is not imminent because of elm dormancy, he shall make a written report of his findings to the city commission which shall proceed as provided in K.S.A. 12-3201 et seq.
  - (2) If a competent city authority, or competent state or federal authority when requested by the city commission, files with the city commission a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials or shrubs located upon private property within the city are infected or infested with or harbor any tree or plant disease or insect pest or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or destruction of other trees or shrubs in the community, describing the same and where located, the city commission shall direct the city clerk to issue notice requiring the owner or agent of the owner of the premises to treat or remove any such designated tree, tree material or shrub within a time specified in such notice.
  - (3) The notice shall be served by the police chief or other police officer by delivering a copy thereof to the owner or agent of such property or, if the property is unoccupied and the owner is a nonresident, then the city clerk shall notify the owner by mailing a notice to the owner's last-known address.
  - (4) If the owner or agent shall fail to comply with the requirements of the notice within the time specified in the notice, then the director shall proceed to have the designated tree, tree material or shrub treated or removed and report the cost thereof to the city clerk, and the cost of such treatment or removal shall be paid by the owner of the property or shall be assessed and charged against the lot or parcel of ground on which the tree, tree material or shrub was located.
  - (5) The city clerk shall at the time of specifying other city taxes to the county clerk certify the unpaid costs of such treatment or removal and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground.
- (c) No damage shall be awarded to the owner for the destruction of any elm tree, elm wood or elm material or any part thereof pursuant to this section.

**Sec. 28-94. Spraying of elm trees.**

If it is determined that Dutch elm disease fungus is present within the city, the parks and recreation director may cause to be sprayed all trees located on the city right-of-way with a recognized effective elm bark beetle concentrate or may authorize use of a systemic insecticide, provided that spraying shall be done between November 15 and May 1. Before causing the spraying of any elm tree on private property, the director shall notify the owner in the manner provided in section 28-93.



**Sec. 28-95. Storing and transporting elm wood prohibited; exception.**

No person shall store or harbor within the city any bark-bearing elm wood and may transport such wood only for disposal.

**Sec. 28-96. Interference with director prohibited.**

No person shall prevent, delay or interfere with the parks and recreation director or any agents or city employees while they are engaged in the performance of duties imposed by this article.

**Secs. 28-97—28-120. Reserved.**

**ARTICLE V. ADDITIONAL OR ALTERNATIVE PROVISIONS REGARDING WEEDS AND OTHER VEGETATION<sup>4</sup>**

**Sec. 28-121. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Weeds* – means all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens; and this term shall further mean and include any of the following:

- (1) Brush and woody vines shall be classified as weeds;
- (2) Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (3) Weeds which bear or may bear seeds of a downy or wingy nature;
- (4) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;
- (5) Weeds and indigenous grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed twelve (12) inches in height; or
- (6) As otherwise described in the International Property Maintenance Code, as adopted by the city.

---

<sup>4</sup> State law reference(s)— K.S.A. 12-1617f (Weeds, removal or destruction; assessment and collection of costs; notice; procedure); K.S.A. 2-1314 *et seq.* (Declaring plants as noxious weeds; control and eradication).



**Sec. 28-122. Abatement of nuisance weeds.**

- (a) As an alternative to the general nuisance provisions of this chapter, K.S.A. 12-1617f, as amended, provides that the city commission may provide for and require, and the city commission hereby does provide for and require, the cutting or destruction of all weeds on lots or pieces of land within the city as provided in this section. Reference is hereby further made to the International Property Maintenance Code (IPMC), as adopted by the city, which may contain additional provisions regarding weeds and plants. Pursuant to K.S.A. 12-1617f, the city hereby incorporates by reference the provisions of this article and the International Property Maintenance Code, as adopted by the city, as its nuisance and weed removal policy.
- (b) Except as provided by subsection (c) below, the city clerk shall issue a notice to the owner, occupant or agent by certified mail, return receipt requested, or by personal service to cut or destroy such weeds. If the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner. The notice shall state that before the expiration of the waiting period provided herein the recipient thereof may request a hearing before the city commission or its designated representative. If the occupant, owner or agent fails to request a hearing or refuses to cut or remove such weeds, after five (5) days' notice by the city clerk, or in cases where the owner is unknown or is a nonresident, and there is no resident agent, ten (10) days after notice has been published by the city clerk in the official city paper, the city shall cut or destroy such weeds and shall keep an account of the cost of same and report to the city clerk. Except as provided by subsection (c) below, the city shall give notice to the owner, occupant or agent by certified mail, return receipt requested, of the total cost of such cutting or removal incurred by the city. The city also may recover the cost of providing notice, including postage, required by this section. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following receipt of such notice. If the cost of such removal or abatement is not paid within the thirty-day period, the city may levy a special assessment for such cost against the lot or piece of land in the same manner as provided in section 28-6 above and K.S.A. 12-1671e, and amendments thereto, or the city may collect the cost in the manner provided by K.S.A. 12-1,115, and amendments thereto. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.
- (c) In lieu of giving notice as provided by subsection (b) above, the city may give notice as provided by this subsection. The building official or other enforcing officer shall issue a notice of violation and order the owner, occupant, or agent of any property in the city upon which weeds exist in violation of this article; provided, however, that if a notice and order regarding weeds was previously served upon the owner, occupant, or agent of the property for a violation of the city's weed control regulations, the city may provide a one-time yearly written notification by mail or personal service to the owner, occupant or agent of such policy and



regulations. Such notice shall include the same information required by subsection (b) above. In addition, such notice shall include a statement that no further notice shall be given prior to removal of weeds by the city. Notwithstanding the foregoing, if there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this subsection, the city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this section.

**Sec. 28-123. Noxious weeds.**

As an alternative to the general nuisance provisions of this chapter, K.S.A. 12-1617f, as amended, and the International Property Maintenance Code, as adopted by the city, the control and eradication of noxious weeds shall be in compliance with K.S.A. 2-1314 *et seq.*

**Secs. 28-124—28-152. Reserved.**

**ARTICLE VI. ADDITIONAL PROVISIONS REGARDING SMOKE<sup>5</sup>**

**Sec. 28-153. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dense smoke* – means smoke that contains soot or other substances in sufficient quantities to permit the deposit of such soot or other substances on any surface within the limits of the city.

**Sec. 28-154. Prohibition.**

Any person operating, carrying on or conducting any business, factory, occupation or establishment within the limits of the city, burning or using soft coal or other fuel from which dense smoke is emitted or discharged through any flue, chimney, smokestack or other structure or appliance so as to be offensive to the residents or inhabitants of the city, shall equip the same with some device or apparatus which successfully consumes the smoke so the smoke is not discharged or emitted, and it is unlawful for any person to so operate, carry on or conduct the same within the limits of the city without so equipping such flue, chimney, smokestack, structure or other appliance with such device or apparatus, provided that this section shall not be construed to compel the owner or occupant of any building or house used exclusively as a private residence to provide such device or apparatus when the chimney of such building or house used exclusively as a private residence shall extend as high as the top of the roof of the highest adjoining building; provided further, that in that section of the city zoned as heavy industrial, the emission of dense smoke for a period of fifteen (15) minutes in any one hour

---

<sup>5</sup> State law reference(s)—Kansas Air Quality Act, K.S.A. 65-3001 *et seq.*



during which the firebox is being cleaned out or a new fire is being built therein is excepted from the provisions of this section.

**Sec. 28-155. Declared public nuisance.**

The emission or discharge of dense smoke into the open air within the corporate limits of the city so as to be offensive or noxious, or to annoy or produce inconvenience or damage to the surrounding property or the owners or occupants thereof, is declared to be a public nuisance.

**Sec. 28-156. Enforcement.**

- (a) It shall be the duty of the fire chief and the building inspector to enforce this article.
- (b) Upon receipt of a written complaint, the enforcement officer shall immediately make an inspection of the flue, chimney or smokestack complained of and, if it is determined to be emitting dense smoke in violation of this article, to issue a notice to the owner, lessee or operator thereof to discontinue the violation.

**ARTICLE VII. MUNICIPAL COURT ENFORCEMENT**

**Sec. 28-157. Enforcement in municipal court; penalties**

- (a) In addition to, or as an alternative to, any enforcement of this chapter as provided herein, or enforcement of any other portion of the Leavenworth Code of Ordinances that incorporates by reference the enforcement provisions of this chapter or any article herein, if an authorized public officer (including but not limited to the city prosecutor) determines that a violation of this chapter (or other portion of the code that incorporates by reference this chapter) exists, he or she may issue or cause to be issued a notice to appear and complaint in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear or complaint. The imposition of any removal and abatement action described in this chapter shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described in this chapter or otherwise provided by applicable law to remove or abate a nuisance, an unsafe or dangerous structure, abandoned property, or to collect removal and abatement costs.
- (b) Any person who violates this chapter shall be punished as provided in section 1-10 of the Leavenworth Code of Ordinances, as amended. Each day the violation continues after notice from the enforcing officer to cease violation shall be deemed a separate and distinct offense and punishable as such, including but not limited to imposition of daily fines. The municipal court shall further have the power to issue an order of abatement.



**Section 2.** Chapter 28 of the Leavenworth Code of Ordinances, including Sections 28-1 through 28-156, inclusive, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

**Section 3.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the 27th day of February, 2024.

---

Griff Martin, Mayor

{SEAL}

ATTEST:

---

Sarah Bodensteiner, CMC, City Clerk



**MAYOR'S APPOINTMENTS**

**FEBRUARY 27, 2024**

**Mayor Martin**

*"Move to*

*Appoint to the **Parks & Community Activities Board** Marianne Tennant to fill the Convention & Tourism Committee Representative position to an unexpired term ending January 15, 2026."*

**Requires a second and vote by the Governing Body.**

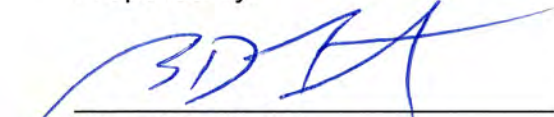


**POLICY REPORT PWD NO. 24-08**

**REVIEW FINAL 2023 KDHE ANNUAL REPORT  
FOR STORMWATER AND ADOPT RESOLUTION NO. B-2360**

**February 27, 2024**


Prepared by:



---

Brian Faust, P.E.,  
Director of Public Works

Submitted by:



---

Paul Kramer,  
City Manager

**ISSUE:**

Adopt a resolution approving the annual KDHE report for 2023 stormwater activities.

**BACKGROUND:**

The City of Leavenworth is regulated by the Kansas Department of Health and Environment (KDHE) and US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes. The City has been required to submit an annual report on stormwater activities every year since 2003. The report summarizes actions the City has taken the previous year to protect and enhance stormwater quality.

The draft report was reviewed by the Commission on February 13, 2024 and is available on the City's website. No input or concerns were received from residents regarding the report.

The final report includes statements that the City has reduced pollution in accordance with the requirements to the "Maximum Extent Practicable" (MEP). Staff opinion is that the City has met the intent of the regulations to reduce pollution through the Six Minimum Control Measures as described in the report.

There is considerable additional information in the appendices that will be included when the report is submitted.

**RECOMMENDATION:**

The report is due at KDHE on February 28, 2024 via digital delivery. It is recommended the City Commission adopt Resolution B-2360 supporting the final report.

**ATTACHMENTS:**

- Final Report (partial)
  - Executive Summary
  - Comments on Section V of the Permit (Final Report)
  - Item 5 - Stormwater Management Program Requirements (Six Minimum Control Measures)
  - Links – Final Draft KDHE Report for 2023:  
<https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents>
  - Previous KDHE Annual Reports:  
<https://www.leavenworthks.org/publicworks/page/annual-stormwater-reports>



# ITEM 2

## Executive Summary

---

To satisfy the requirements of the NPDES permit, this annual report summarizes the City of Leavenworth's plans and actions to reduce the discharge of pollutants from the municipal separate storm sewer system (MS4) to the maximum extent practicable, to protect water quality, and to meet the appropriate water quality requirements of the Clean Water Act. The information contained within this report was obtained through interviews with City staff, review of permits and projects from 2023, and examining communications and publications made available to the citizens of Leavenworth.

As the City of Leavenworth transitioned past the COVID-19 Pandemic, we continued to struggle with filling vacant positions in our Operations and Water Pollution Control Divisions. Significant increases in construction costs and supply chain issues have also impacted our day to day operations.

City staff pursued activities in all of the Six Minimum Control Measures throughout the year. Key observations for the purposes of this report are shown below.

**1. Were there any aspects of the program that appeared especially effective at reducing pollutants in your stormwater discharge?**

- Contractor and public compliance with implementation of the Land Disturbance Permit requirements has improved over the initial years and is generally satisfactory.
- Street sweeping is an effective tool for removing pollutants.
- Use of "Stormwater Utility" funds to address long-standing issues has reduced erosion in several locations through the "Orange Fence Repair Projects".

**2. Were there any aspects of the program that provided unsatisfactory results?**

While most items identified as BMPs (Best Management Practices) are believed to be effective at some level, the passive education and information sharing such as leaving material at the Library and City Hall along with informational brochures available on the City's website were probably the least effective tools identified.

**3. What was the most successful part of the program?**

The visibly effective measures of correctly installed construction site runoff control and post-construction activities were the most successful parts of the program. On numerous public improvement projects, City staff ensured that measures were installed and maintained. These activities are very visible to residents living in the area and to the traveling public.

**4. What was the most challenging aspect of the program?**

The most challenging was having developers install and properly maintain construction site runoff control. New development remained slow in 2023 with the higher interest rates so there were less homes under construction. The new developments that were actively under

construction struggled with keeping their sites in compliance with approved erosion control plans. The City notified developers that stop work orders would be issued on projects if conditions were not immediately addressed. This had the desired effect and the appropriate measures were installed. However, the City has had to remind developers on multiple occasions to inspect, repair and maintain their measures.

**5. Describe any City/County area MS4 clean ups and the participation.**

- The City of Leavenworth sponsored a "City-Wide" clean-up day with 43 groups picking up trash. This event was held on April 22, 2023.
- Leavenworth County provides HHW (Household Hazardous Waste) services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in April, 2023.
- The City has a "Three-Mile Creek" monthly clean-up program in which citizens pick up trash. In 2023, there were nine citizen groups that received a \$500 donation per group from Convention & Visitor's Bureau grant payments.

**6. Describe the elected officials' participation in the stormwater pollution elimination.**

The City Commission has supported stormwater pollution elimination by creating a "Stormwater Utility" that is funded by a fee on all properties. This fee is used to address longstanding stormwater issues in the community, including reduction or elimination of erosion caused by failing roadways and culverts along with impacts to streambanks from shifting channel alignments. The Commission has also supported the goal of having public and private projects with some level of permanent water quality improvement included.

The City Commission reviewed and approved the new Stormwater Management Plan (SMP) on October 27, 2020. Staff was also direct to proceed with ordinances related to fees/fines for operation of BMP installations, construction sites, grease traps and general maintenance of permanent water quality structures.

**7. Describe the collaboration with other organizations to eliminate stormwater pollution.**

- The City coordinated a "City-Wide" clean-up day with 43 groups which was held on April 22, 2023
- Leavenworth County provided one HHW (Household Hazardous Waste) collection service in April 2023.

**8. If an audit/inspection of your MS4 program was conducted by EPA or KDHE during the year, list the items the audit/inspection report identified as required changes and provide a narrative explanation of how the changes were implemented or explain the plan to implement the changes and identify a target date for final implementation.**

There were no known inspections of the MS4 program by KDHE or EPA in 2023.



## ITEM 4

### Topics Required to be Addressed in this Report as Identified in Part V of the Permit

---

The permittee is well advised to accurately report the conditions and status of their stormwater program and give due consideration to improving or enhancing their program where it is weak, or deficient in any of the core aspects (stormwater management program, six minimum control measures and TMDL best management practices - if applicable - also for Phase I permittees monitoring industrial facilities).

Within the next one or two pages, or perhaps more if so desired, provide comments addressing the following items:

***1. Provide the status of compliance with permit conditions, an assessment of the appropriateness of the implemented Best Management Practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the measurable goals with an indication of the progress toward meeting the goals for each of the six minimum control measures.***

City of Leavenworth's opinion is that the information shown in each of the "Six Minimum Control Measures" tables support the conclusion that meaningful reduction in discharge of pollutants has occurred. With the global pandemic subsiding, the ability of our residents to attend and participate in public meetings and events has reached pre-pandemic levels. As a result, the city's efforts related to Public Education/Outreach as well as the Public Involvement/Participation minimum control measures have improved.

***2. Provide results of information collected and analyzed, (for example test results, surveys, or public comments/input) during the annual reporting period. This may include monitoring data used to assess the success of best management practices with respect to reduction in pollutant discharge. Include an interpretation of the information which addresses success or failure of the portion of the program for which the information applies.***

The City has collected information on a wide variety of municipal activities associated with various BMPs. This includes data on street sweeping, deicing use (salt as well as salt brine), grease trap program, land disturbance permit issuance, SSO reporting and others. There has been no overall "trend" noticed in this data, but

it is indicative of the effort of our community to be aware of important issues related to water quality. Specific data for many of these reporting items is in the assessment of the various BMP activities for the last year. It is clear that staff, public, contractors and businesses are aware of the various permitting programs associated with the SMP, and water quality is improved and/or maintained as a result.

**3. Provide a summary of the stormwater activities that were undertaken during the previous calendar year and the status of these activities.**

The following key programs associated with stormwater activities were conducted in 2023. There are many other smaller programs as well.

- ✓ Building Permits, Fills, Excavations are evaluated for needing an NOI, Land Disturbance Permit, Basic Erosion Control, SWPP and other clean water related elements
- ✓ Projects under construction are inspected and deficiencies brought to the attention of the contractor, owner or other appropriate person
- ✓ City-wide civic effort for "Spring Clean-up"
- ✓ Grease Trap Program inspections and reports
- ✓ Street Sweeping Program
- ✓ Leaf Collection by the Refuse Service and free drop off at the City's brush site
- ✓ Free Drop-Off Recycling Program
- ✓ Household Hazardous Waste Program (Coordinated with Leavenworth County)
- ✓ Free drop-off refuse disposal once per month
- ✓ Maintain "Clean-up your Dog Poop" effort at selected City parks
- ✓ Adopt-A-Park Program to help maintain/clean City parks
- ✓ Aggressive response to SSO calls 24/7
- ✓ Sewer line cleaning and TV program
- ✓ Stormwater articles in City newsletters and brochures placed at City Hall

**4. Provide a summary of the stormwater activities which are scheduled to be undertaken during the next calendar year (including an implementation schedule).**

All activities as noted in #3 are expected to be continued in 2024. City Staff and Commission will continue to evaluate the measures taken and update any associated BMPs in 2024.

**5. Provide a map showing changes in the permittee's Permit Area if the permit area has changed within the year.**



There were no changes to the City Limits in 2023.

**6. Provide a description of significant changes in any of the BMPs.**

There were no significant changes to the BMPs in 2023.

**7. Provide copies of any ordinances or resolutions which were updated in the last year and are associated with the SMP.**

There were no updates to ordinance or resolution in 2023 associated with the SMP.

**8. Provide a list of other parties (such as other municipalities or consultants), which are responsible for implementing any of the program areas of the Stormwater Management Program.**

There were no other municipalities or consultants involved with implementing the SMP.

# ITEM 5

## Six Minimum Control Measures for Municipal Separate Storm Sewer Systems (MS4s) with NPDES Permits

---

### SIX MINIMUM CONTROL MEASURES FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) WITH NPDES PERMITS

The following outlines the NPDES permit requirements for implementation of the Six Minimum Control Measures as required under Kansas MS4 permits issued by the KDHE. The NPDES permit provided to the MS4 authority should be reviewed for additional requirements associated with implementation of the Six Minimum Control Measures such as deadlines for the implementation of the requirements or supplemental requirements associated with the individual measures. The general requirements are as follows:

**A. Six Minimum Controls** — The permittee shall develop and implement Best Management Practices (BMPs) with measurable goals for each of the six minimum control measures. The six minimum control measures and the associated requirements are listed and explained as follows:

**1. Public Education and Outreach**

The permittee shall implement a public education program which includes distribution of educational materials to the community or conducting equivalent outreach activities which address the impacts of stormwater discharges on water bodies and the steps the public can take to reduce pollutants in stormwater runoff.

**2. Public Involvement and Participation**

The permittee shall implement a public involvement and participation program to solicit public comment and recommendations regarding the BMPs and measurable goals utilized by the permittee to comply with the permit. The permittee shall comply with state and local public notice requirements when implementing a public involvement and participation program.

**3. Illicit Discharge Detection and Elimination**

The permittee shall:

- a. Develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4;
- b. Develop a storm sewer system map of the permittee's MS4, showing the location of all outfalls, either pipes or open channel drainage, showing the names and location of all streams or lakes that receive discharges from those outfalls. A copy of the map shall be submitted to KDHE. This map may be submitted as a PDF file(s) on a CD or DVD.
- c. Enact ordinances or resolutions to prohibit non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions if the permittee has such authority. A copy of the ordinances or resolutions shall be submitted to KDHE.
- d. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and



- e. Develop and implement a plan to detect and address prohibited non-stormwater discharges, including but not limited to illegal dumping, to the storm sewer system. Unless identified by either the permittee or KDHE as a significant source of pollutants to waters of the state, the following examples of non-stormwater discharges are not prohibited from entering the MS4:

1. Water line flushing
2. Diverted stream flow
3. Rising groundwaters
4. Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers
5. Uncontaminated pumped groundwater
6. Contaminated groundwater if authorized by KDHE and approved by the municipality
7. Discharges from potable water sources
8. Foundation drains
9. Air conditioning condensate
10. Irrigation waters
11. Springs
12. Water from crawl space pumps
13. Footing drains
14. Lawn watering
15. Individual residential car washing
16. Occasional not-for-profit car wash activities
17. Flows from riparian habits and wetlands
18. Dechlorinated swimming pool discharges excluding filter backwash
19. Street wash waters (excluding street sweepings which have been removed from the street)
20. Discharges of flows from firefighting activities
21. Heat pump discharge waters (residential only)
22. Treated wastewater meeting requirements of a NPDES permit
23. Sump pump drains
24. Other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard, or a nuisance

#### **4. Construction Site Stormwater Runoff Control**

The permittee shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include the development and implementation, at a minimum, of the following:

- a. Permittees which have the authority to enact ordinances or resolutions shall enact such ordinances or resolutions to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and Local law;
- b. Requirements for construction site owners or operators to implement appropriate erosion and sediment control best management practices;
- c. Requirements for construction site owners or operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that are likely to cause adverse impacts to water quality;
- d. Procedures for site plan review which incorporate consideration of potential water quality impacts;
- e. Procedures for receipt and consideration of information submitted by the public;
- f. Procedures for site inspection and enforcement of control measures.

#### **5. Post-Construction Stormwater Management in New Development and Redevelopment Projects**

The permittee shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development and implementation, at a minimum of the following:

- a. BMPs to prevent or minimize adverse water quality impacts;
- b. Strategies which include a combination of structural and/or non-structural BMPs appropriate for the municipality;
- c. For permittees which have the authority, ordinances or resolutions to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law;
- d. Ensure adequate long-term operation and maintenance of BMPs

**6. Pollution Prevention/Good Housekeeping for Municipal Operations**

The permittee shall develop and implement an operation and maintenance program that includes employee training to prevent and reduce stormwater pollution from municipal operations activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

**B. Stormwater Management Program**

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the Stormwater Management Program (SMP) been developed and implemented?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Has the SMP been modified or updated during this reporting period?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If the answer to question 2 above was "yes," has the modified SMP been submitted to KDHE for review?

If the answer to item 3 is a "NO," a copy of the updated SMP must be submitted with this annual report. If it is anticipated a measurable goal cannot be met in the next year the SMP should be modified and submitted to KDHE for review. The modifications may include different BMPs and/or revised goals to avoid being in a position of non-compliance. However; reasonable BMPs with reasonable goals must be implemented or KDHE may require the permittee to modify the SMP to include additional or better BMPs and/or more reasonable goals.

**C. Total Maximum Daily Load (TMDL) Best Management Practices (BMPs)**

Some permittees are required to implement BMPs to reduce the discharge of listed TMDL regulated pollutants (potentially any or all of the following pollutants – bacteria, nutrients, and sediment)

Please place an "X" in the left boxes to complete the table below.



YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were any BMPs intended to attenuate the discharge of TMDL regulated pollutants implemented? See your permit to determine if TMDL regulated pollutants are listed for the receiving stream affected by your stormwater system (TMDL Table).
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	List all of the BMPs intended to attenuate the discharge of TMDL regulated pollutants as identified in the SMP and provide the requested information in the following table.

List all the TMDL BMPs as identified in the SMP and provide the requested information in the following table.

This section  
intentionally  
left blank

**E. Stormwater Management Program Requirements (Six Minimum Control Measures)**

1. Public Education and Outreach (Table)

List all of the public education and outreach BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 7 points.

<b>BMP ID NUMBER</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)</b>	<b>POINTS CLAIMED</b>
ED & 0 - 01	Maintain a stormwater webpage for the permittee.	Stormwater webpage - <a href="https://www.leavenworthks.org/citymanager/page/stormwater-projects">https://www.leavenworthks.org/citymanager/page/stormwater-projects</a>	2
ED & 0 - 02	Distribute educational materials (either flyers, brochures, catalog mailings, handouts, or e-mails) addressing various pertinent stormwater public education topics.	Flyers and educational materials are available on the City's website and in City Hall.	2
ED & 0 - 03	Provide either training or educational materials to permittee-identified businesses at high risk of contributing to stormwater pollution.	Stormwater Education Brochures - <a href="https://www.leavenworthks.org/publicworks/page/public-education-brochures">https://www.leavenworthks.org/publicworks/page/public-education-brochures</a>	2
ED & 0 - 04	Apply notification, placard, covers/hatches with message, or stencil, on stormwater inlets to provide a message similar to "No Dumping – Drains to River"  Apply this notification on at least 10% of all known stormwater inlets in the MS4.	All new storm structures have the message, "Drains to Stream". City applies the message to older structures. There are a total of 298 stamps/stencils. Example can be found at:  <a href="https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents">https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents</a>	2
ED & 0 - 05	Post the municipality's MS4 permit and SMP document on either the stormwater webpage or the municipal webpage.	SMP - <a href="https://www.leavenworthks.org/publicworks/page/engineering">https://www.leavenworthks.org/publicworks/page/engineering</a> MS4 Permit - <a href="https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents">https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents</a>	1
ED & 0 - 12	Create a stormwater information brochure to provide to the public at public meetings and/or hearings.	Stormwater-related brochures can be found at:  <a href="https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents">https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents</a>	1
ED & 0 - 15	Hold a social media campaign addressing various pertinent stormwater public education topics.	There were 10 social media posts related to public education about improving, reducing or listing the dangers of polluting the City's stormwater system.	2
<b>TOTAL POINTS CLAIMED FOR PUBLIC EDUCATION AND OUTREACH</b> →			<b>12</b>



**E. Stormwater Management Program Requirements (Six Minimum Control Measures) (CONTINUED)**

2. Public Involvement and Participation (Table)

List all public involvement and participation BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 6 points.

<b>BMP ID NUMBER</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)</b>	<b>POINTS CLAIMED</b>
P I/P - 01	Hold a public hearing or public forum to notify the public about stormwater program activities and to solicit public comments regarding stormwater issues.	City Commission reviewed KDHE annual stormwater reports on February 13 and 27, 2024. The meetings were also broadcast on the City's channel cable TV station and YouTube.  City Commission reviewed stormwater projects for CIP in 2024, and approved design and construction of several projects. List and stormwater-related documents are at: <a href="https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents">https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents</a>	2
P I/P - 03	Hold park or stream bank clean-up events for public volunteers to aid municipal staff in removing trash, debris, or pollutant sources from the selected clean-up area.	City-wide Spring Cleanup - April 22, 2023. Services offered to residents include open Brush Site, Recycling Center, large-item drop off and electronics recycling. City coordinated with Leavenworth County and a special event to dispose of HHW was held at the City Municipal Center also in April, 2023.	3
P I/P - 05	Provide at least two events for residents to engage in cleanup activities and improve water quality in the municipality.	The City has a "Three-Mile Creek" monthly clean-up program (March through November) in which citizens pick up trash. In 2023 there were nine citizen groups that participated.	3
<b>TOTAL POINTS CLAIMED FOR PUBLIC INVOLVEMENT AND PARTICIPATION</b> →			<b>8</b>

**D. SMP Requirements (Six Minimum Control Measures) (Continued)**

1. Illicit Discharge Detection and Elimination

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a program/plan been developed and is it presently implemented to detect and address illicit/prohibited discharges into the MS4?</p> <p>If yes, describe the plan below: The City created a phone number (913) 682-1090 for anyone who sees or feels that an illicit discharge is or has occurred. City will inspect and work to determine if an illicit discharge has occurred and the source of the discharge. Reporting information can also be found at:</p> <p><a href="https://www.leavenworthks.org/publicworks/page/water-pollution-control">https://www.leavenworthks.org/publicworks/page/water-pollution-control</a></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a map of the MS4 been developed, showing the location of all outfalls, either pipes or open channel drainage, showing names and location of all streams or lakes receiving discharges from the outfalls? If yes, attach map.</p> <p>Map can be found at: <a href="https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents">https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents</a></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The permit may require the permittee enact ordinances, or resolutions. Have ordinances, or resolutions, or regulations to prohibit non-stormwater discharges into the storm sewer system been enacted?</p> <p>If yes, list ordinances/resolutions and their effective dates below: Ordinance No. 8201 was adopted on December 16, 2022, and enforcement began in 2023.</p> <p>Ordinance No. 8201 - Amending Division 5, Chapter 46, Regulating and Permitting the Operation of Facilities Producing Grease-Laden Waste and Service Providers for Grease Interception Devices</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Have the ordinances, resolutions, or regulations been modified?</p> <p>If yes, list ordinances/resolutions and their effective dates below:</p>

List all the Illicit Discharge Detection and Elimination BMPs as identified in the SMP and provide the requested information in the following table



**E. Stormwater Management Program Requirements (Six Minimum Control Measures) (CONTINUED)****3. Illicit Discharge Detection and Elimination (Table)**

List all illicit discharge detection and elimination BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 7 points.

<b>BMP ID NUMBER</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)</b>	<b>POINTS CLAIMED</b>
<b>I D D &amp; E - 04</b>	Implement a program to evaluate MS4 outfalls to identify illicit discharges.	The City's stormwater map identifies MS4 outfalls. If residents identify concerns regarding illicit discharges, they are forwarded to Water Pollution Control for evaluation and possible action. The City did not meet the threshold in 2023 to acquire the point.	
<b>I D D &amp; E - 06</b>	Inspect, by televising pipelines or direct visualization of open channel drainage, 2% of the MS4 system within the permit area all conducted within a 12-month period to aid in identifying illicit discharges as well as evaluate the condition of the storm sewer lines/drainage channels-ditches.	The City visually inspected open channels and televised storm lines across the City. Televising lines was done by Water Pollution Control staff while open channels/ditch lines were inspected by our dedicated Stormwater staff at our Municipal Service Center.	3
<b>I D D &amp; E - 07</b>	Implement a Household Hazardous Waste Collection Program (HHWCP) or document others who have implemented such a program to provide such service to all property owners or residents located within the permit area.	Leavenworth County provides HHW services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in the spring, 2023.	3
<b>I D D &amp; E - 08</b>	Implement a program to increase the reliability of sanitary sewer pump stations above the minimum standard design requirements.	In 2023, the City upgraded all of our lift stations. We meet all the requirements of this BMP except we do not have an on-site dedicated backup generator at each location. We have a mobile one dedicated to lift stations (just not on-site at each location). Not taking these points.	
<b>I D D &amp; E - 09</b>	Provide a contribution to area recycle programs or programs (such as household hazardous waste disposal facilities, e-cycle facilities, paper shred facilities, pharmaceutical disposal facilities etc.) designed to properly dispose of types of waste or materials which have previously been discarded to or adjacent to either the MS4, streams, or lakes within or adjacent to the permittee's permit area.	The City has a recycling center (free to the City of Leavenworth residents) that accepts the following items: tin and aluminum cans, car batteries and rechargeable batters, e-waste, used automotive oil, plastics, to name a few. A complete list can be found at: <a href="https://www.leavenworthks.org/publicworks/page/leavenworth-recycling-center">https://www.leavenworthks.org/publicworks/page/leavenworth-recycling-center</a>	2

BMP ID NUMBER	BRIEF BMP DESCRIPTION	PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)	POINTS CLAIMED
IDD & E - 10	<p>Inspect 5% of the MS4 system Stormwater inlets and/or outfalls within the permit area all conducted within a 12-month period to aid in identifying illicit discharges.</p> <p>3 points may be claimed for inspection of 2% of the MS4 system in the year the required percentage of inlets and/or outfalls are finally inspected, alternately if 15% of the MS4 system is inspected 5 points may be claimed.</p>	<p>Stormwater crew inspected and/or maintained approximately 770 inlets and area drains, and other stormwater facilities.</p> <p>Number inlets cleaned - 1,472</p>	3
<b>TOTAL POINTS CLAIMED FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION</b> →			<b>11</b>



**E. SMP Requirements (Six Minimum Control Measures) (Continued)**

**2. Construction Site Stormwater Runoff Control**

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The permit requires the permittee, if they have such authority, to enact ordinances or resolutions. Have ordinances or resolutions to address construction site runoff from new development/redevelopment projects been enacted?</p> <p>If yes, list ordinances/resolutions and their effective dates below:  <b>Review Stormwater Management Land Disturbance Permits - December 6, 2016</b></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a copy of the ordinances or resolutions been submitted to KDHE as required by the permit?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a procedure or program been developed requiring construction site owners and/or operators to implement appropriate erosion and sediment control best management practices?</p> <p>If yes, describe plan below: In 2015 City staff implemented the requirement to obtain a Land Disturbance Permit (LDP) for any construction activity within the City. More information can be found at: <a href="https://www.leavenworthks.org/publicworks/page/land-disturbance-and-excavation">https://www.leavenworthks.org/publicworks/page/land-disturbance-and-excavation</a></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a procedure or program been developed requiring construction site owners and/or operators to control waste such as discarded building materials, concrete truck washout, chemicals, paint, litter, and sanitary waste at construction sites likely to cause adverse impacts to water quality?</p> <p>If yes, describe procedure/program below: Please see number three above.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a procedure been developed and implemented requiring site plan review which includes consideration of potential water quality impacts?</p> <p>If yes, describe procedure below: Section IX of the City's Manual of Infrastructure Standards (adopted in October of 2020) requires all commercial developments, subdivision developments and individual lots to meet current Stormwater Design Guidelines or APWA Section 5600, Storm Drainage Systems and Facilities. The 'manual' also states they shall provide adequate temporary and permanent erosion control measures in accordance with the City's Land Disturbance Permits and Regulations.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a procedure been developed for the receipt and consideration of information submitted by the public?</p> <p>If yes, describe procedure below: Staff welcomes public input on proposed development whether the item goes before a regulatory body or not. Anytime a development goes before the Planning Commission and/or the City Commission, the procedure is to allow public comment during those meetings.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a procedure been developed and implemented for construction site inspection and enforcement of the control measures?</p> <p>If yes, describe procedure below: Please see number three above.</p>

List all the construction site stormwater runoff control BMPs as identified in the SMP and provide the requested information in the following table



**E. Stormwater Management Program Requirements (Six Minimum Control Measures) (CONTINUED)****4. Construction Site Stormwater Runoff Control (Table)**

List all construction site stormwater runoff control BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 6 points.

<b>BMP ID NUMBER</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)</b>	<b>POINTS CLAIMED</b>
<b>CSSRC - 01</b>	Implement a requirement for a Soil Erosion and Sediment Control (SESC) Plan for any land disturbance sites which are either equal to or greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City requires a land disturbance permit (LDP) for any land disturbance. This includes submittal of a plan identifying all needed erosion control measures. Examples of residential and commercial LDPs can be found at: <a href="https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents">https://www.leavenworthks.org/publicworks/page/2023-kdhe-annual-stormwater-report-supporting-documents</a>	2
<b>CSSRC - 02</b>	Develop and adopt a design manual for erosion and sediment control BMPs which are required to be used on sites which will be disturbed and are either equal to or greater than one acre, or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City follows MARC erosion control BMPs. Examples can be found at: <a href="https://www.leavenworthks.org/publicworks/page/stormwater-informational-brochures-and-flyers-0">https://www.leavenworthks.org/publicworks/page/stormwater-informational-brochures-and-flyers-0</a>	2
<b>CSSRC - 04</b>	Develop a site plan review process which considers potential water quality impacts which may occur during construction as well as post construction impacts.	The City reviews every site plan for both water quantity and water quality. Building permits are not issued until water quality is addressed.	2
<b>CSSRC - 07</b>	Acquire or develop a software tracking system to track inspections and related tasks.	The City uses MUNIS to track and schedule inspections.	1
<b>TOTAL POINTS CLAIMED FOR CONSTRUCTION SITE STORMWATER RUNOFF CONTROL</b> →			<b>7</b>



**E. SMP Requirements (Six Minimum Control Measures) (Continued)**

**3. Post-Construction Site Stormwater Management in New Development and Redevelopment**

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The permit requires the permittee, if they have such authority, to enact ordinances or resolutions. Have ordinances or resolutions to address construction site runoff from new development and redevelopment projects been enacted?</p> <p>If yes, list ordinances/resolutions and their effective dates below: In December, 2016, City staff implemented the requirement to obtain a Land Disturbance Permit (LDP) for any construction activity within the City. Ordinance No. 8021 can be found at:</p> <p><a href="https://www.leavenworthks.org/publicworks/page/land-disturbance-and-excavation">https://www.leavenworthks.org/publicworks/page/land-disturbance-and-excavation</a></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a copy of the ordinances or resolutions been submitted to KDHE as required by the permit?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a post-construction stormwater runoff program been implemented?</p> <p>If yes, describe the program below: The City implemented an inspection program on our post-construction stormwater improvements. This includes inspections of both private and publicly maintained basins as well as several hydrodynamic separators that have been installed on recent projects.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have post-construction sites been inspected?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are BMPs specified to minimize adverse water quality impacts?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have strategies been developed to include a combination of structural and/or non-structural BMP appropriate for the municipality?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Have measures been implemented to ensure adequate long-term operation and maintenance of structural BMPs?</p> <p>If yes, describe measures below: See number three above. Inspection and any needed repairs and maintenance of the post-construction measures helps ensure the long-term operations of these items.</p>

List all the post-construction site stormwater management in new development and redevelopment BMPs as identified in the SMP and provide the requested information in the following table.



**E. Stormwater Management Program Requirements (Six Minimum Control Measures) (CONTINUED)****5. Post-Construction Stormwater Management (Table)**

List all post-construction stormwater management BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 7 points.

<b>BMP ID NUMBER</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)</b>	<b>POINTS CLAIMED</b>
<b>P-C SM - 01</b>	Develop and adopt a custom design manual for Post-Construction Stormwater Management which specifies various structural BMPs which are required for new development and re-development construction sites which are greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more. (Points shown reflect adopting existing APWA/MARC manuals.)	Link to APWA/MARC manuals posted at City's website: <a href="https://www.leavenworthks.org/publicworks/page/public-education-brochures">https://www.leavenworthks.org/publicworks/page/public-education-brochures</a>  Link to the City of Leavenworth Manual of Infrastructure Standards: <a href="https://www.leavenworthks.org/publicworks/page/designs-studies-reports">https://www.leavenworthks.org/publicworks/page/designs-studies-reports</a>	3
<b>P-C SM - 02</b>	Develop a list of post-construction structural or non-structural BMPs which are required to be incorporated in any development/re-development project. The list must include guidance regarding the BMPs which must be incorporated in various projects as determined appropriate by the permittee. The list is to be provided to entities involved with the design of project prior to site plan review by the permittee.	The City requires that water quality impacts be addressed for development activities. Water quality BMPs may consist of rain gardens, bio-swales, basins that detain runoff until silt/pollutant settle out or other approved BMPs. In areas where there is insufficient space for larger BMPs, hydrodynamic separators are being utilized.	2
<b>P-C SM - 03</b>	Develop and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally-owned or operated post-construction structural stormwater BMP facilities.	The City has a software maintenance program that identifies and schedules inspections.	2
<b>P-C SM - 05</b>	Develop and implement a program for inspection of permittee-owned structural BMPs which includes implementation of needed maintenance to ensure long-term operation of the BMPs.	The City inspected City-owned structural BMPS at random times and after significant storm events. These BMPs mostly consist of hydrodynamic separators (Thornton and Eisenhower) and 'beehive' grates. No points taken.	
<b>P-C SM - 06</b>	Develop and implement a program for inspection of known privately-owned structural BMPs which includes providing the owner of the BMPs an inspection report which specifies needed maintenance to ensure long-term operation of the BMPs.	Due to personnel changes, a Detention Public Meeting was not held. Staff did inspect the majority of the privately owned basins in 2023 and we are creating a rotating inspection schedule for all of these basins. No points taken.	
<b>TOTAL POINTS CLAIMED FOR POST-CONSTRUCTION STORMWATER MANAGEMENT</b> →			<b>7</b>



**E. SMP Requirements (Six Minimum Control Measures) (Continued)**

**4. Municipal Pollution Prevention/Housekeeping**

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The permit requires the permittee to enact a program to address pollution prevention/good housekeeping for Municipal Operations. Has such a program been enacted?</p> <p>If yes, describe program below:</p> <p>The City's Municipal Operations (our Municipal Service Center [MSC]) maintains a supply of materials that are used to absorb oil and fuel leaks or spills. These are then disposed of at approved facilities. Vehicle washing no longer occurs at the MSC, but at local car wash locations to help prevent debris and oil/fluids from washing into waterways or through the ground at the MSC. We also maintain an oil separator for our service garage that captures any spills inside the facility.</p>

List all the municipal pollution prevention/housekeeping BMPs as identified in the SMP and provide the requested information in the following table.

This section  
intentionally  
left blank





**RESOLUTION NO. B-2360**

**A RESOLUTION APPROVING THE 2023 KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) ANNUAL REPORT FOR STORMWATER AND AUTHORIZING THE CITY OF LEAVENWORTH, KANSAS, TO SUBMIT THE REPORT TO KDHE.**

**WHEREAS**, the City of Leavenworth, Kansas is regulated by the Kansas Department of Health and Environment (KDHE) and the US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes; and

**WHEREAS**, the City of Leavenworth, Kansas has prepared the Annual Report for Stormwater as required and reviewed such report at the February 13, 2024 City Commission meeting allowing time for public review and input prior to approval by the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That the 2023 Annual Report for Stormwater reflects the direction, efforts and accomplishments by City of Leavenworth for calendar year 2023. It shall be an official record of these actions to meet the requirements of Kansas Department of Health and Environment (KDHE) for an Annual Report until or unless changed by official action.

**PASSED AND APPROVED** this 27th day of February 2024.

CITY OF LEAVENWORTH, KANSAS

\_\_\_\_\_  
Griff Martin, Mayor

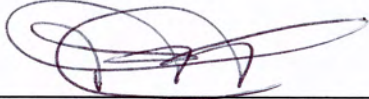
ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

(SEAL)

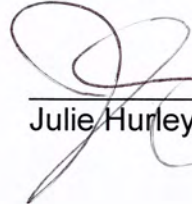
**POLICY REPORT NO.  
RESOLUTION SUBMITTING SEMAP CERTIFICATION  
FEBRUARY 27, 2024**

**PREPARED BY:**



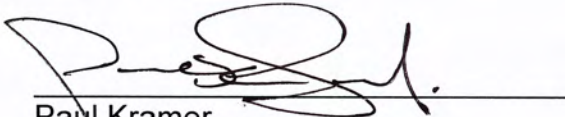
\_\_\_\_\_  
Patrick Tooley, Section 8 Coordinator  
Leavenworth Housing Authority

**REVIEWED BY:**



\_\_\_\_\_  
Julie Hurley, Executive Director

**APPROVED BY:**



\_\_\_\_\_  
Paul Kramer  
City Manager

**ISSUE:**

Consider a resolution submitting the Section Eight Management Assessment Program (SEMAP) Certification to the U.S. Department of Housing & Urban Development for the operation of the Housing Choice Voucher (Section 8) program.

**SEMAP:**

The Section 8 program is scored under the Section Eight Management Assessment Program (SEMAP). This assessment is an annual process and is submitted electronically after your approval. The certification is attached.

**Overview of Section 8 program:**

The Section 8 program consists of the Housing Choice Voucher program and the Veterans Affairs Supportive Housing program. Both programs enable low income families to live in apartments, duplexes or houses in the community that they would be unable to afford on their own. The families rent portion is based on their income. This program is 100% federally funded including all admin costs.

**COMMISSION ACTION:**

Motion to adopt the attached resolution submitting the SEMAP certification to HUD.



**RESOLUTION B-2361**

**A RESOLUTION SUBMITTING THE SECTION EIGHT  
MANAGEMENT ASSESSMENT PROGRAM (SEMAP),  
LEAVENWORTH, KANSAS TO THE U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT (HUD)**

**BE IT RESOLVED** by the Mayor and City Commission, acting as the Public Housing Authority (PHA) for Leavenworth, Kansas, as follows:

**Section 1.** The Section Eight Management Assessment Program (SEMAP) Certification for the period ending December 31, 2023 is hereby approved and is authorized to be sent to the Office of Public Housing, US Department of Housing and Urban Development (HUD).

**Passed and approved** this 27<sup>th</sup> day of February 2024.

\_\_\_\_\_  
Griff Martin, Mayor

{SEAL}

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk, CMC



Patrick Tooley  
(MAT977)  
PIC Main

SEMAP

Logoff

- Assessment Profile
- Reports
- Submission
- List
- Summary
- Certification
- Profile
- Comments

Field Office: **7APH KANSAS CITY HUB OFFICE**  
 Housing Agency: **KS068 LEAVENWORTH HOUSING AUTHORITY**  
 PHA Fiscal Year End: **12/31/2023**

OMB Approval No. 2577-0215

### SEMAP CERTIFICATION (Page 1)

Public reporting burden for this collection of information is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This collection of information is required by 24 CFR sec 985.101 which requires a Public Housing Agency (PHA) administering a Section 8 tenant-based assistance program to submit an annual SEMAP Certification within 60 days after the end of its fiscal year. The information from the PHA concerns the performance of the PHA and provides assurance that there is no evidence of seriously deficient performance. HUD uses the information and other data to assess PHA management capabilities and deficiencies, and to assign an overall performance rating to the PHA. Responses are mandatory and the information collected does not lend itself to confidentiality.

**Check here if the PHA expends less than \$300,000 a year in federal awards**

Indicators 1 - 7 will not be rated if the PHA expends less than \$300,000 a year in Federal awards and its Section 8 programs are not audited for compliance with regulations by an independent auditor. A PHA that expends less than \$300,000 in Federal awards in a year must still complete the certification for these indicators.

#### Performance Indicators

##### 1 Selection from Waiting List (24 CFR 982.54(d)(1) and 982.204(a))

a. The HA has written policies in its administrative plan for selecting applicants from the waiting list.

**PHA Response**  Yes  No

b. The PHA's quality control samples of applicants reaching the top of the waiting list and admissions show that at least 98% of the families in the samples were selected from the waiting list for admission in accordance with the PHA's policies and met the selection criteria that determined their places on the waiting list and their order of selection.

**PHA Response**  Yes  No

##### 2 Reasonable Rent (24 CFR 982.4, 982.54(d)(15), 982.158(f)(7) and 982.507)

a. The PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units (i) at the time of initial leasing, (ii) before any increase in the rent to owner, and (iii) at the HAP contract anniversary if there is a 5 percent decrease in the published FMR in effect 60 days before the HAP contract anniversary. The PHA's method takes into consideration the location, size, type, quality, and age of the program unit and of similar unassisted units and any amenities, housing services, maintenance or utilities provided by the owners.

**PHA Response**  Yes  No

b. The PHA's quality control sample of tenant files for which a determination of reasonable rent was required to show that the PHA followed its written method to determine reasonable rent and documented its determination that the rent to owner is reasonable as required for (check one):



- PHA Response**      **At least 98% of units sampled**      **80 to 97% of units sampled**  
 **Less than 80% of units sampled**

### 3 Determination of Adjusted Income (24 CFR part 5, subpart F and 24 CFR 982.516)

The PHA's quality control sample of tenant files show that at the time of admission and reexamination, the PHA properly obtained third party verification of adjusted income or documented why third party verification was not available; used the verified information in determining adjusted income; properly attributed allowances for expenses; and, where the family is responsible for utilities under the lease, the PHA used the appropriate utility allowances for the unit leased in determining the gross rent for (check one):

- PHA Response**      **At least 90% of files sampled**      **80 to 89% of files sampled**  
 **Less than 80% of files sampled**

### 4 Utility Allowance Schedule (24 CFR 982.517)

The PHA maintains an up-to-date utility schedule. The PHA reviewed utility rate data that it obtained within the last 12 months, and adjusted its utility allowance schedule if there has been a change of 10% or more in a utility rate since the last time the utility allowance schedule was revised.

- PHA Response**      **Yes**      **No**

### 5 HQS Quality Control (24 CFR 982.405(b))

The PHA supervisor (or other qualified person) reinspected a sample of units during the PHA fiscal year, which met the minimum sample size required by HUD (see 24 CFR 985.2), for quality control of HQS inspections. The PHA supervisor's reinspected sample was drawn from recently completed HQS inspections and represents a cross section of neighborhoods and the work of cross section of inspectors.

- PHA Response**      **Yes**      **No**

### 6 HQS Enforcement (24 CFR 982.404)

The PHA's quality control sample of case files with failed HQS inspections shows that, for all cases sampled, any cited life-threatening HQS deficiencies were corrected within 24 hours from the inspection and, all other cited HQS deficiencies were corrected within no more than 30 calendar days from the inspection or any PHA-approved extension, or, if HQS deficiencies were not corrected within the required time frame, the PHA stopped housing assistance payments beginning no later than the first of the month following the correction period, or took prompt and vigorous action to enforce the family obligations for (check one):

- PHA Response**      **At least 98% of cases sampled**      **Less than 98% of cases sampled**

### 7 Expanding Housing Opportunities.

**(24 CFR 982.54(d)(5), 982.153(b)(3) and (b)(4), 982.301(a) and 983.301(b)(4) and (b)(12))**

Applies only to PHAs with jurisdiction in metropolitan FMR areas

Check here if not applicable

a. The PHA has a written policy to encourage participation by owners of units outside areas of poverty or minority concentration which clearly delineates areas in its jurisdiction that the PHA considers areas of poverty or minority concentration, and which includes actions the PHA will take to encourage owner participation.

- PHA Response**      **Yes**      **No**

b. The PHA has documentation that shows that it took actions indicated in its written policy to encourage participation by owners outside areas of poverty and minority concentration.

- PHA Response**      **Yes**      **No**

c. The PHA has prepared maps that show various areas, both within and neighboring its jurisdiction, with housing opportunities outside areas of poverty and minority concentration; the PHA has assembled information about job opportunities, schools and services in these areas; and the PHA uses the maps and related information when briefing voucher holders.

**PHA Response**      **Yes**    **No**

d. The PHA's information packet for certificate and voucher holders contains either a list of owners who are willing to lease, or properties available for lease, under the voucher program, or a list of other organizations that will help families find units and the list includes properties or organizations that operate outside areas of poverty or minority concentration.

**PHA Response**      **Yes**    **No**

e. The PHA's information packet includes an explanation of how portability works and includes a list of neighboring PHAs with the name, address and telephone number of a portability contact person at each.

**PHA Response**      **Yes**    **No**

f. The PHA has analyzed whether voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, where such difficulties were found, the PHA has considered whether it is appropriate to seek approval of exception payment standard amounts in any part of its jurisdiction and has sought HUD approval when necessary.

**PHA Response**      **Yes**    **No**

[Go to Comments](#)

[Go to Deconcentration Addendum](#)





Patrick Tooley (MAT977) PIC Main

Assessment Profile | Reports | Submission

List

Summary

Certification

Profile

Comments

Field Office: 7APH KANSAS CITY HUB OFFICE
Housing Agency: KS068 LEAVENWORTH HOUSING AUTHORITY
PHA Fiscal Year End: 12/31/2023

SEMAP

SEMAP CERTIFICATION (Page 2)

Logoff

Performance Indicators

8 Payment Standards(24 CFR 982.503)

The PHA has adopted current payment standards for the voucher program by unit size for each FMR area in the PHA jurisdiction and, if applicable, for each PHA-designated part of an FMR area, which do not exceed 110 percent of the current applicable FMR and which are not less than 90 percent of the current FMR (unless a lower percent is approved by HUD). (24 CFR 982.503)

PHA Response Yes No

FMR Area Name Kansas City, MO-KS HUI

FMR 1 of 1

Enter current FMRs and payment standards (PS)

Table with 5 columns: 0-BR FMR, 1-BR FMR, 2-BR FMR, 3-BR FMR, 4-BR FMR. Values include 985, 1098, 1258, 1645, 1931 and PS values 887, 989, 1133, 1481, 1738.

Save Add Delete

If the PHA has jurisdiction in more than one FMR area, and/or if the PHA has established separate payment standards for a PHA-designated part of an FMR area, add similar FMR and payment standard comparisons for each FMR area and designated area.

9 Timely Annual Reexaminations(24 CFR 5.617)

The PHA completes a reexamination for each participating family at least every 12 months.(24 CFR 5.617)

PHA Response Yes No

10 Correct Tenant Rent Calculations(24 CFR 982, Subpart K)

The PHA correctly calculates tenant rent in the rental certificate program and the family rent to owner in the rental voucher program (24 CFR 982,Subpart K)

PHA Response Yes No

11 Pre-Contract HQS Inspections(24 CFR 982.305)

Each newly leased unit passes HQS inspection before the beginning date of the assisted lease and HAP contract.(24 CFR 982.305)

PHA Response Yes No

12 Continuing HQS Inspections(24 CFR 982.405(a))

The PHA inspects each unit under contract as required (24 CFR 982.405(a))

PHA Response Yes No

13 Lease-Up

The PHA executes assistance contracts on behalf of eligible families for the number of units that has been under budget for at least one year. The PHA executes assistance contracts on behalf of eligible families for the number of units that has been under budget for at least one year

PHA Response Yes No

14 Family Self-Sufficiency (24 CFR 984.105 and 984.305)

14a.Family Self-Sufficiency Enrollment. The PHA has enrolled families in FSS as required. Applies only to PHAs required to administer an FSS program.

Check here if not applicable [checked]

a. Number of mandatory FSS slots (Count units funded under the FY 1992 FSS incentive awards and in FY 1993 and later through 10/20/1998. Exclude units funded in connection with Section 8 and Section 23 project-based contract terminations; public housing demolition, disposition and replacement; HUD multifamily property sales; prepaid or terminated mortgages under section 236 or section 221(d)(3); and Section 8 renewal funding. Subtract the number of families that successfully completed their contracts on or after 10/21/1998.)

Or, Number of mandatory FSS slots under HUD-approved exception **(If not applicable, leave blank)**

b. Number of FSS families currently enrolled

c. Portability: If you are the initial PHA, enter the number of families currently enrolled in your FSS program, but who have moved under portability and whose Section 8 assistance is administered by another PHA

Percent of FSS slots filled (b+c divided by a) **(This is a nonenterable field. The system will calculate the percent when the user saves the page)**

14b. Percent of FSS Participants with Escrow Account Balances. The PHA has made progress in supporting family self-sufficiency as measured by the percent of currently enrolled FSS families with escrow account balances. (24 CFR 984.305)

Applies only to PHAs required to administer an FSS program

Check here if not applicable

**PHA Response**  Yes  No

Portability: If you are the initial PHA, enter the number of families with FSS escrow accounts currently enrolled in your FSS program, but who have moved under portability and whose Section 8 assistance is administered by another PHA

#### 15 Deconcentration Bonus

The PHA is submitting with this certification data which show that :

(1) Half or more of all Section 8 families with children assisted by the PHA in its principal operating area resided in low poverty census tracts at the end of the last PHA FY;

(2) The percent of Section 8 mover families with children who moved to low poverty census tracts in the PHA's principal operating area during the last PHA FY is atleast two percentage points higher than the percent of all Section 8 families with children who resided in low poverty census tracts at the end of the last PHA FY; or

(3) The percent of Section 8 mover families with children who moved to low poverty census tracts in the PHA's principal operating area over the last two PHA FY is at least two percentage points higher than the percent of all Section 8 families with children who resided in low poverty census tracts at the end of the second to last PHA FY.

**PHA Response**  Yes  No

[Deconcentration Addendum](#)

[Go to Comments](#)

[Back to Page1](#)

Save

Reset

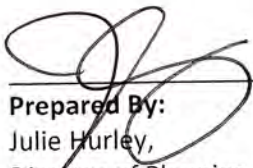


**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2024-01 SUP  
300 N 4<sup>TH</sup> STREET**

**FEBRUARY 27, 2024**

**SUBJECT:**

Place on first consideration an ordinance to approve 2024-01-SUP to allow the operation of a gas station in the North Neighborhood Overlay District



---

**Prepared By:**  
Julie Hurley,  
Director of Planning and  
Community Development



---

**Reviewed By:**  
Paul Kramer,  
City Manager

**NATURE OF REQUEST**

The applicant, JK & Sons, LLC, is requesting a Special Use Permit to allow operation of a gas station at 300 N. 4<sup>th</sup> Street. The subject property is zoned R1-6, High Density Single Family Residential, and falls within the North Neighborhood Overlay District. Gas stations are allowed in the North Neighborhood redevelopment overlay district with the approval of a Special Use Permit.

There is currently a gas station on the property, which is considered an existing nonconforming use, as there is no Special Use Permit in place for its operation. Per section 1.05 of the adopted Development Regulations:

*Any nonconforming use shall not be physically extended, expanded, or enlarged.*

The owner has requested a building permit to build an addition on the rear of the structure. The owner is requesting the Special Use Permit to bring the property into conformance in order to enlarge their structure.

**COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*The property is currently a gas station and has been since at least the early 2000's in its current configuration. It is one of the few gas stations within the downtown area and continued use will contribute to the economic development, welfare and convenience of the public by providing a necessary service.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood as the property is current existing as a gas station. The proposed addition is minor in nature, and will comply with all development standards. The proposed renovation also includes new gas pumps and an updated exterior of the building.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The property owner is proposing a 400 square foot addition on the rear. The addition meets all setback requirements for the North Neighborhood overlay district.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries.

The Planning Commission took action on this item at their February 5, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

**ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a Gas Station at 300 N. 4<sup>th</sup> Street.
- Deny the Special Use Permit request to allow a Gas Station at 300 N. 4<sup>th</sup> Street.
- Remand the Special Use Permit request to allow a Gas Station at 300 N. 4<sup>th</sup> Street to the Planning Commission for further consideration.

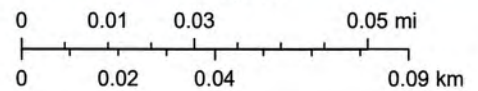


# 2024-01-SUP



2/22/2024, 10:20:28 AM

1:2,257



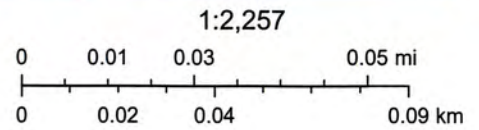
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



# 2024-01-SUP; Zoning



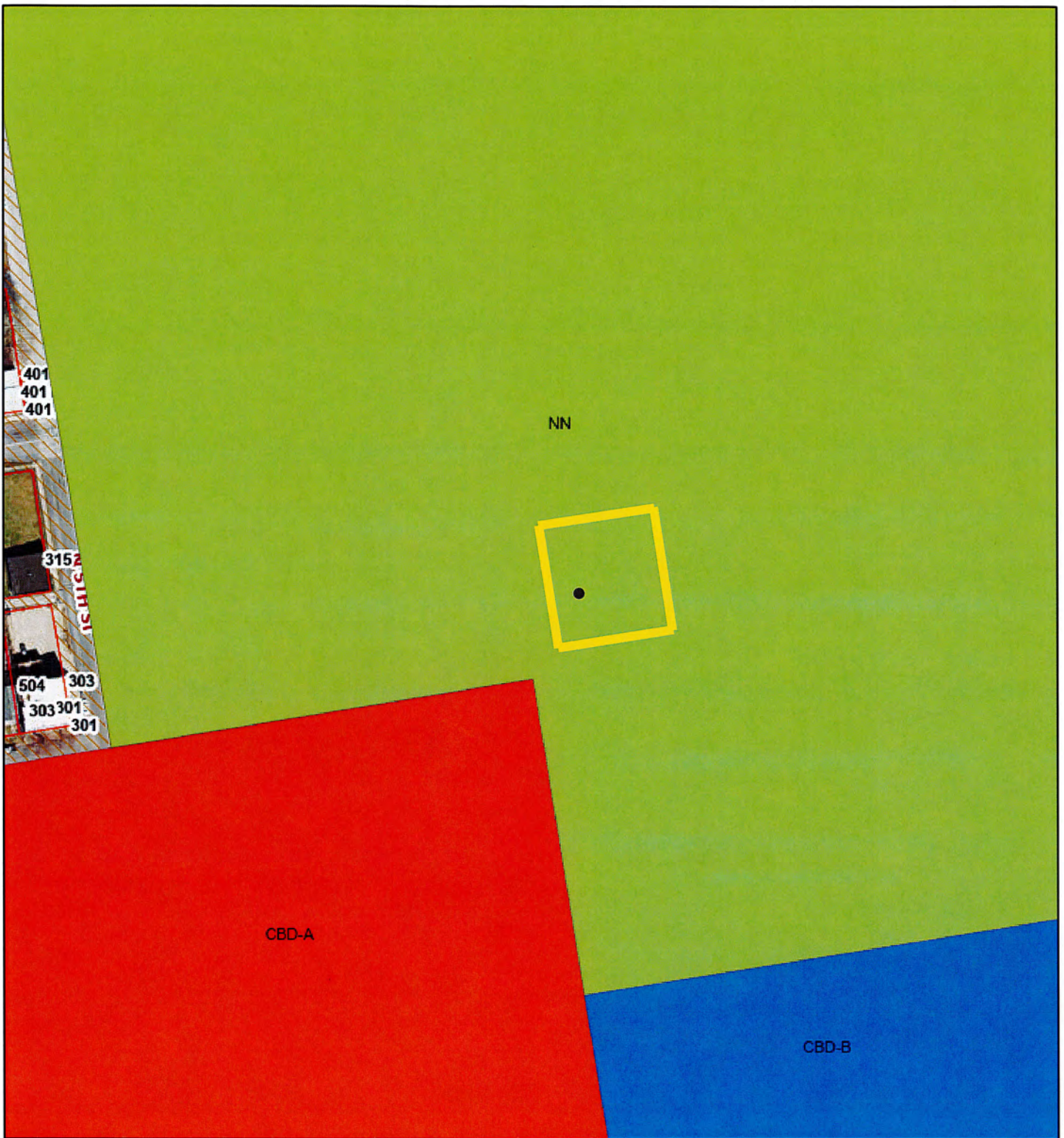
2/22/2024, 10:21:32 AM



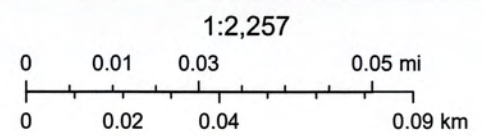
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



# 2024-01-SUP; Overlay



2/22/2024, 10:22:36 AM



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community





**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2024-01 SUP

Application No.	14584
Fee (non-refundable)	\$350.00
Filing Date	11/1/23
Received By	pd. online
Hearing Date	1/8/24
Publication Date	12/13/23


As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: A 340 SF ADDITION TO EXISTING GAS STATION WITH COMPLETE FACELIFT

in accordance with the attached site plan on the following described property:

Subject Property:	300 N 4TH STREET		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:	077-25-0-32-13-012.00-0		
Zoning:	R1-6	Historic District:	

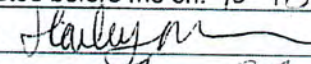
I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	JK & SONS LLC		
Owner Address:	300 N 4TH STREET, LEAVENWORTH KANSAS 66048		
Contact No.	816-888-9601	Email:	asifjaved2224@gmail.com

Signature of Owner(s):  (Javed Khan)  
State of MISSOURI  
County of CLAY (SEAL)



Signed or attested before me on: 10-18-23

Notary Public: 

My Appointment Expires: JUNE 27, 2027

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee: NOT APPLICABLE  
Address:

Contact No. Email:

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

- Non-Refundable Fee of \$350.00 is due at time of application
- Certified list of property owners within two hundred (200) feet of the subject property
- Attach **full** legal description obtained through the Register of Deeds Office
- Site Plan drawn to scale (See General Instructions)
- Supporting documentation (See General Instructions)



**UTILITIES:**  
THE C-STORE BUILDING HAS EXISTING WATER, SEWER AND GAS CONNECTIONS AND NEED NOT BE UPGRADED.

**FIRE HYDRANT:**  
THE FIRE HYDRANT IS LOCATED AT SOUTHEAST CORNER OF THE PROPERTY ALONG NORTHWEST CORNER OF THE INTERSECTION.

**IECC NOTE:**  
THE BUILDING SHALL CONFORM TO THE PROVISIONS OF THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).

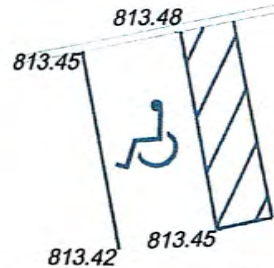
**AREA DISTURBED:**  
THE TOTAL AREA DISTURBED FOR THE CONSTRUCTION OF THE BUILDING ADDITION IS 405 SFT AND ALL OF THIS IS ON EXISTING PAVED AREA. THE DISTURBED AREA IS THE NEW BUILDING ADDITION AND HENCE DOES NOT NEED THE LAND DISTURBANCE PERMIT.

THE ASSUMED SPOT ELEVATION OF THE FINISHED FLOOR IS 100.00

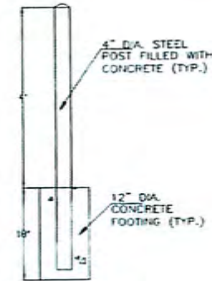
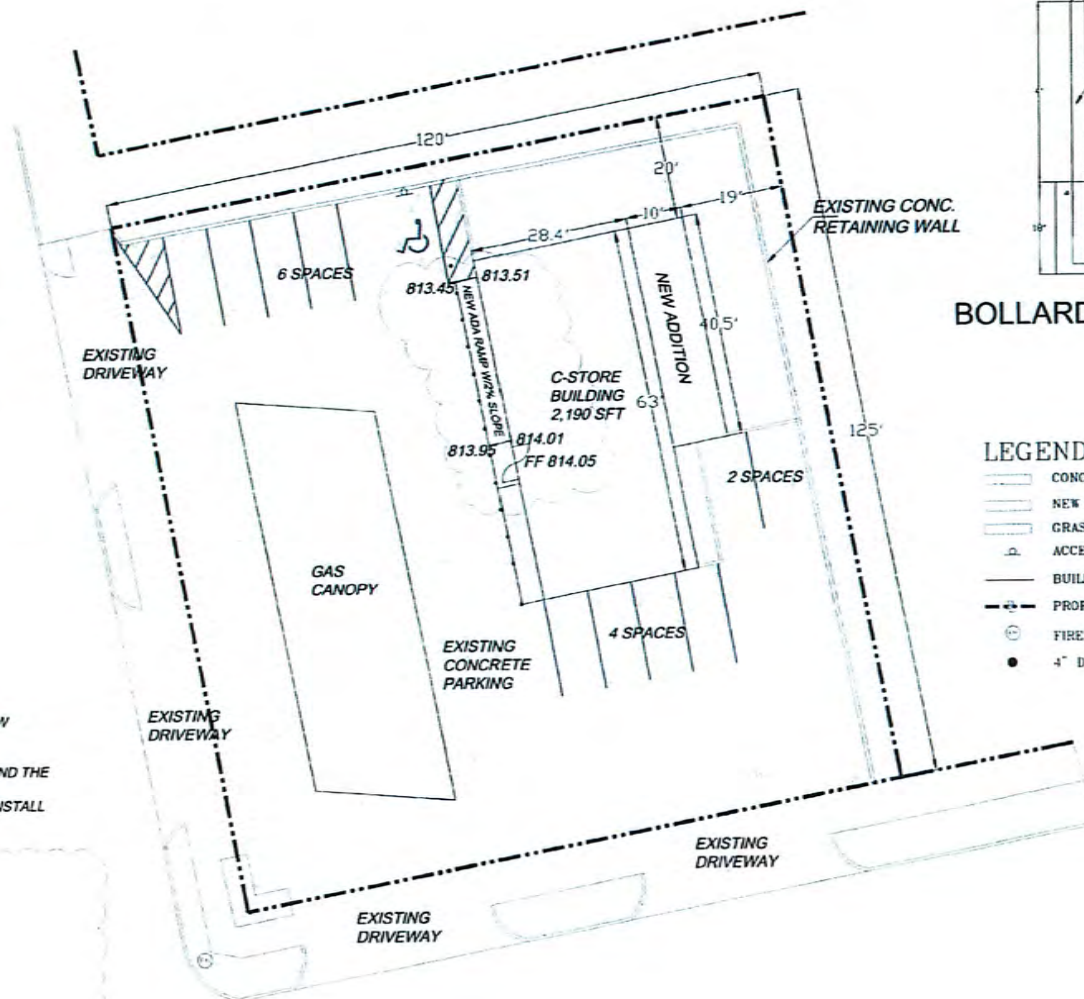
THE MAXIMUM HAZARDOUS MATERIALS WILL BE WITHIN ALLOWABLE QUANTITIES PER TABLE 307.1 IBC 2012

**PROJECT SCOPE:**

1. REMOVE EXISTING METAL SIDING FOR THE AREA THE NEW BUILDING ADDITION IS TO BE CONSTRUCTED.
2. CONSTRUCT NEW 405 SF BUILDING ADDITION.
3. REMOVE EXISTING SIDEWALK WITH METAL FACING AROUND THE BUILDING AND REPLACE IT WITH NEW CONCRETE.
4. RECONSTRUCT THE DAMAGED PARKING SURFACE AND INSTALL NEW LANDSCAPING.



**ADA PARKING STALL DETAILS**  
NTS



**BOLLARD DETAIL**

**LEGEND**

- CONCRETE SURFACE
- NEW BUILDING ADDITION
- GRASS COVER
- ⊕ ACCESSIBLE PARKING SIGN
- BUILDING OUTLINE
- - - PROPERTY LINE
- ⊙ FIRE HYDRANT
- 4" DIA STEEL BOLLARDS



**LEGAL DESCRIPTION**

LEAVENWORTH, PLT ORIG, S25, T08, R22E, BLOCK 41, LOT 12 - 16  
PLAT BOOK/PAGE 1A /1 LOT WIDTH: 120.0 LOT DEPTH: 125.0 DEED  
BOOK/PAGE 08 /5444 1005/0565 0982/0178 0577/1288 0622/1330



**JK MART GAS STATION  
BUILDING ADDITION CONSTRUCTION PLANS**

300 N 4TH STREET,  
LEAVENWORTH, KANSAS

SITE PLAN

Project Number	2023-116
Drawn by	KB
Checked by	JM

**C1**





300 N 4<sup>th</sup> Street – Street view 10/23/23





(Summary Published in the Leavenworth Times on \_\_\_\_\_)

**ORDINANCE NO. XXXX**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A GAS STATION USE IN THE NORTH NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT LOCATED AT 300 N. 4<sup>TH</sup> STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under the 2016 Development Regulations of the City of Leavenworth, Kansas, as amended, the Governing Body of the City of Leavenworth, Kansas was given the power to locate special uses in each zoning district by ordinance; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Leavenworth, Kansas held a public hearing on the 5<sup>th</sup> day of February 2024 in the Commission Chambers, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set out as was published in the Leavenworth Times newspaper; and mailed to all property owners within 200 feet of the said property on the 13<sup>th</sup> day of December 2023.

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request for a Gas Station use in the North Neighborhood Redevelopment Overlay District, located at 300 N. 4<sup>th</sup> Street, Leavenworth, Kansas.

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

**Section 1.** That a special use permit be issued for a Gas Station use in the North Neighborhood Redevelopment Overlay District on the following described property:

Lots 12, 13, 14, 15 and 16, Block 41, in Leavenworth City Proper, in the City of Leavenworth, Leavenworth County, Kansas; and more commonly referred to as 300 N 4<sup>th</sup> Street, Leavenworth, Kansas.

**Section 2.** That this Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

Passed by the Leavenworth City Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Griff Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2024-04 SUP  
920 N. 14<sup>TH</sup> STREET**

**FEBRUARY 27, 2024**

**SUBJECT:**

Place on first consideration an ordinance to approve 2024-04-SUP to allow a two-family dwelling in the R1-6 zoning district.

  
\_\_\_\_\_  
**Prepared By:**  
Julie Hurler,  
Director of Planning and  
Community Development

  
\_\_\_\_\_  
**Reviewed By:**  
Paul Kramer,  
City Manager

**NATURE OF REQUEST**

The applicant, Stieger Family Trust, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 920 N. 14<sup>th</sup> Street. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently a quarter acre, vacant lot. The property was previously occupied by a two-story single-family home, which was demolished in 2009. The applicant intends to construct a new two-family dwelling on the property. Any structure shall comply with all applicable development standards.

**COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*If approved, the property will fill a need in the community by adding a two-family housing option.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not have any indication that the proposed use will cause any substantial injury to the value of other property in the neighborhood. Any future structure will be required to meet all applicable development standards for the R1-6 zoning district.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that

the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The proposed new structure is a two-story duplex that shall meet all applicable development standards for the zoning district. This was a historically developed lot and the proposed new structure will not dominate the immediate neighborhood.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries.

The Planning Commission took action on this item at their February 5, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

**ACTION/OPTIONS:**

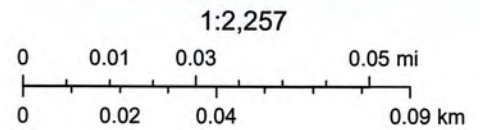
- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling at 920 N. 14<sup>th</sup> Street.
- Deny the Special Use Permit request to allow a two-family dwelling at 920 N. 14<sup>th</sup> Street.
- Remand the Special Use Permit request to allow a two-family dwelling at 920 N. 14<sup>th</sup> Street to the Planning Commission for further consideration.



# 2024-04-SUP



2/22/2024, 10:25:16 AM



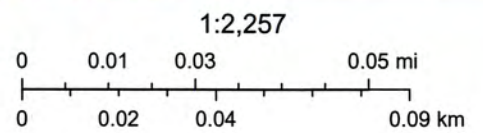
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



# 2024-04-SUP; Zoning

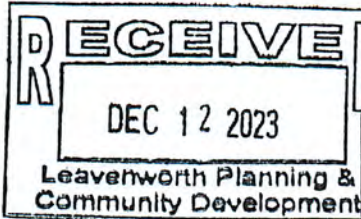


2/22/2024, 10:26:07 AM



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community





OFFICE USE ONLY	
CASE NO.:	2024-04 SUP
Application No.	14771
Fee (non-refundable)	\$350.00
Filing Date	12/12/23
Received By	JK
Hearing Date	2/15/24
Publication Date	1/11/24

**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: duplex in R1-G zoning district

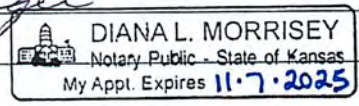
in accordance with the attached site plan on the following described property:

Subject Property:	920 N 14 <sup>th</sup> St. LEAVENWORTH, KS 66048	
Legal Description:	(Attach a full legal description provided by the Register of Deeds Office)	
Real Estate PID #:		
Zoning:	R	Historic District:

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	Stieger Family Trust, Lee R Stieger, Trustee		
Owner Address:	623 Olive St, Leavenworth, KS 66048		
Contact No.	913-683-0131	Email:	lrstieger@netscope.net

Signature of Owner(s): Lee R Stieger



State of Kansas  
County of Leavenworth (SEAL)

Signed or attested before me on: Diana L. Morrisey  
Notary Public: Diana L. Morrisey  
My Appointment Expires: 11.07.2025

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	ERIC JEN ANDERSON		
Address:	1219 EAST 9 <sup>th</sup> ST OF THE DALLES, OREGON 97058		
Contact No.	503-981-5005	Email:	eric.andy.2@gmail.com

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

<input type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Attach <b>full</b> legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input type="checkbox"/>	Supporting documentation (See General Instructions)



(Summary Published in the Leavenworth Times on \_\_\_\_\_)

**ORDINANCE NO. XXXX**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 920 N. 14<sup>th</sup> STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 5<sup>th</sup> day of February 2024 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 11<sup>th</sup> day of January 2024; and

**WHEREAS**, the City Planning Commission did hear on the 5<sup>th</sup> day of February 2024 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 920 N. 14<sup>th</sup> Street, Leavenworth, Kansas; and

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

**Section 1.** That a special use permit be issued for a two-family dwelling on the following described property:

Lots numbered eight (8), nine (9), ten (10), and eleven (11) in Block numbered four (4) in Fenn's Fairground Subdivision of the City of Leavenworth, Leavenworth County, Kansas; And more commonly referred to as 920 N 14<sup>th</sup> St., Leavenworth, Kansas.

**Section 2:** That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.



**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Griff Martin, Mayor

{Seal}

ATTEST:

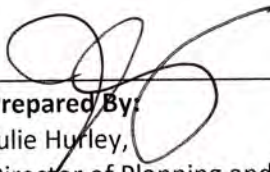
\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk


**POLICY REPORT  
FIRST CONSIDERATION  
DEVELOPMENT REGULATIONS TEXT AMENDMENTS**

**FEBRUARY 27, 2024**

**SUBJECT:**

Place on first consideration an ordinance to amend the Development Regulations

  
\_\_\_\_\_  
**Prepared By:**  
Julie Hurley,  
Director of Planning and  
Community Development

  
\_\_\_\_\_  
**Reviewed By:**  
Paul Kramer,  
City Manager

**DISCUSSION:**

The Development Regulations were adopted by the City Commission in June, 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, minor items arise that necessitate updating. An annual review of the Development Regulations is undertaken by staff in order to ensure that they remain up to date and comprehensive. The changes, as presented, are made in order to ensure consistency throughout the document and with other applicable City codes and regulations, to clarify adopted regulations, to adhere to best planning practices, and to be responsive to the needs of the public. On February 5, 2024, the Planning Commission held a public hearing for the proposed text amendments and voted unanimously to recommend approval of the amendments as presented.

- **Article 1; General Provisions**
  - 1.02 Remove specific dates by which regulations and updated zoning map must be prepared each year. All documents are updated as changes are made throughout the year.
  
- **Article 2; Applications & Procedures**
  - 2.02 Add requirement that applicants provide two full sized copies of all recorded plats.
  - 2.07 Move Article 6; Landscaping and Article 8; Signs to the jurisdiction of Board of Zoning Appeals for variance requests in lieu of City Commission.
  
- **Article 4; Zoning Districts & Standards**
  - 4.03 Add provision that adjacent right-of-way width may not be counted towards the minimum lot width requirement.
  - 4.04 Add provision to allow three detached accessory structures on parcels two acres or larger.
  - 4.04 Add specific setback requirements for pools to align with adopted building codes.
  - 4.04 Add Solar Arrays as permitted accessory use.
  - 4.04 Remove Solar energy facilities from requirement for Special Use Permit.
  - 4.04 Change language regarding signage for home occupations to reference regulations in Article 8; Signs.



- **Article 5; Access & Parking**
  - 5.03 Add provision to allow alternative paving materials as acceptable parking surface for single-family dwellings.
  
- **Article 6; Landscape & Site Design**
  - 6.08 Change wording of “areas” or “properties” to “uses” for consistency.
  - 6.08 Remove minimum height requirement for residential uses abutting a commercial or industrial use.
  - 6.08 Revise language related to fencing around a pool to reference applicable building code.
  - 6.08 Remove specific requirements for decorative fences in the CBD.
  
- **Article 7; Design Standards**
  - 7.02 Change language referencing “two feet 18 inches” to “3 feet 6 inches” for clarity.
  - 7.02 Clarify language regarding maximum driveway width for residential properties.
  
- **Article 8; Signs**
  - 8.03 Revise size computation standards for multi-face signs.
    - Correct all references to “free standing” signs to “freestanding”.
  - 8.07 Refine regulations related to directional signage to include directional wall signs.
  - 8.08 Refine language related to neighborhood identification signs to include term “development” in order to clarify that regulations also apply to multi-family developments.
  - 8.11 Refine language related to projecting signs for clarity.
  - 8.11 Add provision to allow wall signage for businesses without an exterior wall fronting a public ROW.
  - 8.16 Change language related to variance requests to indicate that such requests be made to the Board of Zoning Appeals.
  
- **Article 9; Historic Preservation**
  - 9.08 Remove section related to variances, redundant.
  
- **Article 10; Supplemental Standards**
  - 10.01 Refine language related to Solar Arrays for clarity.
  
- **Article 12; Definitions**
  - Move definitions for Manufactured Home and Mobile Home so that they are with all other definitions for various types of dwellings, for consistency.
  - Add definition for “Shelter Home”.
  
- **Appendix A; Use Table**
  - Require SUP for Manufactured Dwellings in R1-9, R1-7.5, and R1-6.
  - Add use category of Shelter Home.
  - Require SUP for Private Wind Energy Systems in all zoning districts for consistency with requirements of Article 4.

**ACTION/OPTIONS:**

Place an ordinance on first consideration to amend the Development Regulations as presented.

(Summary Publish in the Leavenworth Times on \_\_\_\_\_)

**ORDINANCE NO. XXXX**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF APPENDIX A OF THE CODE OF ORDINANCES, DEVELOPMENT REGULATIONS, OF THE CITY OF LEAVENWORTH, KANSAS BY AMENDING AND PROVIDING ADDITIONAL AND SUBSTITUTE PROVISIONS.**

**WHEREAS**, an ordinance of the City of Leavenworth, Kansas, Amending various sections of Appendix A; Development Regulations of the Code of Ordinances; repealing any and all other ordinances and parts of ordinances in conflict therewith.

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

**Section 1.** That the following amendments to sections 1.02, 2.02, 2.07, 4.03, 4.04, 5.03, 6.08, 7.02, 8.03, 8.07, 8.08, 8.11, 8.16, 9.08, 10.01, Article 12, and Appendix A of the Development Regulations; Appendix A of the City Code of Ordinances, City of Leavenworth, Kansas be and are hereby repealed and amended to read as follows:

**1.02. Administration**

- A. **Authorities.** The following authorities are responsible for the administration of specified aspects of these regulations:
  - 1. *Planning Commission.* It is the duty of the Planning Commission (PC) to publicly hear testimony concerning proposed changes in zoning districts, amendments to this ordinance, proposed annexations, proposed special use permits, and review disputed site plans and then to make appropriate recommendations to the City Commission. The Planning Commission shall operate according to a set of bylaws approved by the City Commission.
  - 2. *Board of Zoning Appeals.* It is the duty of the Board of Zoning Appeals (BZA) to conduct public hearings and to take final action on appeals from interpretation and enforcement actions of administrative officials; to conduct public hearings and act on requests for variances from this ordinance; to conduct public hearings and act on requests for exceptions to the provisions of this ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of this ordinance. Appeal of decisions by the Board is made to District Court. The Board of Zoning Appeals shall operate according to a set of bylaws approved by the City Commission.
  - 3. *Development Review Committee.* It is the duty of the Development Review Committee (DRC) to plan, coordinate, review, and facilitate all new development and substantial redevelopment within the City; including all development applications and requests for variances and exceptions.
    - a. *Development issues will entail the adequate provision of power, potable water, sewage service, communications, road access and capacity, solid waste disposal, life safety aspects, comprehensive plan compatibility, requests for minor modifications, zoning*



*appropriateness, storm drainage, visual aesthetics, and all other issues which may be necessary to provide for the health, safety, and welfare of the citizens of Leavenworth.*

- b. The Development Review Committee (DRC) shall be comprised of the following persons or their designated representatives, or other similar city representatives designated by the City Manager:

- (1) Chief Building Inspector
- (2) City Clerk
- (3) City Manager
- (4) Assistant City Manager
- (5) City Planner
- (6) Economic Development Director
- (7) Fire Chief
- (8) Parks & Recreation Director
- (9) Planning & Community Development Director
- (10) Police Chief
- (11) Public Works Director

- c. *Meetings.* The Development Review Committee (DRC) shall meet weekly in the City Commission Chambers, as needed. The City Planner, or designee, shall prepare the weekly agenda, and shall provide the necessary staff to record meeting minutes and maintain a record of documents submitted for each agenda item.

- d. *Chair.* The City Planner shall be the administrative coordinator of the Development Review Committee (DRC) and shall preside as the Chair.

- 4. *City Commission.* Upon receipt of recommendations from the Planning Commission, the City Commission shall act as the final local authority on all requests for district boundary changes, amendments to the text of this ordinance, annexation requests, approval of disputed site plans and special use permits. The City Commission may grant extensions of time for submission or completion of projects, as it deems expedient. Appeals from decisions of the City Commission are made to District Court. The City Commission shall hear all appeals from staff decisions referred to it under these Development Regulations.

- 5. *Administrative Staff.* The Director is responsible for the enforcement of this Ordinance. Implementation and administration of the provisions of the Development Regulations shall be the responsibility of the administrative officials listed throughout these Development Regulations. Administrative staff duties will include, but are not limited to, the following:

- a. Scheduling and conducting inspections of buildings, structures, and uses of land to determine compliance with the provisions of the Development Regulations.
- b. Maintaining permanent and current records of the Development Regulations, including, but not limited to, all zoning district maps, amendments, special uses, variances, exceptions, appeals and applications therefore and records of hearings thereon.
- c. Preparing and having available in book, pamphlet, or map form:
  - (1) The compiled text of the zoning regulations and amendments thereto, including all amendments adopted, and
  - (2) A zoning district map or maps, showing the zoning districts, divisions, and classifications in effect.

- d. Maintaining for distribution to the public paper and electronic copies of the zoning district map, the text of the Development Regulations and the bylaws, agendas and meeting minutes of the Planning Commission and the Board of Zoning Appeals.
  - e. *Providing such clerical, technical, and consultative assistance as may be required by the City Commission, Planning Commission, Board of Zoning Appeals, Preservation Commission and other boards or commissions in the exercise of their duties relating to these Development Regulations.*
  - f. *Preparing and distributing hearing notices as required.*
  - g. *Providing information, clerical, technical, and consultative assistance to developers and property owners with regard to the application process and requirements of this ordinance generally.*
6. *Leavenworth Preservation Commission.* The Leavenworth Preservation Commission authority and procedures are established in Article 9.
- B. **Schedule of Fees.** The Schedule of Fees and Charges for any applicable fees shall be on file with the City Clerk according to all city ordinances.

## 2.02 Platting

- A. **Applicability:** Plat applications are required to establish or alter the legal boundaries of property, and may be the owners or agents of any property affected.
- B. **Platting Procedures:** Applications for platting shall be proposed on forms established by the Director of the Planning Department and filed with the City Clerk. Applications shall be processed according to the following specific procedures:
- 1. **Types of Plats.** Plat applications are classified and processed as one of the following types:
    - a. Administrative Plats, which are routine applications for lot splits or lot combinations that do not alter development patterns or impact public services; or
    - b. Minor Subdivisions, which are platting of five or fewer new lots, including any remainder parcel, that do not alter development patterns or impact public services; or
    - c. Major Subdivisions, which larger subdivisions are with new ownership and development patterns that impact public services.
  - 2. **Pre-application Conference.** Prior to the filing of any plat, the applicant shall (preferably with 2 copies of a rough sketch plan of the proposed subdivision) contact the City staff to determine:
    - a. Classification of the plat.
    - b. Procedure for filing plats.
    - c. Availability of City sewers and water, and other major utilities, including a letter or similar proof of availability from any utility.
    - d. Comprehensive Land Use Plan requirements for major streets, land use, parks, schools and public open spaces.
    - e. Zoning requirements for the property in question and adjacent property.
    - f. Special setback requirements for arterial, collector and local streets.



3. *Administrative Plat.* Administrative plats shall be processed according to the following criteria and procedures.
- a. **Criteria.** An application may be classified as an administrative plat if the Director determines that all of the following are met. Any application not classified as an administrative plat shall be processed as a minor or major subdivision.
    - (1) No new street or alley right-of-way, or other public dedication is needed.
    - (2) No significant increase in service requirements (utilities, schools, traffic control, streets, etc.), or the ability to maintain existing service levels will result.
    - (3) For a lot split, involves a single split of one lot resulting in two separate lots, or for a lot combination involves the combining of two separate lots into one lot.
    - (4) All lots meet the legal standards of the subdivision regulations and applicable zoning districts.
    - (5) The lot patterns are consistent with the surrounding area. In determining consistency, the size and dimension of lots previously developed, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development shall be considered.
    - (6) No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.
    - (7) All property involved must have been previously platted.
    - (8) No property involved may have been part of a previously approved Administrative Plat. Any subsequent revisions to property lines must be processed as a Minor or Major Subdivision.
  - b. **Filing Requirement.** An administrative plat shall include all applicable information required for final plats.
  - c. **Review and Approval.** Upon review by the Director, Development Review Committee, or any affected departments or agencies, and within 60 days of filing, the Director shall approve any administrative plats that meet all requirements of these regulations, or deny the application and recommend any further processing as a major subdivision.
  - d. **Effect of Decision.** Approval of an administrative plat requires the applicant to record the plat with the Leavenworth Register of Deeds. Denial or recommendation of major subdivision shall be processed according to major subdivision review requirements.
  - e. **The Administrative Plat shall be recorded with the Register of Deeds within 18 months of approval by the Director. Plats which are not recorded within said time period shall be deemed null and void.**
  - f. **Disposition of Final Plats. After the plat has been recorded, the applicant shall provide two full-sized copies of the recorded plat to the Department of Planning and Community Development**

4. *Minor Subdivision.* Minor subdivisions shall be processed according to the following criteria and procedures.
- a. **Criteria.** An application may be classified as minor subdivision if the Director determines that all of the following are met. Any application not classified as a minor subdivision shall be processed as a major subdivision.
    - (1) No new street or alley right-of-way, or other public dedication is needed.
    - (2) No significant increase in service requirements (utilities, schools, traffic control, streets, etc.), or the ability to maintain existing service levels will result.
    - (3) The application results in five or fewer new lots, including any remainder parcel.
    - (4) All lots meet the legal standards of the subdivision regulations and applicable zoning districts.
    - (5) The lot patterns are consistent with the surrounding area. In determining consistency, the size and dimension of lots previously developed, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development shall be considered.
    - (6) No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.
  - b. **Filing Requirement.** A minor subdivision shall include all applicable information required for final plats.
  - c. **Review and Approval.** Within 60 days after submission of a plat, the Planning Commission shall approve, disapprove, conditionally approve, or with approval of the applicant, table the plat. If the Planning Commission approves the plat, the plat shall have house numbers assigned and shall be recorded with the office of the Leavenworth County Register of Deeds.
  - d. The plat shall be recorded with the Register of Deeds within 18 months of approval by the Planning Commission. Plats which are not recorded within said time period shall be deemed null and void.
  - e. **Disposition of Final Plats.** **After the plat has been recorded, the applicant shall provide two full-sized copies of the recorded plat to the Department of Planning and Community Development**

5. *Major Subdivision*

- a. **Preliminary Plat.** A preliminary plat shall be processed according to the following criteria and procedures.
  - (1) **Development Review Committee.** At least seven days prior to the Planning Commission review, the Development Review committee shall review the preliminary plat and submit their recommendation to the Planning Commission.



- (2) Planning Commission Review. Within 60 days after the submission of a preliminary plat, the Planning Commission shall approve, disapprove or, with the approval of the applicant, table the plat. Action by the Planning Commission shall be conveyed to the applicant in writing within ten days after the official Planning Commission meeting at which the plat was considered. In case the plat is disapproved, the applicant shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.
  - (3) Effect of Decision. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed an authorization to proceed with the preparation of the final plat. If the Planning Commission rejects or withholds approval of a preliminary plat, the applicant may request that said plat be submitted to the City Commission and the Planning Commission shall forward the proposed plat, together with their report, stating the reason or reasons for the action taken. The City Commission may make such finding and determinations as are deemed proper.
  - (4) Effective Date. The approval of the preliminary plat shall be effective for one year.
- b. Final Plat. After approval of the Preliminary Plat, the applicant may submit a Final Plat for all or portions of the preliminary plat area.
- (1) Planning Commission. Within 60 days after submission of a final plat, the Planning Commission shall approve, disapprove, conditionally approve, or with approval of the applicant, table the final plat. If the Planning Commission approves or conditionally approves the final plat, it shall be forwarded to the City Commission with a recommendation that they accept dedication of easements and rights-of-way.
  - (2) Dedication of Land for Public Purposes. The City Commission shall approve or disapprove the dedication of land for public purposes within 30 days following the action of the Planning Commission. The City Commission may defer action for an additional 30 days to allow modifications to comply with requirements established by the City Commission. If the City Commission defers or disapproves such dedication, it shall advise the Planning Commission of the reasons therefore.
  - (3) Recording. If the City Commission accepts the proposed easements and rights-of-way, the final plat shall have house numbers assigned and shall be recorded with the office of the Leavenworth County Register of Deeds.
  - (4) Effective Date. Final plats shall be recorded with the Register of Deeds within 18 months following approval by the Planning Commission, or City Commission approval of land dedicated to public purposes, if required. Final plats which are not recorded within said time period shall be deemed null and void



- c. Disposition of Final Plats. After the plat has been recorded, the applicant shall provide two full-sized copies of the recorded plat to the Department of Planning and Community Development.

C. *Improvement Procedures.*

1. *General.* After the approval, but prior to the recording of the final plat, the applicant may do the grading and any drainage work that is required, all according to plans approved by the Director of Public Works. Prior to the issuance of building permits, all street paving, sanitary sewer, storm drainage, and utility lines must be installed in accordance with the most recent version of the Engineering and Public Works Department's Infrastructure Design and Construction Manual and plans approved by the appropriate utility company.
2. *Plans and Specifications.* Upon the approval of the Final Plat, the applicant shall have a licensed professional engineer prepare engineering drawings for proposed required improvements which will be constructed by the developer containing information and details required by the Infrastructure Design and Construction Manual or Public Works Department standards. The Director of Public Works shall review all engineering drawings in order to determine whether such drawings are consistent with the approved Final Plat and comply with their design standards.
3. *Construction of Improvements.* No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a Final Plat and the engineering drawings accompanying it have been approved and there has been compliance with all of the requirements relating to an agreement, bond or deposit specified in these regulations. The developer may install 6" x 5' sidewalks in conjunction with the street paving and forgo the required sidewalk bond.
4. *Inspections.* All improvements constructed or erected shall be subject to inspection by the City or its designated representative responsible for setting and enforcing the applicable design and construction standards of the required improvement. The cost attributable to all inspections required by this regulation shall be charged to and paid by the applicant. Before any required inspections take place, the applicant may be required to post a deposit with the City Clerk to cover the cost of such inspections. Onsite inspections may be conducted at any times and work may be terminated if it does not comply with standards of final drawings.
5. *Final Inspection.* Upon completion of all improvements within the area covered by the Final Plat, the applicant shall notify the Director of Public Works who shall conduct a final inspection of all improvements installed. If the final inspection indicates that there are any defects or deficiencies in any the improvements as installed, or if there are any deviations in the improvements as installed from the final engineering plans and specifications, he shall notify the applicant in writing of such defects, deficiencies, or deviations, and the applicant shall, at his sole cost and expense, correct the defects or deviations. When the defects, deficiencies, or deviations have been corrected, the applicant shall notify the official that the improvements are ready for final re-inspection.
6. *Acceptance.* Upon receipt by the City Commission of the certificate of the Director of Public Works that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these regulations, and all other applicable statutes, ordinances and regulations, the City Commission and/or such appropriate utility shall thereupon,



by letter or motion, formally accept such improvements. The improvements shall become the property of the City Commission or appropriate utility company involved.

## 2.07 Appeals

Any person wishing to appeal a provision of this document as it has been applied to their case shall make application for appeal to the appropriate entity as listed below.

- A. Zoning Regulations. Zoning regulations shall be appealed to the Board of Zoning Appeals as specified in Article 11. Specifically this shall include:
1. Article 1. Section 1.05 Non-conformances
  2. Article 2. Section 2.05 Site Development Plans
  3. Article 4. District Regulations
  4. Article 5. Parking
  5. Article 6. Landscaping
  6. Article 8. Signs
  7. Article 10. Supplementary District Regulations
- B. Development Regulations. Development regulations shall be appealed to the City Commission where specified in these regulations. Specifically this shall include:
1. Article 3. Subdivision Standards
  2. Article 9. Historic Preservation

Summary Table:

	Pre-application Meetings		Review Body				Notice		
	Staff	Community	Staff	PC	CC	BZA	Published	Posted	Mailed
Text Amendment	<input type="checkbox"/>		R	R/H	D		■		
Rezoning	■	<input type="checkbox"/>	R	R/H	D		■	■	■
Plat, Minor	■		R	D	A				
Plat, Preliminary	■		R	D	A			■	
Plat, Final			R	R	D			■	
Site Plan	<input type="checkbox"/>		D	A/D		A			
Planned Zoning	■	■	R	R/H	D		■	■	■
Special Use Permit	■		R	R/H	D		■		■
Minor Modification	■		D	A					
Other Appeals (specified in these regulations)	Dependent on specific applicable code sections								
Variance	<input type="checkbox"/>		R			D	■		■

Appeal of Administrative Decision						D	■		■
-----------------------------------	--	--	--	--	--	---	---	--	---

R = Review/Recommendation

PC = Planning Commission

D = Decision

CC = City Commission

A = Appeal

BZA = Board of Zoning Appeals

H = Public Hearing

■ = Required

□ = Optional or Recommended

### 4.03. Property Development Standards

A. **Dimension Table.** Lot and building dimension standards for zoning districts shall be according to Table 4-01.

	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Width [9]	Max. Coverage	Front	Interior Side	Corner Side	Rear	
R1-25	25,000 s.f.[1]	160'	50%	25'	10'	25'	25'	35'
R1-9	9,000 s.f.	75'	50%	25'	6'	25'	25'	35'
R1-7.5	7,500 s.f.	75'	50%	25'	6'	15'	10'	35'
R1-6	6,000 s.f.	48'	50%	25'	6'	25'	25'	35'
R-MF	6,000 s.f. [2]	48' (1 to 2 units)	50%	25'	6' (1-story)	25'	25'	40'
		72' (3 units)			10' (2-story)			
		96' (4+ units)			15' (3-story)			
R4-16	6,000 s.f. [3]	48' (1 to 2 units)	50%	25'	6' (1-story)	25'	25'	40'
		96' (3 -4+ units)			10' (2-story)			
					15' (3-story)			
RMX	See table 4-2							
MP	10 acres	300'	50%	25'	6'	25'	25'	35'
NBD	6,000 s.f.	48'	50%	25'	6' (1-story)	25'	25'	45'
					10' (2-story)			
					15' (3-story)			
OBD	6,000 s.f.	48'	80% [8]	25'	6' (1-story)	25'	25'	45'



Table 4-01: Zoning District Dimension Standards								
	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Width [9]	Max. Coverage	Front	Interior Side	Corner Side	Rear	
					10' (2-story) 15' (3-story)			
CBD	2,000 s.f.	48'	100%	0' [4]	0' [4]	0' [4]	0' [4]	none
GBD	6,000 s.f.	48'	80% [8]	25'	0' [5]	25'	25'	45'
ROD	See Section 4.05							
I-1	15,000 s.f.	160'	80% [8]	30'	10' [6]	20' [6]	25'	50' or 4 stories
I-2	15,000 s.f.	160'	80% [8]	30'	10' [7]	20' [7]	25'	none

- [1] only with public water and sewer. See KDHE 4-2 and Leavenworth County Sanitary Code: minimum lot size is 2 acre without public water or sewer.
- [2] lots in the R-MF district shall have 3,000 square feet per dwelling unit.
- [3] lots in the R-4-16 district shall have 4,000 square feet per dwelling unit.
- [4] There are no yard requirements in the CBD except that a 25' setback shall be provided on any side of a lot which abuts a residential district
- [5] There are no interior side yard requirements in the GBD except that a 25' setback shall be provided on any side of a lot which abuts a residential district
- [6] In the I-1 district a 25' setback shall be provided abutting any dedicated street or residential district.
- [7] In the I-2 district a 100' setback shall be provided abutting residential district, unless the use was located and platted prior to adoption of these regulations in which case a 25' setback shall be provided. Setbacks abutting any dedicated street shall be 25'.
- [8] Maximum lot coverage requirements shall be subject to stormwater quality and quantity requirements as determined by the Public Works Department for individual projects.
- [9] Any adjacent right-of-way width may not be counted towards the minimum lot width requirement.

B. **Dimension Standards for RMX.** The dimension standards for the RMX district shall be:

Table 4-02: Dimensions for the Residential Mixed-Use District								
Dwelling/ Building Type	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Lot Width	Max. Lot Cov.	Front	Interior Side	Corner Side	Rear	
SF detached and duplex	2,400 sf	40'	80%	10'	0' [1]	10' [1]	10' [2]	35'
Townhouse/ multi-family, mixed-use	[3]	48'	80%	10'	0' [1]	10' [1]	10' [2]	38'

Dwelling/ Building Type	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Lot Width	Max. Lot Cov.	Front	Interior Side	Corner Side	Rear	
Commercial, mixed-use	[3]	n/a	80%	0'	0' [1]	10 [1]	5' [2]	38'

[1] An RMX use abutting a residential district shall match the side yard setback standards of that district.

[2] When abutting a public street, alley, or public right-of-way. The rear setback for RMX abutting a residential district shall be 20 feet, regardless of the location of any street, alley, or ROW.

[3] Must meet setback requirements.

**C. Yard Regulations.**

1. *Front Yards.* In areas where parcels were created previous to the adoption of Subdivision Regulations in July 1966, where structures have been built observing a setback other than the setback required by the applicable Zoning District, new structures shall observe the following setback:

- a. Front setbacks may be the average setback of all lots within 150 feet of either side of the lot, but along the same block.
- b. If only two buildings exist within 100 feet of either side of the lot, the front setback may be the average of those buildings.

2. *Structural Projections.* Every part of a required yard shall be open to the sky unobstructed, except:

- a. The ordinary projection of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed 12 inches
- b. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five feet
- c. The ordinary projection of chimneys and flues
- d. The projection of roof overhangs up to four feet into any front or rear yard and two feet into any side yard. In no case may an overhang project into an easement.
- e. An open unenclosed deck or paved terrace may project into a required rear yard for a distance not exceeding 10 feet, but no closer to the property than 15 feet in any case. A deck or paved terrace under this exception may not be more than 36 inches above grade surrounding the structure and shall be opened to the sky with no roof or wall structure (except reasonable railing).
- f. An open and unenclosed porch or stoop may project into a required front setback a distance not exceeding 10 feet, but no closer to the property line than 15 feet in any case. A porch or stoop under this exception shall be no higher than the first-floor elevation of the front entry feature, may include a single-story roof structure integrated with the materials and style of the building, but shall only include support posts or pillars and railings or two walls up to three feet, but no windows, screens or other enclosures in the front-setback encroachment.



3. *Yard Requirements for Open Land.* If a lot is, or will be, occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for the lots shall be provided and maintained unless some other provision of these regulations requires or permits a different minimum front or side or rear yard setback. The front, side, and rear yards shall not be required on lots used for garden purposes without structures, or lots used for open public recreation areas. If the permitted use is the display of new or used automobiles or other vehicles for sale that display may be allowed in the front yard setback, except the first five feet thereof.

**D. *Height Regulations.***

1. In all districts, one additional foot of height above the specified height limitations shall be permitted for commercial or industrial buildings for each one foot of additional setback on all sides provided over the minimum requirements, if no such building exceeds one 100 feet in height.
2. Single family, two family, and multiple family dwellings in the residential districts may be increased in height by one foot for each one foot of additional setback on all sides, provided that no residential building may exceed 50 feet in height.
3. Chimneys, cooling towers, elevator hothouses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, may be erected to a height not to exceed 25% above the maximum height for the district in which it is located.

**E. *Accessory Structures.***

1. No accessory buildings shall be erected in any required front or side yard, or at any other place forward of the main building line.
2. No accessory structure except for permitted signs, fences, and permitted off-street parking shall be permitted in any required front or side yard.
3. All accessory buildings in the rear yard shall maintain a three-foot setback from the side and rear property lines as measured from the nearest part of the structure, including any overhangs.
4. If the accessory structure has a vehicular alley entrance the sum of the right-of-way width and the setback of the structure shall not be less than 20 feet.
5. Accessory structures located elsewhere on the lot shall maintain setbacks applicable to the principal structure.
6. All accessory buildings in residential districts shall be five feet from any primary building on the site. In all other zoning districts accessory structures and uses shall not occupy required setbacks and are not subject to size restrictions except that all other requirements of the Development Regulations must be met.
7. All accessory structures shall be constructed from material customary to detached structures.
8. In no case shall an accessory structure be constructed from materials or equipment originally designed for another use such as but not limited to packing crates or a part of a motor vehicle truck or trailer regardless if wheels, axles, etc., have been removed and the structures are placed on more permanent foundations.



9. No shipping containers may be used as accessory buildings.
10. Accessory structures which are equal to or more than 15% of the footprint of the main structure shall be architecturally compatible or complementary to the architectural style of the principal building, with similar materials, color, arrangement of massing, roof forms and other details and ornamentation.

#### 4.04. Use Standards

- A. **Permitted and Special Uses.** Permitted and special uses for each zoning district are identified in Appendix A Use Table.
- B. **Accessory Uses.**
  1. **Principal Use Required.** Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.
  2. **Accessory Uses.** Accessory Uses are a structure or use which:
    - a. Is subordinate to and serves a principal building and principal use;
    - b. Is subordinate in area, extent, or purpose of the principal use or building or building served;
    - c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
    - d. Is located on the same lot as the principal building or principal use served; and
    - e. The total square footage of all detached structures, including second stories of any such structures, functioning as accessory use in residential districts shall be less than the square footage of the primary use on the parcel. Agriculture buildings, as allowed by these regulations, may exceed the square footage of the primary use on the parcel. In determining square footage of the primary use (residential), attached garages and unfinished space shall not be counted.
    - f. No more than two detached accessory structures shall be allowed per building lot or parcel whichever is larger in area. On parcels two acres or larger, three detached accessory structures shall be allowed. For these purposes, "detached accessory structures" means any detached garage, storage building, agriculture building, gazebo, or other such similar above-ground structure erected in conformance with these regulations.
  3. **Permitted Accessory Uses.** Any structure or use that complies with the terms of these Development Regulations may be allowed as an accessory use or structure (accessory structures and uses include, but are not limited to, the following list of examples); provided that in each case such structure must fit the general definition:
    - a. Private garages or carports: Not to exceed the following capacity:
      - (1) For single-family residences: a garage not to exceed 900 square feet on parcels less than one acre, and 1,200 square feet on parcels one acre or larger. Detached garages require construction of driveways to provide access in conformance with the parking provisions of the code.



- (2) For multi-family residence: two cars per dwelling unit. Not to exceed 600 square feet per unit.
- (3) Requests for garages in excess of 900 square feet on parcels less than one acre and in excess of 1,200 square feet on parcels one acre or larger may be approved by the Board of Zoning Appeals.
- b. Storage Buildings: A structure for storage incidental to a permitted use provided no such structure that is accessory to a residential building shall exceed 250 square feet in gross floor area.
- c. Play Structures: A child's playhouse, including tree houses.
- d. Pools & Courts: An above-ground swimming pool, bathhouse, or tennis court provided it shall be a minimum of ten feet from all property lines, five feet from any primary building on the site, and complies with all applicable building codes contained in the adopted building code.
- e. Miscellaneous Yard Decor: Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, and hedges
- f. Shelters: Fallout and tornado shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- g. Signs: Signs, when permitted by Article 8 – Sign Regulations.
- h. Parking: Off-street parking and loading spaces as required by these regulations.
- i. Recreational Vehicles, Campers, Trailers, and Boats: Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, provided such storage area is in accordance with all other requirements of these Development Regulations.
- j. Commercial Accessories: Restaurants, drug stores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- k. Supplemental Employee Services: Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- l. Office Space: Offices for permitted business and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
- m. Retail Sales: Retail sales in conjunction with permitted industrial uses when located on the same site as the industrial use.
- n. Indoor Retail Storage: The storage of retail merchandise when located within the same building as the principal retail business.
- o. Auto Sales: The retail sale of automobile parts and used automobiles on a tract of land not to exceed one acre in area when located on the same site as and in conjunction with an automobile race track.
- p. Amateur Radio Towers: Amateur radio towers and antennae shall not exceed the height of 50 feet in residential districts. A tower and antennae must maintain a setback of one foot per one foot of height from all property lines and must be located in a side or rear yard of the principal structure and the owner of the tower and property maintains and shows proof of a current federal license as an amateur radio operator. The construction of the tower must follow the manufacturer's installation specifications.
- q. Agriculture Buildings: In residential districts an agricultural accessory building not to exceed two percent of the total square footage of the lot on which is it located on parcels two acres or larger, up to a maximum of 3,400 square feet.



- r. Apiaries: In residential districts, bee hives or boxes may not be kept within 50 feet of any dwelling (except the dwelling of the owner of such bees), or within 15 feet of any lot line, sidewalk, alley, or other right-of-way. Notwithstanding, bees may be kept within 15 feet of a lot line, sidewalk, alley, or other right-of-way when a barrier at least 6 feet high is placed between the bee hives or boxes and the lot line, alley, or right-of-way which adequately impairs bee flight. No more than 3 hives shall be placed or kept in a location which is less than 200 feet from a house or other building used for residential purposes other than the residence of the keeper of such bees.
  - s. Solar Arrays, subject to the provisions included in Article 10, Supplemental Standards.
4. *Prohibited Accessory Uses.* None of the following shall be permitted as an accessory use:
- a. Outdoor storage or overnight parking in a residential district of commercial trucks or trailers as defined herein, or other on, or off, road items exceeding 10,000 GVW (Gross Vehicle Weight).
  - b. Outdoor storage, of dismantled, inoperative and/or unlicensed motor vehicles; parking and/or storage of construction machinery and equipment, tracked or wheeled; farm machinery and/or equipment except as specifically permitted in district regulations in conjunction with a permitted use.
5. *Accessory Uses Permitted by Special Use Permit.* The following accessory uses shall only be permitted upon approval of a special use application by the City Commission:
- a. Commercial Communication Towers and Antennae. Including television and radio towers, transmitting and receiving towers, dishes, and appurtenances, subject to the provision included in Article 10, Supplemental Standards.
  - b. Wind Energy Systems, subject to the provisions included in Article 10, Supplemental Standards.
  - c. Child Care Centers for 7 or more children:
    - (1) Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.
    - (2) Shall provide at least 100 square feet of open space per child. This open space shall be 100% enclosed by a minimum 4' high fence or wall.
    - (3) Shall provide a loading zone capable of accommodating at least 2 automobiles for the easy picking up and discharging of passengers.
    - (4) Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.
    - (5) All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.
    - (6) Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides, or 1 non-illuminated sign affixed to the structure of 3 square feet.
  - d. Accessory Dwelling Units. Accessory Dwelling Units (ADUs) may be approved by Special Use Permit in any residential zoning district subject to the following conditions:
    - (1) Shall be compatible with the design of the principal dwelling unit.



- (2) Shall respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.
  - (3) Shall not have a separate driveway entrance from the street(s) to which the property is adjacent.
  - (4) Shall be 900 square feet or smaller in size, not to exceed 33% of the floor area of the principal dwelling unit.
  - (5) Either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the premises.
  - (6) Shall meet all building code requirements for a single family dwelling unit.
  - (7) Lots containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.
- e. Massage Therapy establishments as a home occupation may be allowed with issuance of a Special Use Permit. Such establishments are subject to all requirements of Home Occupations as provided in these regulations, as well as all requirements for Massage Establishments as provided in the City of Leavenworth Code of Ordinances, Chapter 26, Article III.

6. *Home Occupations.* A home occupation may be established provided:

- a. That no one, other than members of the immediate family residing on the premises, be employed;
- b. That no use will occupy more than 25% of the gross floor area on one floor nor more than 400 square feet of gross floor area;
- c. That a carport, garage, or any accessory structure may only be used for home occupations with issuance of a Special Use Permit;
- d. That there shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby use;
- e. Home occupations are allowed to display signage in accordance with section 8.08 of these Development Regulations.
- f. That no offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced;
- g. That the home occupation shall be conducted entirely within the principal residential building except with issuance of a Special Use Permit;
- h. That no machinery or equipment shall be installed which interferes with radio or television reception, and which is not customarily incidental to the practice of such occupation or profession, but in no case shall any machine exceed one rated horsepower;
- i. That only one type of profession or occupation shall be permitted within the occupied dwelling or building;
- j. That two off-street parking spaces are provided; and
- k. That there is no keeping of stock in trade for on-site retail or wholesale trade or sales.
- l. Permitted home occupations shall not in any event be deemed to include:
  - (1) Automobile and vehicular repair on any other than the property owner's personally owned and currently registered vehicle(s)
  - (2) Antique sales.
  - (3) Equipment rental business.

- (4) Stables, kennels, veterinarian services, pet shops, and animal hospitals.
- (5) Eating or drinking places.
- (6) Mortuaries and embalming establishments.
- (7) Private clubs, including fraternity and sorority houses.
- (8) Retail sales (over the counter).
- (9) Repair of home appliance and electronic equipment.

C. ***Temporary Uses Permitted.***

1. *Sidewalk Sales.* The retail sale of merchandise not within an enclosed structure shall be permitted for a period not to exceed three days and need not comply with the yard and setback requirements. Yard sales are permitted in the residential district after obtaining necessary permits from City Clerk. Sidewalk sales are permitted in the commercial and industrial districts after obtaining necessary permits from the City Clerk. No merchandise will be displayed in the vision clearance triangle and street right-of-way except in the Central Business District.
2. *Christmas Tree Sales.* Christmas tree sales shall be permitted in any commercial or industrial district for a period not to exceed 60 days. Display of these need not comply with the yard and set-back requirements of these regulations, provided that no trees shall be displayed within the vision clearance triangle or in the street right-of-way except in the Central Business District.
3. *Contractor's Office.* Contractor's office and equipment sheds shall be permitted accessories to a construction project only during the duration of such project.
4. *Real Estate Offices.* Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) shall be permitted incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
5. *Carnivals and Circuses.* A carnival or circus shall be permitted, but only in an OBD, NBD, CBD, GBD, I-1, or I-2 District, and then only for a period that does not exceed three weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the vision clearance triangle as defined by these regulations.
6. *Recreational Vehicle Storage.*
  - a. Storage:
    - (1) Between April 1 and October 31, the storage and parking of major recreational equipment such as boats, boat trailers, pick-up campers or coaches, camping buses or converted trucks and tent trailers shall be allowed in the front and side yard. A maximum of two (2) such recreational vehicles may be stored in the front or side yard of a property at any time. Any recreational vehicles stored in the front or side yard shall be located a minimum of 10' from the curb or edge of any street, and a minimum of 2' from any interior side lot line and shall not



block any sidewalk. All recreational vehicles must be stored or parked on a paved or aggregate block surface.

- (2) Between November 1 and March 31, the storage and parking of major recreational vehicles shall be prohibited in the front and side yard setbacks for a period in excess of 72 hours per month but may be stored or parked in a rear yard on a paved or aggregate block surface.

- b. **RV Occupation:** No recreational equipment shall be utilized for living, sleeping, or housekeeping purposes when parked on a residential lot or in any location, not approved for such use, for a period in excess of 14 days per calendar year.

D. ***Tiny Homes***

1. Tiny Homes as defined herein, may be utilized as the primary dwelling structure on any residentially zoned lot. Tiny Homes must follow all development standards of the zoning district in which they are located.
2. Tiny Homes must be placed on a permanent foundation, and must be connected to a public sewer and water system. Tiny Homes must comply with all applicable building codes.
3. Tiny Homes may be utilized as Accessory Dwelling Units (ADUs) in accordance with these regulations.

### 5.03. General

- A. ***Use.*** Required parking used only for parking operable motor vehicles using the site or use. Any other use of parking areas for outside storage, display or commercial activity shall be permitted by different provisions of these regulations
- B. ***Surfaces and Markings.*** All off-street parking areas and driveways shall be surfaced and provided with a minimum of:
  1. ***Residential Parking:*** (All dwelling units) Six inches of Portland Cement concrete, or four inches of stone and four inches of asphaltic concrete. Alternative paving materials, such as pavers, may be approved for single-family residences after review by the City Engineer.
    - a. A gravel parking pad in the rear yard may be installed with a border to contain the gravel. Such gravel parking pad must be accessed directly off the alley and may be a maximum depth of 37 feet as measured from the rear property line.
    - b. For lots over 2 acres in size on which the primary structure will be set back a minimum of 100 feet from the front property line, a gravel driveway may be installed past the required 25' front setback, provided that all other applicable building and fire codes are met.
  2. ***Commercial and Industrial Loading and Parking:*** Eight inches of Portland Cement concrete, , or six inches of stone and six inches of asphaltic concrete.

3. *Parking Lot Marking:* Parking spaces in lots of more than six spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.
  4. *Bumper Guards:* Wheel or bumper guards when used shall be located so that no part of any vehicle shall extend beyond the boundary lines of the parking area, intrude on pedestrian ways, or come in contact with walls, fences, or plantings.
- C. ***Drainage:***
1. Off-street parking facilities shall be drained to eliminate ponding water and prevent damage to abutting property and/or public streets and alleys.
  2. No surface water from such parking area shall be permitted to drain onto adjoining private property without adequate drainage precaution being taken by the developer.
  3. All new and redeveloped parking areas shall be required to present a drainage study prepared by an engineer licensed in the State of Kansas.

## 6.08 Fences

- A. ***Fence Types.***
1. Open fences means those fences constructed of wood, masonry, metal, woven wire, or other material whose surface area is greater than 50 percent open.
  2. Solid fences means those fences constructed of wood, masonry, metal, planting, hedge or other material whose surface area is or may become less than 50 percent open.
  3. The smooth or most finished side shall be facing outward on all fences.
- B. ***Permit Required.***
1. It shall be unlawful for any person, property owner or fence construction company to erect or install fencing without first paying the permit fee as set out in Appendix F, Schedule of Fees and Charges, Code of Ordinances, City of Leavenworth, Kansas and obtaining a fence or building permit pursuant to the provisions of these Development Regulations.
  2. Masonry fences, or fences which contain a portion of masonry, four feet or more in height, or more than 4 feet above the nearby grade, shall be designed by an Engineer licensed in the State of Kansas and shall require construction documents and a building permit.
  3. A survey by a surveyor licensed in the State of Kansas may be required by the Building Official before issuing a permit.
- C. ***Residential Uses .***
1. ***Prohibited Types.***
    - (a) Barbed wire fence prohibited. No person shall construct, keep or maintain any barbed wire fence, or fence any part of which is composed of barbed wire, within a residential area of the city except when permitted as a farm use or as a condition to a special use permit for those uses listed as a special use connected with farming or agricultural activities in the R1-25 single-family residential district.



- (b) Electric fence prohibited. No person shall construct, keep or maintain an electrically charged fence within a residential area of the city except when permitted as a farm use or as a condition to a special use permit for those uses listed as a special use connected with farming or agricultural activities in the R1-25 single-family residential district of the Development Regulations of the City of Leavenworth, Kansas. These installations will then only be permitted when the electric fence is installed behind an open fence separated by three feet.

2. *Residential Front Yard.*

- (a) Open fences and hedges may be installed in all front yards on the property lines but may not exceed 48 inches above the natural contour of the ground.
- (b) No solid fences shall be constructed or reconstructed closer to the street line than the front wall of the residential structure. The front wall of the residential structure shall be determined by excluding porches, roof overhangs, dormers, or other extensions.
- (c) Where a residential property abuts a commercial or industrial property or use and where screening has not been installed or is not required, the residential property owner may install a solid or open screening fence on the property line not to exceed 72 inches in height above the natural contour of the ground along the property line that abuts the commercial or industrial property or use.

3. *Residential Side or Rear Yards.*

- (a) Open fences and hedges may be installed in all side and rear yards on the property line but may not exceed 72 inches above the natural contour of the ground.
- (b) Solid fences may be installed on the rear property line and on the side property line to a point aligning with the front wall of the residential structure as defined in subsection 2. of this section not exceeding 72 inches in height above the natural contour of the ground; provided that no solid fence greater than 48 inches above the natural contour of the ground shall be built within six feet of a residential structure on adjoining property; provided further, that if any portion of the adjoining structure is closer than six feet, then such solid fence shall not exceed four feet in height for the entire length of the side or rear yard property line.
  - (1) On corner lots, both yards adjacent to streets are considered front yards. In this instance, the fence on the addressed side must be erected in accordance with subsection 2.; on the other side a solid fence not exceeding 72 inches in height above the natural contour of the ground may be built on the property line, provided that the property line is a minimum of 15 feet from the curb or edge of pavement. If the property line is less than 15 feet from the edge of the pavement, the fence shall be installed a minimum of 15 feet from the curb or edge of pavement, or 50 percent of the existing setback from the house to the property line, whichever is less.
  - (2) For the purpose of determining yard requirements on corner lots, the street the property is addressed from shall be considered the frontage and yards shall be provided, as set forth in this section.
- (c) Where a residential use abuts a commercial or industrial property or use, and where screening has not been installed or is not required, the residential property owner may install a solid-type screening fence on the property line up to eight feet above the



contour of the natural ground along the property line that abuts the commercial or industrial property or use.

- (d) A solid fence may be installed around a private swimming pool or patio not to exceed 96 inches above the natural contour of the ground, provided it complies with all applicable building codes contained in the adopted building code.

D. **Commercial and industrial uses—Types permitted.**

1. *Decorative Fences.* Decorative fences shall be permitted in the Central Business District upon approval by the Development Review Committee.
2. Fences in commercial zoned areas of the city shall be either of open or solid type construction.
3. *Height restrictions.*
  - (a) Fences for commercial uses may be up to eight feet above the natural contour of the ground. Fences may be installed on the property line, except that no fence adjacent to the right-of-way may exceed 6 feet in height and no fence may be installed in the vision clearance triangle.
  - (b) Fences for industrial uses shall be no less than six feet or more than eight feet above the natural contour of the ground and may be installed on the property line except in the vision clearance triangle.
4. *Use of barbed wire.*
  - (a) Fencing of the chain-link type for commercial and industrial uses may be topped with barbed wire on slanted arms. When these slanted arms are used, they shall be slanted outward and upward at an angle of not less than 45 degrees. No barbed wire will be permitted on nonconforming business properties in residential zoning districts.
  - (b) When the commercial or industrial property or use abuts a residential use, a chain-link fence with the barbed wire topping may be installed along the abutting residential property line provided the lowest point of the barbed wire is at least six feet above the ground.
  - (c) Chain-link fencing with barbed wire topping shall not be installed any closer than five feet to any street, sidewalk, or pedestrian way.

E. **Agricultural Fence.** The term "agricultural fence" shall apply only to areas conforming to the requirements of the R1-25 District and those activities permitted as a farm use, or as a condition to a special use permit for those uses listed as a special use connected with farming or activities in the R1-25 single-family residential district, Development Regulations of the City of Leavenworth, Kansas.

1. *Permitted types.* Agricultural fences shall be of the open type construction only.
2. *Height restriction.* Agricultural fences shall not exceed four feet in height above the natural contour of the ground.
3. *Use of barbed wire by special permit; prohibited when abutting residential uses.* The use of barbed wire in the construction, reconstruction or maintenance of agricultural fences shall be by a special permit issued by the city inspector. The permit shall not be given or renewed if the fence forms a boundary with a residential development.



4. *Hedges and evergreens along public ways—Height restricted.* The owner of any hedge or evergreen fence along the side of any street, avenue, or alley shall not permit any such hedge or evergreen fence to grow to exceed four feet in height.
- F. **General restrictions – all fences.**
1. *Sight Distance.* No fence shall be constructed nor shall a hedge or evergreen fence be planted or allowed to grow in such a manner as to obstruct the vision triangle at intersections.
  2. *Exposure of solid fences.* When tight-board fences are constructed, the smooth finished surface shall face the exterior of the property.
- G. **Notice to trim.** The owner of any hedge or evergreen fence along the side of any street, avenue, or alley shall on 30 days' notice in writing given by the city inspector be required to trim such hedge or evergreen fence to conform to the requirements of the City's property maintenance notice.
- H. **Fence maintenance notice.** Any property owner who fails to maintain any fence or screening structure in a clean, sanitary and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds shall, after 30 days' written notice from the Director or his agent, be deemed guilty of a misdemeanor and subject to the penalty provisions of these Development Regulations and any other applicable City Ordinance.

## 7.02 Residential Design

- A. **Design Objective.** The Design objective or the Residential design standards are to:
1. Promote "4-sided" architecture, where buildings are designed as a complete and integrated product, considering visibility and impact on all adjacencies
  2. Encourage variation in building design so that a compatible range and scale of buildings encourage diversity in details that prevent monotonous streetscapes.
  3. Create relationships between residential streetscapes and buildings and sites that reinforce the overall character of the block and neighborhood.
- B. **Specific Applicability.** The following standards apply to all residential buildings of any type, unless specifically noted and limited to a certain building type or context.
- C. **Mass and Form.** The following standards require a compatible mass and form of residential buildings, particularly when different building types are mixed or transition on or across adjacent blocks. Mass and form standards are broken out by specific building types and contexts.
1. *Single Family Infill.* Single-family infill located on a block face where more than 50 percent of the existing homes are single-family shall employ the following technique to help maintain a lower-intensity residential character along the street frontage:
    - a. Design of the infill structure shall mimic the building proportions, setbacks, drive style, and location, orientation, height, bulk, and mass of the predominant architectural styles(s) found on both sides of the street.
    - b. Professionally prepared elevations are not required, unless the Director is unable to determine the nature of the design from the documents submitted.
    - c. Designs submitted in accordance with this section shall be reviewed by the Director. Appeal from the decision of the Director shall be to the City Commission.



2. *Townhomes.* No more than six single-family dwelling units shall be attached in a single row. Facades shall be differentiated into separate units by the following:
  - a. Each unit shall have distinctly different facades and no attached single-family structure facade shall be repeated more than once every four structures on the same side of the street.
  - b. The facades of single-family attached town homes shall be punctuated by a change in texture material, offset, or other architectural feature to differentiate individual units.
  
3. *Multi-dwelling Structures.* Buildings with 3 or more dwellings or any residential buildings constructed as part of a multi-family development shall meet the following mass and form standards:
  - a. The minimum separation between multi-family buildings, including accessory buildings, on the same lot or development parcel is 15 feet.
  - b. Multi-family buildings in a single development shall be clustered or grouped to form neighborhoods.
  - c. Developments with at least four units shall provide 150 square feet of private common open space for each multifamily dwelling unit. A minimum of 40 percent of the open space shall be usable for recreation, including swimming pools, sport courts, or playgrounds with equipment. Required landscaping is excluded from open space calculations.
  - d. Each elevation shall incorporate wall plane projections or recesses having a depth of at least four feet and extending a minimum of four feet at a minimum interval of 30 feet
  - e. The elevations of all multi-family buildings shall be articulated through the incorporation of at least three or more of the following:
    - (1) Balconies;
    - (2) Bay or box windows;
    - (3) Porches or covered entries;
    - (4) Dormers;
    - (5) Accent materials such as brick, stone, or stucco with banding highlights;
    - (6) Window grills and shutters;
    - (7) Variation in window sizes and shapes; or
    - (8) Vertical elements that demarcate building modules.
  - f. The height of each multi-family building taller than 35 feet shall be stepped down from its highest roofline at least one full story on any end of the building located within 50 feet of a street-right-of-way or an adjacent area zoned or used for single-family residential.
  - g. Multi-family buildings shall provide concentrated unit access points. Monotonous access balconies and corridors running the length of the exterior of a building are prohibited.
  - h. Multi-family infill located on a block face where more than 75 percent of existing homes are single-family shall employ one or more of the following techniques to help reduce the overall bulk and mass of individual buildings and help maintain a lower-intensity residential character along the street frontage:
    - (1) Articulating the front façade so that the building appears from the street to be separate homes by “stepping back” the front façade a minimum of 10 feet at the traditional side yard setback would typically be found between two single-family homes;
    - (2) Organizing units around a central courtyard that maintains the impression of the traditional side yard setback between units along the street frontage; or
    - (3) Designing the multi-family building so that the massing, arrangement of architectural elements, and use of exterior materials gives the appearance of a large single-family home.



- i. Rooflines longer than 50 feet shall include at least one vertical elevation change of at least two feet.
- j. The incorporation of a variety of roof forms is strongly encouraged. Upper-level residential floors may be incorporated into the roof form to reduce the apparent height and mass of buildings.

D. **Orientation and Articulation.** The following orientation and articulation standards require that buildings relate to neighborhood streetscapes and share a pedestrian-oriented details that help reduce the scale of buildings and create a range of compatible but distinct designs and patterns, even when different building mass or forms exist, and particularly when different architectural styles are blended.

1. **Entrances.** To the maximum extent feasible, the primary entrance and façade of individual buildings shall not be oriented towards parking, but shall be oriented towards:
  - a. An abutting public street, or
  - b. Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.
  - c. All ground-floor units with frontage along the primary street shall have an entrance that faces the street. Multi-family buildings located with multiple street frontages shall provide entrances to units along each street frontage.
  - d. Exterior entrances from a public sidewalk or common open space are permitted for dwelling units on the ground floor. These entrances shall be raised from the finished ground-floor level of the sidewalk a minimum of 3 feet 6 inches.
  - e. Dwelling units above the ground floor shall have interior unit entrances, except that exterior stairs are permitted for access to upper-floor units only if they are oriented towards a central plaza not visible from any street.
2. **Transparency.** At least 25% of all wall surface area facing a public street shall be windows.
3. **Vertical Articulation.** Buildings three stories or more shall use the following design details to reduce the scale of the façade:
  - a. The top floor of any building shall contain a distinctive finish, consisting of a cornice, banding, or other architectural termination.
  - b. An expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades for buildings that do not utilize a pitched roof.
  - c. Buildings shall be designed to incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. Upper stories shall not appear heavier or demonstrate greater mass than the lower stories of the building.

E. **Materials.** The following materials are acceptable for construction:

1. Brick, concrete stucco, stone, stone facing, textured masonry block, wood, glass in combination with metal, or similar, durable architectural materials.
2. This list may be amended by the addition of other acceptable materials without amending these regulations.
3. All added acceptable materials shall be approved by the DRC. The Chief Building Official shall maintain the list of additional acceptable materials.
4. EIFS, or synthetic stucco may be approved on a case-by-case basis.

F. **Garages, Parking and Access.** The following garage, parking and access standards balance the design of sites and buildings for cars, with impacts on neighborhood streetscapes and pedestrian scale residential design.

1. Front-loaded garage doors shall not comprise more than 45% of the building line on the front façade.



2. Alternative garage locations such as side- or rear-entry, detached garages, or garages setback at least 12-feet from the front building line are encouraged.
    - a. Any detached garage shall be architecturally compatible, and consistent in materials, design and colors as the main building.
    - b. Any side loaded garage shall have designs on the street-facing wall that are compatible with the house design materials identical to the primary façade, and by incorporating at least two of the following elements:
      - (1) Two or more windows, with a size, orientation and design similar to those on the primary façade;
      - (2) A permanent trellis covering a minimum of 25% of the wall area. One vine for every eight linear feet of trellis shall be planted at its base. Appropriate vine species are approved by the Director; or
      - (3) Garage or living area façade offset from the other a minimum of 4 feet.
  3. Driveway widths within the front yard shall be limited to no more than 30% of the lot frontage width, as measured at the front building line or 30 feet from the front property line, whichever is less. Where this limits access to a lot, alternatives such as single-drives to expanded driveway pads, shared driveways and lanes, or alley-loaded access should be considered.
  4. To the maximum extent feasible, garage entries, carports, parking areas and parking structures shall be internalized in building groupings or internalized into a residential block and oriented away from the streetscape.
  5. Overall, parking areas and freestanding parking structures (detached garages or car ports) shall not occupy more than 30 percent of the perimeter public street frontage for multi-family development.
- G. **Variation of Design.** In order to avoid the monotony of repetitive building design, to encourage diversity and visual interest, and to promote a wide range of distinct details within a narrow range of compatible building types, scale and forms, the following techniques should be used in residential projects affecting multiple adjacent buildings:
1. Variation of building types, models or floor plans that result in distinct but compatible building forms when viewed from the streetscape.
  2. Variation of front entry features, and to design of roof structures associated with front-entry features;
  3. Distinct architectural styles that impact the materials, placement of windows, or level of details and ornamentation while still presenting a compatible design and relationship to the neighborhood streetscape.

### 8.03. Computations

The following principles shall control the computation of sign surface, sign face and sign height:

- A. **Computation of Sign Face of Individual Signs:** The entire area within a single continuous rectangle enclosing all elements (individual letters and/or logo) of the sign which form an integral part of the display including the perimeter border.
- B. **Computation of Area of Multi-Face Signs:** . Only one side of a multi-faced sign shall be considered when determining the sign area, provided that the faces are equal in size and the interior angle formed by the faces is less than 45 degrees. When these conditions are not met, all faces of the sign shall be considered in calculating the sign area.
- C. **Computation of Height:** The height of a sign shall be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign.



### 8.07. Signs Permitted in All Districts

The following signs shall be permitted in all zoning districts; permits shall be required unless excluded from the permit requirements.

- A. Official governmental jurisdiction flags, including flags indicating weather conditions, and flags that are emblems of religious, charitable, public, and nonprofit organizations. No flag shall exceed 50 square feet in area. Title 4 of the United States Code provides instructions on how to display the Flag of the United States.
- B. One freestanding directional sign shall be permitted at each entrance to a building site and at each entrance to a drive-thru facility when zoned commercial, office or industrial. Such signs shall not be located on the right-of-way and shall not block vision to traffic. Such signs shall not exceed four feet in height, shall not exceed four square feet of area per sign face, and may be single or double-faced. One directional wall sign shall be permitted for each exterior wall of a business. Such signs shall not exceed 6 square feet in area. Such signs may indicate entrances, exits, addresses, direction of traffic flow, and the location of loading docks, parking areas, delivery doors, drive-thru lanes, and similar facilities. Up to 25% of the area of the sign may be used to display the name or logo of the developer, building or principal tenant. . These signs are not computed as part of allowable signage and will not be subject to spacing restrictions. Directional signs shall not be electronic changeable message signs.
- C. Contractors' remodeling signs identifying the contractor(s) who perform remodeling or property improvement work are permitted. Not more than one sign, not to exceed eight square feet, shall be permitted for each contractor if the property is zoned residential, or not to exceed 32 square feet if the property is zoned other than residential. Said signs shall not be installed before commencing work on the project or the issuance of a building permit for the project and the sign shall be removed within 80 days of completion of the project. Contractor's remodeling signs may be a non-affixed sign, but shall not be an illuminated sign or an electronic changeable message sign.
- D. Address signs that do not exceed two square feet in areas zoned residential and three square feet in areas not zoned residential and may include the name of a legal home occupation. Address signs shall not be an illuminated signs or electronic changeable message sign

### 8.08. Signs Permitted in Residential Districts (R1-25, R1-9, R1-6, R1-7.5, R4-16, R-MF)

<b>Table 8-01: Residential Signage Standards</b>			
	<b>Maximum Number</b>	<b>Height</b>	<b>Area</b>
Home Based Business Signs	1	N/A	6 s.f.
Temporary Signs	3	N/A	3 s.f.
Real Estate Signs	1	6'	6 s.f.
For Sale Signs (undeveloped land over 5 acres)	2	10'	40 s.f.
Open House Signs	1	6'	6 s.f.



Neighborhood/Development Identification Signs	1 per entrance	8'	50 s.f.
Public & Semi-Public Buildings	See Table 8-02		

The following types of signs are permitted in residential districts, in accordance with the requirements set forth or referred to herein:

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.
- B. A 6 square foot home based business sign.
- C. Temporary signs, not specifically otherwise identified by sign type, conforming to the restrictions set forth herein are allowed as follows;
  - 1. Three temporary signs are permitted on any lot.
  - 2. These temporary signs may be double faced, and have a sign face no larger than 3 square feet
- D. In lieu of the temporary signs permitted herein a real estate sign not exceeding six square feet per sign face, with two faces per sign are permitted. The maximum height of the sign shall not exceed six feet. A maximum of one sign per street frontage shall be permitted.
- E. Undeveloped land over five acres in size shall be allowed two "For Sale" signs not to exceed 40 square feet in area per sign face, with two sign faces permitted. No sign shall exceed 10 feet in height.
- F. In lieu of the temporary signs permitted a sign designating an open house may be erected at the site of an open house. No open house sign shall exceed six square feet per sign face with two faces per sign permitted. One sign face shall be allowed in lieu of each one of the temporary signs permitted by subsection (B) above. The maximum height of the sign shall not exceed six feet. Open house signs shall be removed immediately upon completion of the open house. Such signs shall comply with the real estate sign restrictions except as specifically restricted herein.
- G. Permanent property identification signs may be permitted at each entrance to a neighborhood, subdivision, or residential development in accordance with subdivision plat approval.
- H. **Public and Semi-Public Buildings.** Churches, schools, libraries, community centers, hospitals, or other public/semi-public facilities located in a residentially zoned district shall be allowed signage as regulated and permitted in Section 8.10, Signs Permitted in the Neighborhood Business District (NBD).

### 8.11. Signs Permitted in Commercial and Industrial Districts (OBD, CBD, GBD, I-1 & I-2)

	Maximum Number			Maximum Size			Maximum Height		
	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2
Attached Signs [1] [2]	1 per side	1 per side	1 per side	150 s.f.	96 s.f.	500 s.f.	N/A	N/A	N/A
Freestanding Signs [3] [4]	1	1	1	50 s.f.	50 s.f.	100 s.f.	15	15	15



Window Signs	N/A	N/A	N/A	150 s.f. or 33% of window area	150 s.f. or 33% of window area	150 s.f. or 33% of window area	N/A	N/A	N/A
--------------	-----	-----	-----	--------------------------------	--------------------------------	--------------------------------	-----	-----	-----

[1] Maximum 10% of wall surface to which signs are attached

[2] Projecting signs are allowed as regulated by section 8.11.C.5

[3] When located across street from commercial or industrial use, height may be increased per section 8.11.D.1

[4] Size may not exceed 1 s.f. per lineal foot of frontage in OBD or CBD, and 2 s.f. per lineal foot of frontage in GBD, I-1 & I-2

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.
- B. Signs as regulated and permitted in the NBD.
- C. Signs attached to a building shall be allowed as follows:
  1. One sign shall be allowed for each side of a structure or part of a structure clearly defined as an individual storefront. An individual storefront shall have an exterior wall clearly related to the interior space of that storefront and may or may not have windows or an entrance door to the inside of the building.
  2. The sign surface area shall not exceed ninety-six (96) square feet in Office Business District (OBD), 150 square feet in Central Business District (CBD) and 500 square feet in General Business District (GBD) and Light and Heavy Industrial Districts (I-1 & I-2) or 10% of the wall surface to which the sign(s) are attached, whichever is less.
  3. The permitted signs may be wall signs, projecting signs, mansard signs, roof signs, or marquee signs. A roof sign shall not exceed the highest point of the roof of the structure. A marquee sign may be an electronic changeable message sign.
  4. The signage permitted herein may be an electronic changeable message sign, provided it complies with all applicable standards.
  5. Projecting signs shall not project from the wall greater than a distance of six feet or encroach in a public right-of-way in OBD, GBD, I-1 or I-2 and shall maintain eight feet of clearance from grade. Projecting signs in the CBD may encroach in the right-of-way, but shall be constructed of approved nonflammable, safety material, shall maintain eight feet of clearance to grade, and shall not be closer than five feet to a curb line.
  6. Projecting signs shall not exceed 24 square feet, unless a variance is approved by the Board of Zoning Appeals, provided that no projecting sign shall exceed 48 square feet under any conditions. Projecting signs shall not reduce the number of signs allowed per wall as otherwise allowed by this code.
  7. For any business or tenant that does not adjoin an exterior wall of the building in which they are located, or does not adjoin an exterior wall that directly fronts a public street, one wall sign shall be allowed on another exterior wall of the same building.

- D. One freestanding sign shall be permitted per parcel and regulated as follows:
1. Freestanding signs shall not exceed 15 feet in height. Where a sign is located across the street from a property zoned for commercial or industrial uses, the height of the sign may be increased to a height of 25 feet, provided that the nearest edge of the sign is setback from the property line 2 feet for each additional 1 foot in height.
  2. No part of a freestanding sign face or sign structure shall be closer than five feet to any property line and shall not obstruct traffic vision.
  3. Freestanding signs may have two faces and shall not exceed 50 square feet per face or one square foot of sign per lineal foot of lot frontage, whichever is less, in OBD or CBD, and 100 square feet per face or two square feet of sign per lineal foot of lot frontage, whichever is less, in GBD, I-1 or I-2.
  4. No freestanding sign face, frame or base shall be closer than 50 feet to another freestanding sign.
  5. Separate and distinct street frontages shall be computed individually for allowable signage; however, signs shall be located on that street frontage which is used for computation (No accumulation is allowed for unused street frontage.)
  6. The freestanding signs may be electronic changeable message signs, provided they comply with all applicable standards.
- E. Window signs, as otherwise restricted and permitted herein shall be allowed provided that:
1. The total window sign area in a tenant space shall not exceed 33% of the window area, for each front, side or rear wall, provided that, the total sign surface shall not exceed 150 square feet per side of the building. For the purposes of this subsection, the term "window area" includes the non-opaque parts of any doors or other fenestrations.
  2. The allowable window sign area as defined herein may be illuminated and may be an electronic changeable message sign.

## **8.16. Variances**

A request for a variance to any provision of this Article must be made through application to the Board of Zoning Appeals, as further defined in Article 11.

## **9.08. Historic Resources Survey**

The commission shall annually update the historical resources survey to identify buildings, structures, sites, neighborhoods and areas that may have historical, cultural, or architectural importance to the community. As part of the survey, the commission shall evaluate studies by other organizations and compile appropriate descriptions, facts, and photographs. All such materials shall be documented in accordance with the survey manual prepared by the SHPO.



## 10.01 Solar Energy

The following provisions regulate the use of renewable (alternative) energy systems where the use of an alternative energy system is requested by a property owner. This section does not permit or regulate renewable energy production facilities owned or operated by private firms or public utilities, which generate energy beyond that needed by a single dwelling or commercial operation with less than 10,000 square feet of floor space.

- A. **Solar Array Defined:** A “solar array” shall mean a freestanding, ground-mounted solar device system consisting of a linked series of photovoltaic modules, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. Solar Arrays may be considered either a primary or accessory use.
- B. **Solar Array Standards:** All solar arrays shall comply with the following requirements:
1. **Setbacks, Location, and Height:**
    - a. Solar array shall not be located in the front yard between the principal structure and the public right-of-way.
    - b. A solar array shall be located a minimum of six feet from all property lines and other structures.
    - c. An accessory solar array in any residential district shall not exceed the greater of one-half the footprint of the principal structure or 600 square feet, whichever is greater. The size of accessory arrays in mixed-use and nonresidential districts shall not exceed one-half of the footprint of the principal structure. Any proposed solar array in excess of the stated size limits shall require approval of a Special Use Permit.
    - d. There shall be no size limits on solar arrays as a primary use on a site. However, the maximum lot coverage of any solar array shall not exceed 80 percent.
    - e. A solar array shall not exceed 20 feet in height and shall not create any solar reflectivity that measurably impacts surrounding properties.
  2. **Code Compliance:** Solar arrays shall comply with all applicable building and electrical codes contained in the adopted building code. The solar collection system shall be maintained and in productive use or removed within 90 days of notice from the city that the system is not in compliance with city regulations.
- C. **Solar Collection System Defined:** A “solar collection system” shall mean a roof-mounted or wall-mounted panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.
- D. **Solar Collection System Standards:** All solar collection systems shall comply with the following requirements:

1. *Setbacks, Location, and Height:*
  - a. A solar collection system shall not extend more than five feet above the roofline or the maximum height permitted in the zoning district in which it is located, whichever is less.
  - b. A solar collection system may be located on an accessory structure.
  - c. A development that is proposed to have a solar collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.
2. *Solar Collection Code Compliance:* Solar collection systems shall comply with all applicable building and electrical codes contained in the city's adopted building code. The solar collection system shall be maintained and in productive use or removed within 90 days of notice from the city that the system is not in compliance with city regulations.

**ARTICLE 12 – DEFINITIONS (Attachment A)**

Article 12, Definitions, shall be attached to Ordinance No. XXXX and amended.

**APPENDIX A. - USE TABLE (Attachment B)**

Appendix A Use Table shall be attached to Ordinance No. XXXX and amended.

**Section 2.** That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4.** That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 5.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and publication as provided by law.

Passed by the Leavenworth City Commission on this \_\_\_\_\_ day of \_\_\_\_\_ 2024.



---

Griff Martin, Mayor

{SEAL}

ATTEST:

---

Sarah Bodensteiner, CMC, City Clerk

## ARTICLE 12. DEFINITIONS

Terms defined in this Article shall be the basis for interpretation of all such terms throughout these Development Regulations. If not so defined a term shall be assigned the meanings found in Webster's most current New Collegiate Dictionary.

---

**100-year Flood:** The Base Flood.

**Abandoned Sign:** Any sign on any building, structure or premises that has been vacated for a six (6) month period.

**Abutting:** Having property or district lines in common; e.g., two lots are abutting if they have property lines in common.

**Access or Accessway:** The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this ordinance.

**Accessory Building, Accessory Structure, or Accessory Use:** A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent or purpose to the principal building or principal use served; (3) contributes to the comfort convenience, or necessity of occupants of the principal building or principal use; (4) is located on the same zoning lot as the principal building or principal use. The same as "appurtenant structure."

**Actuarial Rates:** "risk premium rates."

**Adaptive Use:** The process of changing the use of a structure or property to a use other than that for which the structure or property was originally designed.

**Addition:** Any construction which increases the size of the building such as a porch, attached garage or carport, or a new room or wing. An addition is a form of alteration.

**Address Sign:** A sign identifying, through any set of numerals or letters, a principal building's location with respect to the streets or to those homes or buildings around that building. An address sign may include the name of the occupant and may include the name of a home occupation.

**Administrative and Professional Offices:** Private commercial office space where the public may transact business, receive services or where commercial firms conduct internal office operations.

**Administrative Official:** A member of the city staff who is empowered to administer and implement the provisions of this Ordinance. Specifically, the Director of Planning and Community Development, City Planner, Planning and Zoning Technician, Director of Public Works, Building Inspector and Environmental Officer.

**Administrator:** As used in Article X, Floodplain Management, means the Federal Insurance Administrator.

**Adult Day Center:** Any place or facility operating less than 24 hours a day providing activities and social engagement opportunities for not more than 15 unrelated adult individuals who, due to functional



## Attachment A

impairment, require some degree of supervision or assistance with the activities of daily living, with no on-site medical services provided.

**Agency:** means the Federal Emergency Management Agency (FEMA).

**Agent:** The legally authorized representative of a landowner

**Agriculture Accessory Building:** A detached accessory structure used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of equipment or supplies used for agricultural or property maintenance activities.

**Agriculture Uses:** The use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations; provided, however, such agricultural use shall not include the following uses: (1) the maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted; (2) wholesale or retail sales as an accessory use unless the same are specifically permitted in this ordinance; (3) the feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within one hundred (100) feet of any lot line. Agriculture does not include the feeding of garbage to animals, the raising of poultry or fur-bearing animals as a principal use, or the operation or maintenance of a commercial stockyard, or feed yard.

**Airport:** Any location where one or more craft capable of containing a human, takes off or lands, and for which ground facilities necessary to these operations are constructed.

**Alley:** A public thoroughfare, which affords only a secondary means of vehicular access to abutting property, and is not intended for general traffic circulation. An alley line shall mean the centerline of an alley right-of-way.

**Alteration:** Any change or rearrangement to the structural parts of an existing building or property. Any enlargement, whether by height or dimension, shall be considered an alteration. Any act or process that changes the exterior architectural appearance of a building.

**Amendment:** A change in the wording, context, or substance of this ordinance, an addition, deletion, or change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore imposed or removes or modifies any such regulation heretofore imposed.

**Amphitheater:** Any open-air venue used for entertainment and performances.

**Amusement Park:** A commercial amusement activity such as a carnival, circus, miniature golf course, or similar establishment, which is not entirely within an enclosed building.

**Animal Clinic or Animal Hospital:** A place where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as kennel shall be limited to short-time boarding and shall only be incidental to such hospital use and shall be enclosed in a soundproof structure

**Animal Day Care:** See Kennel

**Animal Husbandry (other than dairy):** The agricultural practice of breeding and raising livestock.



## Attachment A

**Animal Research Facilities:** Any facility in which research on animals is performed in a careful study of a subject, which may be related to the health or other welfare of animals of the same or other species, including humans.

**Animal Sales and Service:** Any facility where the on-site sale of animals is performed including the sale of animal husbandry or animal health related supplies.

**Animation/Animated:** Any visible moving part, or oscillating lights either natural or artificial, or visible movement achieved by any means that move, change, oscillate, or visibly alter in appearance to depict action or create special effects or scenes.

**Apartment Building:** A building used as a dwelling for several families each living separate and apart. Apartments are generally rental units.

**Apiary:** A place for the keeping of bees

**Appeal:** An application to a recognized higher authority to correct an alleged injustice done and an error committed in an order, requirement, decision, or determination made by an administrative official in the enforcement of city regulations. Also, a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**Applicant:** The owner or duly designated representative of a structure or property. Applicants may apply for building, fence, sign, and other permits or nominations for local, state or national registry, or group of owners of structures in a proposed historic district, or the owner or duly designated representative who has applied for a building permit, demolition or clearance permit involving a registered historic property or property within 500 feet of a registered historic property.

**Appropriate:** Suitable to or compatible with what exists in the surrounding context or setting.

**Appurtenant Structure:** A structure that is on the same parcel of property as the principle structure and the use of which is incidental to the use of the principal structure.

**Arboretum or botanical garden:** A botanical garden containing living collections of woody plants intended for public appreciation and/or for scientific study.

**Area of Shallow Flooding:** A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**Arena and Field House:** Structures with indoor space sufficient to house large community events and/or indoor sporting events.

**Art Gallery or Museum:** A building or space for the exhibition of art, usually visual art. Museums can be public or private, but what distinguishes a museum is the ownership of a collection. Paintings are the most commonly displayed art objects; however, sculpture, decorative arts, furniture, textiles, costume, drawings, pastels, watercolors, collages, prints, artists' books, photographs, and installation art are also regularly shown. Although primarily concerned with providing a space to show works of visual art, art



## Attachment A

galleries are sometimes used to host other artistic activities, such as performance art, music concerts, or poetry readings.

**Arterial Street:** A major thoroughfare designed to carry traffic from one area to another and as designated in the Future Land Use Map, which is a part of the Leavenworth Comprehensive Land Use Plan.

**Assembly Hall:** Any building, or portion of a building, used primarily for public or private gatherings, with a maximum capacity for congregation in the assembly area of at least 50 people.

**Assisted Living Facility:** Facilities which provide residents with supervision or assistance with activities of daily living; coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety, and well-being. Other licensure terms used for this philosophy of care include Residential Care Home, Assisted Care Living Facilities, and Personal Care Homes.

**Athletic Facilities:** Outdoor facilities designed and used for athletic events, practice and coaching.

**Auction Establishment:** Any facility at which regularly scheduled auctions occur and for which public space has been established. This includes private or member only auction facilities.

**Auditorium/Exhibition Hall/Convention Center:** A large building that is designed to hold a convention, where individuals and groups gather to promote and share common interests. Convention centers typically offer sufficient floor area to accommodate several thousand attendees. Convention centers typically have at least one auditorium and may contain concert halls, lecture halls, meeting rooms, and conference rooms.

**Automobile Parts Recycling Business:** Any facility, structure, or land-use storage of used and reusable or scrap salvage materials, including but not limited to resale of parts, shredding, milling, grinding, baling, or packing equipment for the handling of used and re-saleable parts, scrap, salvage materials, or used materials.

**Automobile Repair Shop:** A place where automobiles are repaired by any of the following; auto mechanics, body shop technicians or electricians.

**Automobile Towing Service Storage Yard; Impound Lot:** A place where automobile tow trucks are stationed between calls and where automobiles are temporarily stored after being towed for reasons other than mechanical malfunction. The dismantling or salvage of vehicles is not included in this definition.

**Automobile, Boat, Truck, Motorcycle, RV Sales, Rental, and Service:** A place where automobiles and other power sport vehicles are sold, rented or repaired by any of the following; mechanics, body shop technicians or electricians.

**Awning or Canopy Sign:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A Marquee is not a canopy. A canopy sign shall be considered a wall sign. Any sign printed on a backlit canopy shall be considered a wall sign.

**Banner:** A canvas, plastic, cloth, or fabric sign used to advertise a product, service, event, or promotion. Banners are considered to be temporary signs only. (See Temporary Sign.)

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.



**Basement:** Any area of the structure having its floor subgrade (below ground level) on all sides.

**Bed and Breakfast Inn:** Any residential structure within a zoning district which allows this land use wherein boarders are allowed to share guest rooms and living space with other guests and breakfast is served at no additional charge. No upper time limit on residency is to be established. In approval of a **Bed and Breakfast Inn** the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. Owner occupancy is not required. However, a 24-hour management presence is required for all operations when 1 or more guests are in residence.

**Better Building:** This ratio is determined by dividing the County's most recent appraised value for a building (not the site) by the building's area in square feet. The upper 1/3 of all building value to area ratios within 1000' shall be used to determine if a proposed architectural style is generally compatible with the area. Commercial buildings shall only be compared to commercial, industrial to industrial.

**Billboard:** An off-premise sign having a specified display surface that advertises goods, products, or services, generally not available or sold on the premises.

**Block:** A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.

**Board of Zoning Appeals (BZA):** A local body created by ordinance, whose responsibility is to hear appeals from decisions of the local zoning administrative officials and to consider requests for variances and exceptions permissible under terms of the Development Regulations of the City of Leavenworth, Kansas.

**Boarding or Rooming House:** A building other than a bed and breakfast, hotel, motel, cafe, or restaurant where, for compensation, directly or indirectly, lodging and/or 2 meals per day are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family.

**Buffer Strip:** A strip of land, identified in the Development Regulations of the City of Leavenworth, Kansas, established to protect one type of land use from another with which it is incompatible. Additional use, yard, or height restriction may be imposed but normally a properly screened area can provide a buffer.

**Builders Supply Yards and Lumberyards (except when indoors as part of a hardware store):**

**Building** – A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or personal property.

**Building Coverage:** The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot

**Building Height:** The vertical distance measured from the average existing grade within the building setback envelope to the uppermost point of the roof of the building.

**Building Materials:** Substances used in construction of a building, specifically the exterior elements, which influence character, appearance, and durability.



## Attachment A

**Building Supplies and Equipment:** A wholesale sales and warehousing operation catering to building contractors and not open to the public.

**Building Type:** A definition based on floor plan, height and roof shape, related to architectural style.

**Bulk:** That measure that establishes the maximum size of a building and its location on a lot. Components of bulk include: size and height of building, location of exterior walls at all levels with respect to lot lines; streets and other buildings; gross floor area of building and amount of lot area provided per dwelling unit

**Bus Garage and Equipment Maintenance:** Any facility for the storage, maintenance or operation of transportation equipment.

**Bus Terminal:** A structure or place for the loading, unloading, and transportation of people into vehicles capable of transporting more than 15 people. Unlike a bus stop, a bus terminal includes restroom facilities and the vending of trip tickets.

**Camp, Private, Overnight:** A private facility for use of its membership which allows temporary residence, not to exceed 30 days, in tents or recreational camper trailers. On-site staff members are not limited to a residency period restriction. Recreational Vehicles are not included.

**Campground:** A facility, which allows temporary residence, not to exceed 30 days, in tents or recreational camper trailers. Recreational Vehicles are not included.

**Canopy and Awning:** A roof-like cover having no supporting walls but supported otherwise from the ground, deck, floor, or walls of the building.

**Car Wash/Truck Wash:** A facility for the washing and further cleaning of cars or trucks.

**CBD:** Central Business District as defined by the most current Development Regulations.

**Cellar:** See Basement.

**Cemetery:** An area set apart for or containing graves, tombs, or funeral urns.

**Certificate of Appropriateness -Minor:** A Certificate of Appropriateness which may be granted by certain designated staff for exterior repairs, maintenance, signage or for non-registered properties which have no adverse impact on historic properties.

**Certificate of Appropriateness or CofA:** A certificate issued by the City approving plans for alteration, construction, demolition or other matters relating to various historic properties.

**Certificate of Occupancy:** Official certification that a premises and its identified use conforms to the provisions of the Development Regulations of the City of Leavenworth, Kansas and building codes and may be used or occupied. This certificate is granted for new construction.

**Certified Ownership List:** A current list of names and addresses of property owners of record, and a legal description of the property owned that would lie within 200 feet (1000 in the rural area of the County) of the external boundaries of any land proposed for rezoning, special use permit, variance, or exception. This list may be prepared and certified by an abstractor, attorney, surveyor, or the County GIS department. The Director may accept a list prepared by city staff.



## Attachment A

**Changeable Message Sign, Electronic** – A sign that is activated electronically, whose message, content, or display, in whole or in part, may be changed by means of either electronic, computerized programming or any other means, and which the message is in text, alphanumeric characters, symbols, logos, or static image.

**Changeable Message Sign, Manual** – A sign on which the message or copy is changed manually in the field.

**Character:** Those individual qualities of building, sites, and districts that differentiate and distinguish them from other buildings, sites, and districts.

**Chief Engineer:** The chief engineer of the division of water resources, Kansas Department of Agriculture.

**Chief Executive Officer or Chief Elected Official:** The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community; i.e., the City Manager.

**Child Care Center:** A day nursery providing care for seven (7) or more children, for part or all of a day or night, away from the home of the parent or legal guardian; including full day child care, nursery schools, play groups, Head Start, centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night. Centers for infants and toddlers or for handicapped children may have fewer than seven (7) children but be licensed as a center because the program meets child care center regulations.

**City Commission:** The elected, governing body of the City of Leavenworth.

**City Manager:** Executive appointed by the City Commission

**City Planning Commission:** The Leavenworth City Planning Commission.

**City:** The City of Leavenworth, Kansas.

**Civic, Social, and Fraternal Organizations:** Any organization with a mission of promoting the public good.

**Collector Street:** A major thoroughfare designed to carry traffic from an arterial street to the local streets as designated in the Future Land Use Plan in the Leavenworth Comprehensive Land Use Plan. Collector streets serve large subdivisions or neighborhoods.

**College or University:** An organization which is listed in the U.S. Department of Education's Office of Postsecondary Education database which has been accredited by an accrediting agency or state approval agency recognized by the U.S. Secretary of Education as a "reliable authority as to the quality of postsecondary education" within the meaning of the Higher Education Act of 1965, as amended.

**Commercial Message:** Any message, content, text, logo, or display that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity or concerns the economic interest of the advertiser.

**Commercial Sign:** Any sign that directly or indirectly names advertises or calls attention to a business, product, service or other commercial activity or concerns the economic interest of the advertiser.



## Attachment A

**Commercial Vehicle:** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if: the vehicle has a gross vehicle weight rating or gross combination weight rating, or a gross vehicle weight or gross combination weight over 10,000 pounds; or the vehicle is designed or used to transport more than eight passengers, including the driver, for compensation; or the vehicle is designed to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or the vehicle is of any size and is used in the transportation of hazardous materials.

**Communication Tower:** Any commercial structure with one or more antennae rising more than 20 feet above grade or the roof of a structure.

**Community Centers:** Public locations and structures where members of a community gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

**Community playfields, playgrounds, and parks:** Any park or recreation facility accessible by all members of the public and intended to serve the recreation needs of the community as a whole.

**Community:** Any State, area, or political subdivision thereof, which has authority to adopt and enforce floodplain management or other regulations for the areas within its jurisdiction.

**Compatible:** Of such character as not to detract from surrounding elements, buildings, sites or structures; consistent and appropriate with the surrounding context and setting.

**Component:** An individual part of a building, structure, site, or district.

**Concentrated Animal Feeding Operations:** Agricultural operations where animals are kept and raised in confined situations. CAFOs congregate animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.

**Consumer Goods Retail Sales:** The sale of goods or merchandise from a fixed location, such as a department store, boutique, or kiosk, or by mail, in small or individual lots for direct consumption by the purchaser. Retailing may include subordinated services, such as delivery. Purchasers may be individuals or businesses. In commerce, a "retailer" buys goods or products in large quantities from manufacturers or importers, either directly or through a wholesaler, and then sells smaller quantities to the end user. Retail establishments are often called shops or stores.

**Context:** The setting in which a historic element or building exists.

**Contracting Services, no storage or yard:** A facility from which service contractor vehicles are dispatched to jobs, but which has no outdoor storage of construction materials.

**Contributing/Key contributing:** A building, site, structure or object which adds to the architectural qualities, historic association or archeological values of historic register property for which a property is significant because: (a) it was present during the pertinent historic time; (b) it possesses integrity and reflects its significant historic character or is capable of yielding important information about the pertinent historic period or (c) it independently meets the standards and criteria of the Historic Preservation regulations.



## Attachment A

**Convent/Monastery:** A building, or complex of buildings, that houses a room reserved for prayer (e.g. an oratory) as well as the domestic quarters and monastic workplaces for monks or nuns, whether living in community or alone (hermits). Monasteries may vary greatly in size – a small dwelling accommodating only a hermit, or in the case of communities anything from a single building housing only one senior and two or three junior monks or nuns, to vast complexes and estates housing tens or hundreds.

**Conversion:** Changing, by alteration, the original purpose of a building to a different use.

**Country Club:** A private club, which may have a closed membership, offering a variety of recreational sports facilities. Activities may include golf, tennis, swimming, or polo. A country club will usually provide hospitality to members and guests such as a restaurant and bar, and may provide suitable accommodations for host-catered events, such as weddings.

**Covenant:** A private legal restriction on the use of land contained in the deed of the property or otherwise formally recorded.

**Cul-de-sac:** A vehicular turnaround which is either temporary or permanent, located at the closed end of a dead-end street or alley.

**Day Care Center/Preschool:** Any facility providing care of 15 or more children during the day by a person other than the child's legal guardians, typically performed by someone outside the child's immediate family. Day care centers typically offer an ongoing service during specific periods, such as the parents' time at work. Preschool is the provision of care and an educational program for children before the commencement of statutory education, usually between the ages of three and five.

**Day Care Home:** A day nursery providing care for not more than six (6) children under kindergarten age. To qualify for a home occupation, no one other than members of the immediate family residing on the premises can be employed (see Child Care Center)

**Deciduous Trees:** Generally those trees, which shed their leaves annually, such as Ash, Sycamore, Willow, etc.

**Density:** The average number of families, persons, or housing units per unit of land; expressed in numbers of families per gross developable acre.

**Design guideline/standard:** The standards set forth by the Secretary of the US Department of the Interior for the preservation of historic places.

**Design:** The location of streets, alignment of streets, grades, and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

**Developable Area (Gross):** The total acreage or square footage in a lot or tract proposed to be developed

**Developable Area (Net):** The gross developable area minus the area to be dedicated for public use or right-of-way

**Development Plan:** The provisions for the development of land including such drawings as shall serve as a plat or subdivision and all covenants relating to use, location and bulk of buildings and other structures,



## Attachment A

intensity of use or density of development, private drives and ways, parking facilities, common open space and public space. All written or graphic materials prepared for the development will be considered "provisions of the development."

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Digital Billboard:** A billboard capable of displaying multiple static images controlled by electronic communications.

**Directional Sign:** Any sign that provides direction for the safe and efficient flow of vehicular or pedestrian traffic on a property, and shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises. A directional sign may contain the name or logo of an establishment, but no commercial message. Examples are parking and entrance signs. The logo area shall not exceed 25% of sign area. Off-premise directional signs are only allowed, as regulated, under Special Event Signs.

**Director:** The Director of Planning & Community Development or a person designated in writing by the Director.

**Dissolve (A frame effect):** A transition from one message to another where static messages are changed by means of varying light intensity or pattern where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

**District (historic district):** An area that possesses a significant concentration, relationship between, or continuity of sites, buildings, structures, or objects united historically or architecturally by plan or physical development. Districts include college campuses, downtown areas, residential areas, industrial complexes, civic centers, government reservations, planned street systems, and parks. The term may also be applied to individual, associated, or functionally related sites, buildings, structures, or objects that are geographically separated. In such cases, visual continuity should not be necessary to convey the historic relationship of a group of related resources.

**District:** See Zone, Overlay District, or Zoning District

**Dormitory:** A residence hall providing rooms for individuals or for groups usually without private baths.

**Drinking Establishment:** A place of business, which sells liquor-by-the-drink and maintains at least 30% of receipts in food sales as regulated by the Alcoholic Beverage Control Division, Department of Revenue.

**Driveway, Customary:** A private lane which leads from a street or an alley to a garage, carport, rear yard parking area, a parking space established in accordance with the provisions of this ordinance, or to another street or alley. Such driveway may extend in front of, alongside of, or in the rear of a principal structure either planned for or erected upon a building site.

**Duly Authorized Representative:** Any individual or person or any section, division or department of the city administration or any individual or person within the designated section, division or department of the city administration who has been designated by the Director to implement, administer, and enforce the



## Attachment A

provisions of these Development Regulations. Generally, references are to the City Planner and his/her designee, assignee, agent, or designated person as used in the text of the ordinance.

**Dwell Time:** The length of time during which each frame is displayed on any sign that is capable of sequentially displaying more than one message on its sign face.

**Dwelling in Mixed-Use Structure:** A dwelling unit within a larger structure, which is used in whole or in part as a commercial establishment. The dwelling unit(s) need not be the principal residence of the business operator.

**Dwelling, Attached:** A dwelling where at least one wall is shared, in common, with another dwelling.

**Dwelling, Detached:** A dwelling which is separated from any other principal structure

**Dwelling, Earth Sheltered:** A single family dwelling unit which incorporates the use of earthen materials to insulate not more than three sides of the structure, but which incorporates a conventional mansard, hip, gable, or gambrel roof, all built to the specifications of the local building code. For the purposes of administering this ordinance, an earth sheltered dwelling is NOT a basement dwelling.

**Dwelling, Elderly or Retirement Home:** A dwelling unit or high-rise apartment building specifically designed to be occupied by residents who are at least sixty-two (62) years of age, and who are ambulatory and able to take care of themselves.

**Dwelling, IBC/IRC Modular Home:** Sectional prefabricated buildings or houses that meet local building codes and consist of multiple modules or sections, which are manufactured in a remote facility and then delivered to their intended site of use. The modules are assembled into a single residential building using either a crane or trucks.

**Dwelling, Live/Work:** A dwelling unit, part of which may be used as a business establishment and the dwelling unit is the principal residence of the business operator.

**Dwelling, Manufactured Home:** Those structures, which are built to standards pursuant to the Federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. 5401, et seq. Usually these are a dwelling unit that is mass produced in a factory, is designed for long term residency and is constructed for transportation to a site for installation and use on a permanent foundation when connected to required utilities, and is either an independent, individual building or a module for combination with other elements to form a building. The term "manufactured home" does not include a "recreational vehicle."

**Dwelling, Mobile Home:** A movable dwelling over thirty-two (32) feet in length or over eight (8) feet wide, constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy as a residence when connected to utilities. The term shall not include travel trailers, campers or self-contained motor homes or camper buses.

**Dwelling, Multi-Family:** A building or portion thereof, designed for occupancy by three (3) or more families.

**Dwelling, Single Family:** A building designed for occupancy by one (1) family.

**Dwelling, Single-Family Detached:** A building designed for occupancy by one (1) family, which has required yards and setbacks from other residential structures.



## Attachment A

**Dwelling, Townhouse:** A building designed for occupancy by one (1) family in a style of medium-density housing that originated in Europe in the late 17th century, where a row of identical or mirror-image houses share side walls.

**Dwelling, Two-Family:** A building designed for occupancy by two (2) families

**Dwelling:** A dwelling is any building or portion thereof not including mobile homes, which is designed or used exclusively for residential purposes including an attached garage, provided the attached garage is subordinate in area to the living portion of the structure. An attached garage shall have a common wall with a main structure for a distance of at least 25% of the length of the longest dimension of the garage. An attached garage not meeting this test may qualify as a detached garage, which need not comply with the five (5) foot setback requirement between buildings but shall meet all setback requirements of the principal structure.

**Easement:** A right of the owner of one (1) parcel of land by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated.

### **Educational and Scientific Research, Development, and Testing Services:**

**Element:** An individual defining feature of a building, structure, site, or district.

**Elevated Building:** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Eligible Community or Participating Community:** A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**Environmental Officer:** The Director of Planning & Community Development.

**Environs:** The area immediately surrounding a property listed upon the National Register of Historic Places (hereafter, "registered"). The Historic Preservation regulations shall apply to all structures which are within 300 feet of a registered property and to all structures intervisible with the registered property up to, but not farther than, 500 feet. Intervisible is further defined as "the condition of being able to see one point from another without physical, permanent obstruction." Intervisibility shall be determined by standing at the main entrance of the registered property and looking in all directions for a distance of up to 500 feet. All references to "within 500 feet of a landmark or historic district" as used throughout this code shall use the intervisibility standard for determining changes to the environs of a registered property.

**Evergreen Trees:** Generally those trees which do not shed their leaves annually, such as Pine, Spruce, Juniper, etc.

**Exception:** A grant of permission to depart from the general provision of the Development Regulations of the City of Leavenworth, Kansas which is expressly authorized by provisions of the ordinance after a finding of fact and imposition of conditions by the applicable governing body.

**Existing Construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be



## Attachment A

affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Exterior Architecture/Feature:** The character and composition of the exterior of the structure, including but not limited to, the kind and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements, and, the elements and components of the outer surface of a structure including windows, doors, light fixtures, signs, fences, hitching posts, decorations, chimneys, false fronts, parapets, flag poles, landscaping, retaining walls and related materials.

**Facade:** The front elevation of a building.

**Fascia Sign:** A wall sign mounted against the horizontal piece covering the joint between the top of the wall and the projecting eaves of the roof.

**Fade (A frame effect):** A transition from one message to another by means of varying light intensity, where the first Message gradually reduces intensity to the point of not being legible and/or gradually increases intensity to become legible.

**Family:** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship; (2) two unrelated people; (3) two unrelated people and any children related to either of them; or (4) not more than eight people and up to two caretakers who are residents of a "Group Home" as defined in K.S.A. 12-736 and this ordinance. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. §802(6). Exceptions: "Family" does not include: any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement because of criminal offenses.

**Farm:** An area, which is used for the production of farm crops such as vegetables, fruit trees, cotton, or grain and their storage as well as raising thereon of farm animals such as poultry, cattle, or swine on a limited basis. Farms also include dairy operations.

**Farming:** The practice of raising crops and/or livestock for profit.

**Fence:** A barrier intended to prevent escape or intrusion, or to mark a property boundary. Open fences are those constructed of wood, masonry, metal, woven wire or other material whose surface area is greater than 50 % open. Solid fences are those constructed of wood, masonry, metal, plantings, hedges, or other material whose surface area is or may become less than 50% open.



## Attachment A

**Final Plat:** A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of the County.

**Financial Institution, with Drive-thru:** An institution that provides financial services for its clients or members including deposit-taking institutions, which accept and manage deposits and make loans. Examples are banks, building and loan societies, credit unions, trust companies, mortgage loan companies, insurance companies, pension funds, brokers, underwriters, and investment funds. This definition does not include short term or automobile title loan businesses. If these institutions have a physical facility to allow their customers to make transaction from a vehicle they are "drive-thru."

**Financial Institution, without Drive-thru:** An institution that provides financial services for its clients or members including deposit-taking institutions, which accept and manage deposits and make loans. Examples are banks, building, and loans societies, credit unions, trust companies, mortgage loan companies, insurance companies, pension funds, brokers, underwriters, and investment funds. This definition does not include short term or automobile title loan businesses. If these institutions do not have a physical facility to allow their customers to make transaction from a vehicle they are "without drive-thru."

**Fish Farm/Hatchery:** A place where large numbers of fish eggs are artificially fertilized and hatched, and fish are raised in an enclosed environment. Hatcheries may be owned and operated by either governments or private interests. Some hatcheries raise the fry until they reach adulthood and have commercial value; others release the fry into the wild with the intent of building up the wild stock. Fish Farms raise the fish until they are ready for market.

**Flashing:** A pattern of changing light illumination where the sign's illumination alternates suddenly between fully illuminated and fully non-illuminated for drawing attention to the sign.

**Floating Zone:** A special detailed use of district of undetermined location in which the proposed kind, location, size, juxtaposition and form of structures must be preapproved, and which, like a special use permit, is legislatively predetermined to be compatible with the areas in which it may thereafter be located on a particular application, provided specified predetermined standards are met and actual incompatibility is not revealed. A Planned Unit Development is the only floating zone in this ordinance.

**Flood Boundary and Floodway Map (FBFM):** An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

**Flood Elevation Determination:** A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**Flood Elevation Study:** An examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.

**Flood Fringe:** The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.



## Attachment A

**Flood Hazard Map:** The document adopted by the City Commission showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS):** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

**Floodplain Management Regulations:** Development Regulations, Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances), and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

**Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain or Flood-prone Area:** Any land area susceptible to being inundated by water from any source (see "flooding").

**Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

**Floodway Encroachment Lines:** The lines marking the limits of floodways on Federal, State and local floodplain maps.

**Floodway or Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floodway Use:** A use that can be approved by the City Engineer upon the application of certain criteria for uses in the 100-year floodway as regulated by Article X – Floodplain Management.

**Floor Area Defined:** For the purpose of applying the requirement of off-street loading and parking, the term "floor area" in the cases of offices, merchandising, or service types of use, shall mean the gross floor area used or intended to be used by tenants, or for the service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage,



## Attachment A

incidental repair, processing, or packaging of merchandise, offices incidental to the management or maintenance of stores or buildings, restrooms, facilities, or exterior balconies.

**Food, Beverage, Convenience and Groceries Retail Sales:** A grocery store is a store established primarily for the retailing of food. It stocks different kinds of foods from assorted places and cultures, and sells them to customers. Large grocery stores that stock products other than food, such as clothing or household items, are called supermarkets. Small grocery stores that mainly sell fruits and vegetables are known as produce markets. Bodegas and kiosks are small grocery stores that predominantly sell snack foods and sandwiches. Convenience stores typically also retail gasoline.

**Foster Home:** A residence or building in which 12 to 24-hour care is provided to no more than five (5) children, two (2) or more of which are unrelated to the foster parent. Foster homes are permitted in all residential districts as they are considered a family.

**Frame Effect:** A visual effect on an Electronic Changeable Message Sign applied to a Frame to transition from one Frame to the next.

**Frame:** A single static image generally used to convey a picture or message or portion thereof that could include multiple frames through scrolling, traveling, and other effects.

**Fraternity/Sorority Home:** A chapter house, providing residential and dining facilities for members of social organizations with a membership consisting of undergraduate students at colleges and universities. These are single-sex, initiatory organizations with membership considered active during the undergraduate years only. A fraternity or sorority must be recognized by and affiliated with a local college or university.

**Free Standing Sign:** Any self-supporting ground, pole, pylon, or monument sign which is detached and is independent from any structure.

**Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

**Frontage:** The frontage of a lot is the side nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to streets shall be considered frontage and yards shall be provided, as set forth in this document.

**Functionally Dependent Use:** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**Funeral, Mortuary, Crematory:** A facility for the provision of funeral services, including the preparation of bodies for burial or their disposal by cremation.

**Future Land Use Map:** A component of the Comprehensive Land Use Plan.

**Gas Station:** See Service Station.

**GBD:** General Business District as defined by the most current Development Regulations.



## Attachment A

**Golf course, private:** A golf course, with private membership and ownership, consists of a series of holes, each consisting of a teeing ground, fairway, rough, and other hazards, and a green with a flagstick and cup, all designed for the game of golf. It may include a driving range, restaurant, pro-shop and bar.

**Golf course, public:** A golf course, with public membership and either private or public ownership, consisting of a series of holes, each consisting of a teeing ground, fairway, rough and other hazards, and a green with a flagstick and cup, all designed for the game of golf. It may include a driving range, restaurant, pro-shop and bar.

**Governing Body:** The City Commission of Leavenworth, Kansas. **Government Activities or Services:** The rendering of services of a governmental nature (police, fire protection, refuse collection, or code enforcement for example) required within or upon any property regardless of zoning classification.

**Government Administrative Buildings and Support Facilities:** Primary and accessory structures to be used by United States, Kansas, county, city, and local school districts or governments for the delivery of essential services to the public. This definition does not apply to nonprofit corporations or organizations, which may deliver government services but are not under the jurisdiction of a popularly elected legislative board or commission. All other provisions of the city's Development Regulations, zoning, land use, construction, and property maintenance codes shall apply to government-owned facilities.

**Government Offices and Facilities:** Any facility, function, office, shop, or place operated by any one of the following governments: United States, State of Kansas, County of Leavenworth, City of Leavenworth, USD 453, or any other division of the state of Kansas with the authority to levy and collect taxes.

**Grass:** A species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.

**Greenhouse/Nursery:** A nursery is a place where plants are propagated and grown to usable size. These include retail nurseries that sell to the public, wholesale nurseries that sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries that supply the needs of institutions or private estates. Some retail and wholesale nurseries sell by mail.

**Group Home: Disabled (defined by K.S.A. 12-736):** A dwelling unit occupied by not more than ten (10) persons, including eight (8) or fewer persons with a "disability", which is licensed by a regulatory agency of the state. "Disability" refers to persons with physical or mental impairments substantially limiting major life activities.

**Gun Sales and Service:** Any place, structure, or person licensed by the federal government, which offers the sale, rental, service, repair, or storage of guns, ammunition and shooting accessories.

**Health Resort/Spa:** A business establishment which people visit for professionally administered personal care treatments such as dietary counseling, various therapies, massages, and facials in a hotel setting where people reside for a day or more.

**Heavy Industrial:** The production of products, which are either heavy in weight or heavy in the scale of the processes leading to their production. Products are often produced with by the use of smelters, furnaces, and high energy or raw material inputs. Often heavy industrial processes involve the use of large machines, smokestacks, hazardous products, and waste chemicals. Typical Heavy Industrial processes have some negative effects on the surrounding property through the emission of noise, large



## Attachment A

vehicle traffic, particulate matter emissions, mechanical vibration, unpleasant smells, and or deleterious environmental impacts. Heavy industrial projects can be generalized as more capital intensive or as requiring greater or more advanced resources, facilities or management. These industries are often the most heavily regulated by the federal or state governments.

### **Heavy Vehicle/Equipment Sales, Rentals, and Service:**

**Heliport:** Any location where one or more heavier than air rotor-wing craft capable of containing a human, takeoff or land, and for which ground facilities necessary to these operations are constructed.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic and Monument Sites:** Any site so designated by the local, state, or federal Government.

**Historic District:** An area designated as an historic district and which may contain within definable geographic boundaries one or more significant sites, structures or objects and which may have such other structures which contribute to the overall visual characteristics of the significant structures or objects located within the designated area, and are free from non-contributing structures which detract from the historic properties.

**Historic Preservation:** The study, identification, protection, restoration and rehabilitation of buildings, sites, structures, objects, districts, and areas significant to the history, architecture, archaeology or culture of the city, state or nation. Preservation may include work to halt the process of decay, normal maintenance, and other measures to retain and sustain the nature, form, material, and integrity of historically or architecturally important properties, structures or districts.

**Historic reconstruction:** The reproduction of the exact form and detail of a vanished building, site, structure or object or a part thereof, as it appeared at a pertinent time using materials based on precise historical documentation and specification, including construction method.

**Historic replication:** the reconstruction of structural elements, which match the shape and size but may be made of different materials or methods than those used in the original construction.

**Historic restoration:** the accurate reconstruction of structural elements matching in shape, size and texture the original construction method and material, including removal of materials that are not appropriate to the structure.

**Historic Structure:** Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.



**Historically or Architecturally important feature:** The qualities present in a structure, property, or district because it: (a) Is associated with an event or events that significantly contributed to the broad patterns of the history or architectural heritage of the city, state, or nation. (b) Is associated with the life of a person(s) significant to the history of the city, state, or nation. (c) Embodies distinctive characteristics of a type, design, period, or method of construction. (d) Represents the work of a master craftsman or possesses high artistic value. (e) Exemplifies the cultural, political, economic, social, or historic heritage of city, state, or nation. (f) Contains elements of design, detail, materials, or craftsmanship which represent a significant construction innovation. (g) Is part of or related to a square, park or other distinctive area that was or should be developed or preserved according to a plan based on a historic or architectural motif. (h) Is an established and familiar visual feature of a neighborhood or of the community. (i) Has yielded or is likely to yield archeological artifacts and/or information.

**Holiday Decorations:** Displays erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and that do not constitute commercial signs.

**Home Occupation:** A business, profession, service, or trade, meeting the qualifications of and permitted by the Supplementary District Regulations of this ordinance, conducted for gain or support within a residential building.

**Hospital:** An institution for health care providing patient treatment by specialized staff and equipment, and often, but not always providing for long-term patient stays.

**Hotel:** A building or portion thereof, or a group of buildings, which provide sleeping accommodations for transients on a daily or weekly basis for pay, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise.

**Hotels and Motels (with accessory uses):** A commercial establishment that provides guest-lodging accommodations consisting of a room with a bed, bathroom, climate control and maid service on a short-term basis. Hotels typically have rooms exiting on to a semi-secure central hallway. Motels typically have rooms exiting directly to the outdoors and have parking close to the room door.

**Identification Sign:** Any sign giving the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business development, or establishment on the premises where it is located.

**Illegal Lot Combination/Transfer:** A lot that contains one (1) or more portions of a lot or lots of record. The transference of a portion of a platted lot without a replat of both the donor and recipient lots is illegal.

**Illegal Sign:** A sign that violates the intent or provisions of the sign code and is installed or erected after the effective date of the current sign code or was illegally installed before the effective date of the sign code and is not in conformance with the sign code.

**Illuminated Sign:** A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign.

**Illumination:** The amount of light that is incident to the surface of an object. This is the method for describing ambient light levels or the amount of light that is projected onto a front-lit sign. This parameter is typically measured in Lux (foot-candles x meters).



## Attachment A

**Improvements:** Street and drainage work and utilities that are to be installed, or agreed to be installed in conformance to City of Leavenworth's standard and specifications, by the subdivider on the land to be used for public or private use of the lot owners in the subdivision, as a condition precedent to and acceptance of the final plat.

**Indirectly Illuminated Sign:** A sign whose source of illumination is exterior to the body of the sign with the light shining directly on the sign.

**Indoor Commercial Recreation/ Entertainment:** Any facility for recreation, which is indoors, and commercial in nature.

**Indoor Shooting Ranges:** Any indoor shooting range for guns or archery meeting National Rifle Association standards for the design, construction, and operation of the facility.

**Infill Construction:** Construction of a new residential or commercial structure on a previously platted and developed lot where one or more main structures were removed. Infill constructions shall conform to established setback lines, building orientation, mass, form, and architectural styling of the surrounding buildings.

**Inoperative Vehicle:** A vehicle that is wrecked, partially dismantled and/or damaged to the extent that the equipment required by State statute on any such vehicle used on the streets and highways is not present or is not in good condition or proper adjustment or such vehicle is in an inoperable condition or a condition that would render the operation on the streets and highways a hazard to public safety.

**Internally Illuminated Sign** – A sign in which the source of illumination is contained within the sign.

**Inter-Parcel Access:** A private, vehicular way adequate to convey vehicular traffic from the subject property to adjacent properties in an unimpeded manner.

**Jails and Prisons:** Places in which people are physically confined and, usually, deprived of a range of personal freedoms. In the United States, "jail" and "prison" refer to separate levels of incarceration; generally speaking, jails are county or city administrated institutions which house both inmates awaiting trial on the local level and convicted misdemeanants serving a term of one year or less, while prisons are state or federal facilities housing those awaiting trial on the state or federal level and convicted felons serving a term of more than one year. On the federal level, this terminology has been largely superseded by a more complex five-tier system implemented by the Federal Bureau of Prisons that ranges from low security "Prison Camps" to medium security "Correctional Institutions" and finally maximum security "Penitentiaries."

**Junk Yard:** The use of any lots, portion of a lot, or tract of land for the storage, processing, sale, or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof

**Junkyard, Salvage Yard:** The location of a dismantling business where wrecked or decommissioned vehicles or other scrap is brought, their usable parts are sold for use in operating vehicles, while the unusable metal parts, known as scrap metal parts, are processed and sold to metal-recycling companies.

**Kansas Register/State Register:** The current State Register of Historic Places as prepared, approved and amended by the State Historic Sites Board of Review and authorized by KSA 75-2701, et.seq.



## Attachment A

**Kennel:** A facility, which houses, boards, breeds, or trains five (5) or more dogs or cats by other than the owner.

**Landfill, Construction and Demolition:** An approved location through the special use permit process wherein the following can be deposited: waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures, and pavement.

**Landfill, Cut And Fill:** A location wherein clean fill dirt may be deposited or cut with the approval and review of the Director of Public Works.

**Landfill, Municipal Solid Waste:** A landfill accepting all types of material as regulated by the State of Kansas not including Construction and Demolition Landfills or Cut and Fill Landfills. Municipal Solid Waste Landfills are not allowed in the City of Leavenworth.

**Landowner:** (Also known as property owner) The legal or beneficial owner or owners of all land proposed for action under this ordinance. The holder of a contract to purchase or other persons having an enforceable proprietary interest in such land shall be deemed a landowner or property owner for the purpose of this ordinance.

**Landscape Material:** Living material such as trees, shrubs, ground cover/vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

**Landscaped Open Space:** All land area within the property lines not covered by building or pavement.

**Leavenworth Landmark:** A site, structure, or object designated as a landmark by the City Commission deemed worthy of preservation because of its historic, archaeological, and/or architectural significance to the City, state or nation.

**Legal Setback Line:** A line established by the Development Regulations beyond which no building may be built. A legal setback line shall be measured from the property line, not the curb line.

**Library:** A collection of sources, resources, and services, and the structure in which it is housed, organized for use and maintained by a public body, an institution, or a private individual.

**Light Industrial:** Light industry is usually less capital intensive than heavy industry, and is more consumer-oriented than business-oriented. Most light industry products are produced for end users rather than as intermediates for use by other industries. Light industry facilities typically have less environmental impact than those associated with heavy industry. Light industry is a manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Examples of light industries include the manufacture of clothes, shoes, furniture, consumer electronics, and home appliances. Light industries require only a small amount of raw materials, area, and power.

**Local Streets:** A street whose primary purpose is to provide access to private property.

**Lot Area:** The total square footage area of the property bounded by the front, side and rear lot lines, excluding all dedicated rights-of-way.



## Attachment A

**Lot, Buildable:** Any lot of record meeting the zoning minimums or lot of record that has frontage on a dedicated street that is open and maintained by the city. A street of less than a minimum right-of-way width shall require dedication of additional right-of-way prior to the issuing of any building permits. No permits for residential uses shall be issued on streets that are not open, dedicated, and maintained by the city except in a PUD.

**Lot Coverage:** The portion of a lot occupied by the building footprint and all impervious surfaces.

**Lot Line, Front:** The property line dividing a lot from the right-of-way of a street. On a vacant corner lot, the shorter street right-of-way shall be considered as the front line. On a developed corner lot, the front line should be determined by the structure's main entrance.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line and most nearly parallel to it.

**Lot Line:** Lot boundary line or property line.

**Lot of Record:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Leavenworth County; or a parcel of land described by metes and bounds, the deed to which was recorded in the office of the Register of Deeds prior to the adoption of this ordinance.

**Lot Width:** The distance between the side lot lines, measured along the front setback line as established by this ordinance. Where the front setback line is curvilinear, lot width shall be measured along the tangent to this curve.

**Lot, Depth Of:** The average horizontal distance between the front and rear lot lines.

**Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

**Lot, Interior:** Any lot other than a corner lot.

**Lot/Parcel/Tract:** As defined by the State of Kansas.

**Lot:** A parcel or tract of land under single ownership or control. A lot may consist of one (1) or more lots of record. Multiple lots may be developed as one lot if internal easements are voided. A portion of land in a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

**LPC:** The Leavenworth Preservation Commission.

**Luminance:** The amount of light that emanates from an internally illuminated sign. This parameter is measured in nits. The nit levels necessary for the sign to be legible vary with the ambient light conditions. On a sunny day, the nit levels must be very high, while at night, the levels must be very low to prevent the image from distorting and to prevent glare.



**Major Arterial Street:** A street of great continuity which serves as a major thoroughfare whose primary function is to move traffic from and to principal traffic generators within the region

**Mansard Sign** – A sign mounted on a roof with two angles of slope, the lower portion of which is steeper and architecturally comparable to a building wall. Also may be a vertical façade that imitates a roof. A mansard sign is a wall sign.

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

**Manufactured/Mobile Home Community:** A community consisting entirely of single family homes manufactured off-site. Typically, residents pay a lot rental fee to the owner of the community.

**Manufacturing, Fabrication, and Assembly:** Any place or structure where value is added to a material product through manufacturing techniques.

**Map:** The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

**Marina:** A marina is an artificial harbor with wharfs keeping boats and yachts and with services for recreational boating. A marina may have refueling, washing and repair facilities, ship chandlers, stores and restaurants. A marina may include ground facilities such as parking lots for vehicles and boat trailers and boat ramps to transfer trailered boats into the water. A marina may have a boat hoist operated by service personnel. A marina may have out-of-water-storage for out-of-season boat storage. A marina differs from a port in that a marina does not handle large passenger ships or cargo from freighters.

**Market Value or Fair Market Value:** An estimate of what is fair, economic, just, and equitable value under normal local market conditions.

**Marquee Sign:** A sign made a part of a marquee and designed as either a manual changeable message sign or an electronic changeable message sign. A marquee sign is a wall sign.

**Marquee:** A hood, canopy, or awning of permanent construction that projects from a wall of a Building, usually above an entrance.

**Mass:** The ratio of solid wall space to window and door openings on a building footprint and all impervious surfaces with the sole exception of sidewalks.

**Mausoleum:** A stone or masonry building with places for entombment of the dead above ground level.

**Maximum Extent Feasible:** Reasonable efforts have been undertaken to comply with the regulations, but the cost of compliance clearly outweighs the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

**Mean Sea Level:** For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.



**Medical and Dental Clinics and Offices:** A clinic is a health care facility that is primarily devoted to the care of outpatients. Clinics can be privately operated or publicly managed and funded, and typically, cover the primary health care needs of populations in local communities, in contrast to larger hospitals which offer specialized treatments and admit inpatients for overnight stays. Clinics are often associated with general medical practice, run by one or several general practitioners or practice managers.

**Membership Clubs:** An organization composed of people who voluntarily meet on a regular basis for a mutual purpose. The term club is not a legal term per se, but a group that organizes itself as a club must comply with any laws governing its organization and otherwise be cognizant of the legal ramifications in undertaking to organize itself in this manner.

**Message:** As used in the sign code, a text, image, or combination thereof meant to be comprehended as a whole by the viewer. Each simple concept shall be deemed a separate message. A message can be either a static display or a display that, not fitting onto the screen all at once, is broken into parts, which appear sequentially, scrolling across the screen. Electronic changeable message signs are capable of changeable messages.

**Mini-Storage:** A business that owns and operates a facility that is subdivided into self-storage spaces, which are rented to tenants, usually on a monthly basis. Self-storage facilities lease space to individuals, usually storing household goods, or to small businesses, usually storing excess inventory or archived records. The rented spaces are secured by the tenant's own lock and key. Facility operators do not have casual access to the contents of the space, unlike a professional warehouseman. A self-storage operator does not take possession, care, custody, or control of the contents of the storage rental space unless a lien is imposed for non-payment of rent.

**Minor Arterial Street:** A street whose primary function is the same as that of a principal arterial street, except that it serves on a small community scale, and provides destinations to specific traffic generators.

**Mobile Home Park:** Any lot, tracts, or parcel of land used or offered for use in whole or in part with or without charge for parking of mobile homes for non-transient use, but shall not include mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of display, inspection, sale or storage.

**Mobile Home Space:** A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

**Monument Sign:** A freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile or textured concrete materials. The base of a monument sign shall be architectural in nature, with a concealed means of support, and utilize materials consistent with the design of the building it is identifying.

**Motel:** See Hotel.

**Motion:** As used in the sign code, the depiction of movement or change of position of text, images, or graphics. Motion shall include, but not be limited to, visual effects such as dissolving and fading text and images, scrolling sequential text, graphic bursts, lighting that resembles zooming, twinkling, or sparkling, changes in light or color, transitory bursts of light intensity, moving patterns or bands of light, expanding or contracting shapes and similar actions.



**Motor Vehicle Repair:** General repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting; but not including painting of automobiles unless conducted in a completely enclosed spray booth. Motor vehicle repair service shall only be performed within an enclosed yard or structure. All inoperable vehicles shall also be stored within an enclosed yard or structure.

**Moving and Storage Facilities:** A facility for the storage and dispatching of household or commercial relocation services, trucks and crews. It may also contain facilities for the warehousing of household or commercial goods in short term or long-term storage.

**Name Plate Sign:** A single-faced, non-illuminated wall sign that displays only the name and/or occupation of the person or persons occupying space in a building. Name plate signs may be incorporated within wall signs and shall otherwise be subject to regulations restricting wall signs.

**National Register:** The current National Register of Historic Places established by the National Preservation act of 1966, 80 Stat. 915.16 USC 470 *et seq*, as may be amended.

**Neighborhood Recycling Center:** A center, designed to serve a limited area or specific neighborhood, for the collection of specific materials, which may be recycled. It is not a center for the on-site processing of used materials into new materials. Recyclable materials include many kinds of glass, paper, metal, plastic, textiles, and electronics. The composting or other reuse of biodegradable waste, such as food or garden waste is not considered recycling under this definition. Materials to be recycled are brought to a collection center by local residents. Commercially generated recyclables are not to be deposited in neighborhood recycling centers.

**New Construction:** Construction of site infrastructure or a new element, building, or structure.

**New Construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

**NFIP:** The National Flood Insurance Program.

**Nit:** A unit of measure of brightness or luminance. One nit is equal to one candela/square meter.

**Non-Affixed Sign:** Any sign that is not permanently affixed to a building, structure or the ground.

**Non-Commercial Message:** Any message, content, text, or display that is not a commercial message.

**Non-Commercial Sign:** Any sign that is not a commercial sign.



## Attachment A

**Non-Conforming Lot of Record:** A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of the original Subdivision Regulations in the city, July 19, 1966, and neither the lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

**Non-Conforming Signs and Billboards:** Any sign or billboard that was installed prior to the passage of this sign code and that was a legal sign, but which does not now conform to the requirements of this sign code.

**Non-Conforming Structure:** An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

**Non-Conforming Use:** An existing use which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

**Non-Contributing:** A building, site, structure or object that does not add to the architectural quality, historic association or archaeological values for a landmark or historic district because it was not present historically, or has been altered or changed which has destroyed its historic integrity and it is incapable of being restored, or it cannot independently meet the criteria for landmark designation.

**Non-Residential Swimming Pools:** Swimming pools operated by a private membership organization or government.

**Normal Maintenance/Repair:** Any work designed to correct damage or deterioration to the condition that existed prior thereto. "Normal maintenance" includes all work performed on structures by a property owner which does not require a permit as prescribed by the City's development regulations.

**Nursery Care or School:** See Child Care Center or Day Care Home.

**Nursing Home/Hospice:** A nursing home, convalescent home, Skilled Nursing Unit, care home, rest home, or hospice which provides a type of care for its residents. It may be a place of residence for people who require constant nursing care and have significant deficiencies with activities of daily living. Residents include the elderly and younger adults with physical or mental disabilities. Residents in a skilled nursing facility may also receive physical, occupational, and other rehabilitative therapies following an accident or illness. Hospice is a type of care that focuses on the palliation of a terminally ill patient's symptoms. These symptoms can be physical, emotional, spiritual, or social in nature.

**Official Sign:** Any sign installed or erected by a governmental body or agency or by a public utility such as traffic signs, signals, regulatory devices or warnings; signs designating properties or structures officially designated by the federal, state or local government as being of historical significance or other similar signs. Commercial signage by a utility is not an official sign.

**Off-Premise Sign:** A commercial sign containing a message that pertains to a business, establishment, person, organization, activity, entertainment, event, condition, place, service or product that is not principally located, or primarily manufactured, produced, available, furnished or sold on the premises upon which the sign is erected, The on-premises/off-premises distinction applies only to commercial signs.

**On-Premise Sign:** A sign advertising an establishment, business, person, activity, good, product, or service that is located on the premises upon which the sign is erected.



## Attachment A

**Open Space, Common:** An area of land or water or combination thereof reserved for the passive and active recreation of the residents of a designated area. Such area shall not include areas used for streets, alley, driveway, private roads, off-street parking, or loading areas, utility easement, trash collection point or private yard area not open to common use by these residents.

**Open Space:** An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking for loading areas, or required front, rear, or side-yards.

**Orientation:** Direction on a lot followed by the building's dominant lines, i.e., front-to-back or side-to-side.

**Outdoor Commercial Recreation:** Any facility for recreation, which is outdoors, and commercial in nature.

**Parking Lot or Garage (Commercial, Non-Accessory):** Defined in the Off Street Parking section of these regulations.

**Parking Lot:** A parcel of land devoted to the parking of motor vehicles, which considers the width, length, turning radii and ingress/egress requirements of a standard sized automobile. A parking lot will be sealed with a dustless, all-weather surface.

**Parking Space: Off-Street:** A parcel of land, which is required for parking purposes by this ordinance, on or near the property where the particular use is located. Parking places required by this ordinance cannot be located on any part of a public easement or dedicated right-of-way.

**Parking Space:** The portion of a parking lot sufficient in size to store one automobile. The minimum design established is 8 1/2' x 18'.

### **Parks and Open Space:**

**Participating Community:** An "eligible community"; a community in which the Administrator has authorized the sale of flood insurance.

**PC:** Planning Commission

**Pedestrian Way:** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access of adjacent streets and properties.

**Permit:** A signed document from a designated community official authorizing development. As relating to floodplain management a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

**Person:** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

**Pervious Pavement:** A pavement system with traditional strength characteristics but which allows rainfall to percolate through it rather than running off. A pervious pavement system uses either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture



## Attachment A

of Portland cement, coarse aggregate, admixtures, and water that allows for passage of run-off and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®.2

**Pet Grooming:** The hygienic care and cleaning of a pet as well as a process by which a pet's physical appearance is enhanced.

**Pet Shops:** Any location where the retail sales of pets and pet accessories occurs.

**Petroleum Pipeline and Pressure Control Stations:** Any facility used to measure or maintain the conditions in a pipeline operated by a public utility.

**Placement:** Building siting or positioning on a lot, as determined by its setbacks. Placement also refers to the positioning of individual elements on a building.

**Planned Unit Development (PUD):** A single parcel or contiguous parcels of land intended to be developed in accordance with an overall design plan, which may include residential, commercial, industrial, or public land uses or a mixture thereof.

**Planning Commission:** Shall mean the Leavenworth City Planning Commission.

**Pole Sign:** A freestanding sign supported by uprights, braces, columns, poles, or other vertical members that are not attached to a building.

**Portable Sign:** A temporary sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or by a person, a sandwich board sign, balloons or other gas or air filled objects used as commercial signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless that vehicle is used in the normal day-to-day operations of the business.

**Porte Cochere:** (pronounced port co-SHARE) The architectural term for a porch- or portico-like structure at a main or secondary entrance to a building, through which a horse and carriage (or motor vehicle) can pass in order for the occupants to alight under cover, protected from the weather.

**Post Office Branches:** Any physical subdivision or staffed permanent presence of the United States Postal Service.

**Preliminary Plat:** A plan made for showing the design of a proposed subdivision and the existing conditions in and around it. This plan need not be based on a detailed final survey of the property.

**Principal Structure:** A structure in which a dominant use of the lot on which the structure is located is conducted.

**Principal Use:** The main use of land or structures as distinguished from a subordinate or accessory use.

**Principally Above Ground:** At least 51 percent of the actual cash value of the structure, less land value, is above ground.

**Private Club: "Class B Club"** A premises operated for profit by a corporation, partnership or individual, known as the management, to which premises the management allows persons, known as members to resort for the consumption of food or alcoholic beverages and for entertainment.



## Attachment A

**Private Club: "Class A Club"** A premises owned or leased and operated by a corporation, partnership, business trust or association, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates, their families and invited and accompanied guests, and which is not operated for a profit other than such as would accrue to the entire membership. A corporation, partnership, business trust, or association not operated for a profit, for the purposes of the definition of a Class A Club shall only include a corporation, partnership, business trust, or association, which has been determined to be a bona fide nonprofit social, fraternal or war veterans club.

**Projecting Sign:** A sign that projects from and is supported by a wall of a building or structure. (Sign face may be perpendicular to the wall.)

**Property Identification Sign:** A sign identifying a neighborhood, subdivision or other residential development. A property identification sign may not be a temporary sign.

**Property Line:** The boundary line (front, side, or rear) of land owned by an individual, firm or corporation described by metes and bounds or by a plat lot number.

**Public Interest Sign:** Any sign intended to convey a legal right or restriction on a property, such as a "No Trespassing" sign; a sign intended to warn the public of a bona fide danger on the property, such as a "Beware of the Dog" sign; or a sign placed by order of a court or by a government official in the normal course of their duties. Public interest signs shall include signs identifying a structure or area as a historic structure or place.

**Public or Private Membership:** Any structure or area under the control of a group with restricted membership.

**Pylon Sign:** A freestanding sign with a visible support structure that may or may not be enclosed by a pole cover.

**Racing Facilities:** Any facility, with any surface, where motorized, electric, or internal combustion, vehicles with one or more human occupant race, practice, or test for racing purposes.

**Racquet Club:** A commercial facility for the playing of squash, tennis, or racquetball at which there is a clubhouse including restrooms. Such a facility may provide additional services customarily furnished by a club such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge as a secondary use.

**Radio, Television, and Recording Services:** Any facility where electronic media for radio, television or other methods of distribution is made for commercial purposes.

**Railroad Terminal:** Any passenger or freight terminal used by a railroad company.

**Ranching:** The raising of livestock for commercial sale.

**Reasonably Safe from Flooding:** Base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**Recreational Vehicle:** A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be



## Attachment A

towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recycling Collection Station:** As opposed to a neighborhood recycling centers, recycling collection stations are designed to serve a city sized area for the collection of specific materials, which may be recycled. It is not a center for the on-site processing of used materials into new materials. Recyclable materials include many kinds of glass, paper, metal, plastic, textiles, and electronics. The composting or other reuse of biodegradable waste, such as food or garden waste is considered recycling under this definition. Materials to be recycled are brought to a collection center by local residents and businesses. Commercially generated recyclables may be deposited at Recycling Collection Stations.

**Religious Assembly:** Any assembly of one or more people in furtherance of their shared spiritual beliefs.

**Remedy a Violation:** As used in Article X, Floodplain Management, to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

**Residential Home-Stay:** Any furnished residential structure wherein one limited-term boarder (not to exceed 180 days) is allowed the use of an entire structure, or a portion of a structure, and its grounds. No management or owner presence is required and no meals are served. In approval of a **Residential Home Stay** the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. Such a business shall be registered with the City Clerk as a rental property.

**Residential:** A Residential zoning district, RI-25, RI-9, RI-6, R4-16, RMF, and MP as defined by the most current Zoning Ordinance.

**Restaurant, Drive-thru or Drive-in:** An establishment whose primary business is the serving of food to the public, including, but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains. The Drive-in or Drive-thru component refers to a situation where food and drink are served for consumption, on or off the premises by order from and service to vehicular passengers outside the structure.

**Restaurant:** An establishment whose primary business is the serving of food to the public, including, but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains.

**Retreat House:** A residential dwelling wherein short-term boarders are allowed (not to exceed one week) to share living space and participate in specifically defined activities related to hobbies or other shared interests.

**Riding Academies/Stables:** Any facility dedicated to equine activities, to include teaching riding, riding, showing, boarding, maintenance, care, breeding, and rental of horses.

**Right-of-Way:** A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of the law.

**Risk Premium Rates:** Those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with the



## Attachment A

National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

**Roof Sign:** A sign erected upon or above a roof or parapet of a building or structure, affixed to, supported by, or braced upon the roof joists or rafters.

**Salvage/Junkyard:** The use of any lot(s), portion of a lot, or tract of land for the storage, processing, sale or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**Sandwich Board Sign:** A self-supporting A-shaped freestanding, portable, temporary sign with only two visible sides angled, rather than parallel and flush; also called an A-Frame sign. These signs are situated to a business, typically on a sidewalk.

**Scale:** The size, both height and width, of a building or structure. Scale is influenced by patterns, shapes, and sizes of materials, components, and openings.

**School, Elementary and Middle (Public and Private):** As defined by the State of Kansas.

**School, Senior High:** As defined by the State of Kansas.

**School, Vocational-Technical and Trade:** As defined by the State of Kansas.

**Screening (Screening Enclosure Or Properly Screened):** A solid or semisolid fence or wall at least six (6) feet high but not more than eight (8) feet high, having a density of not less than eighty (80) percent per square foot. A landscape screen consisting of trees, shrubs or hedges meeting density requirement may be used to meet the requirement. Fence or wall shall be maintained in good condition by owner or owners of the property.

**Scrolling/Travel:** A frame effect where the frame is changed by the apparent vertical or horizontal movement of a frame or of the letters or graphic elements of the message.

**Secretary:** Secretary of the Planning Commission.

**Semi-Permanent Structures:** Structures that have a general lifespan less than that of the primary structure. Examples include both above and below grounds swimming pools, storage sheds, play structures, and gazebos.

**Senior Housing:** Housing for people over 55 and their immediate family members, which may include some limited on-site care.

**Service Station, Automobile:** A retail business engaged primarily in the sale of motor fuels; but also in supplying goods and services generally required in the operation and maintenance of automobiles.

**Setback Line or Building Line:** A line fixed parallel to the lot line beyond which a building cannot extend under the terms of the Development Regulations. It is equivalent to the yard requirement.

**Set-Back:** The required distance between each structure located on a building lot and the property lines of the lot. **Setting:** The immediate physical environment of a building, structure, site, or district.

**Sexually Oriented Business:** A business establishment open to the public, or to members, that offers for sale any or all of the following: nude or semi-nude entertainment, sexually oriented outcall services, sexually



## Attachment A

oriented retail sales of products, seminude dancing, and seminude dancing agencies. These include any facility or establishment which offers for sale, loan or rental any printed, recorded, photographed, filmed or otherwise viewable material, or any sexually oriented paraphernalia or aid, if a substantial portion (over 25%) of the stock or trade is characterized by an emphasis on matters depicting, describing or relating to sexual activities. This may also involve employees, contractors or other workers displaying uncovered male or female genitals or nude female breasts related to some form of monetary compensation paid to the entity operating the use or to persons involved in such display.

**Shape:** Surfaces and edges of a building and individual elements.

**Shelter Home:** Shelter Home means an enclosed building, or portion thereof, operated by a nonprofit entity for the purpose of providing shelter, bathing and restroom facilities, a secure place for belongings, and sleeping accommodations for people at no charge. A shelter home may include related support such as meals, medical services, social services, counseling, and training.

**Shelter, Domestic Violence:** A place of temporary refuge and support for people escaping violent or abusive situations.

**Shrub:** Any self-supporting, woody plant of a species, which normally grows to an overall height of less than fifteen (15) feet in this region.

**Sidewalk:** A paved walk for pedestrians along and at the side of a street.

**Sign Alteration:** The replacement, enlargement, reduction, reshaping, changing, or adding to a sign, sign structure or other supporting members.

**Sign Face:** The entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.

**Sign Maintenance:** The normal care and minor repair necessary to retain a safe, attractive, and finished sign, sign surface, or sign structure. Changing the copy or a logo on a sign face without increasing sign dimensions shall be considered sign maintenance, if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

**Sign Refacing** – The changing or replacing of the words, numerals or other aspects of the sign face to serve a different establishment or business, or to create a substantially different visual effect without alternating, moving, or replacing the sign, sign structure, or sign face.

**Sign Structure:** The support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure, or the ground. A sign structure may be a single pole and may or may not be an integral part of the building.

**Sign Surface:** The entire area aggregated on all sign faces, within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.



## Attachment A

**Sign:** Any device, fixture, or placard on a structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Flags are not signs. All signs must conform to the applicable city codes.

**Site (Historic):** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural, or archeological value.

**Site:** A parcel, lot, or tract of land on which activities are conducted or one or more buildings or structures are located.

**Siting:** Orientation and placement of a building on a parcel or lot.

**Small Wind Energy Systems:** Privately owned wind energy generating systems designed to service a single family or building with under 10,000 square feet of floor space.

**Snipe Sign:** A sign made of material such as cardboard, paper, pressed wood, plastic, or metal that is attached to a fence, window, tree, utility pole or temporary structure or any sign that is not securely fastened to a building or structure or firmly anchored to the ground.

**Social Service Center:** A facility whose sole purpose is to provide informational, educational, social, or economic counseling or other similar services to persons residing in the city or county. A social service center must be sponsored and operated by a not-for-profit organization whose stated purpose is to improve quality of life within the city and county. This does not include nursing homes, fraternal orders, or private clubs.

**Solar Collection Systems:** Technologies employed to convert solar energy into usable light or heat, cause air-movement for ventilation or cooling, or store heat for future use. Active solar uses electrical or mechanical equipment, such as pumps and fans, to increase the usable heat in a system. Solar energy collection and utilization systems that do not use external energy, like a solar chimney, are classified as passive solar technologies.

**Solid Waste Facility:** Any facility, which serves to collect, distributes or temporarily store household generated solid waste.

**Special Event Sign:** A sign identifying a grand opening, parade, festival, fund drive or similar occasion.

**Special Flood Hazard Area:** See "area of special flood hazard."

**Special Hazard Area:** An area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

**Sports/Entertainment Arena or Stadium:** Any place or structure where more than 100 people can gather to watch a sporting or entertainment event.

**Start of Construction:** Includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the



## Attachment A

placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State Coordinating Agency:** The Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

**State Historic Preservation Officer or SHPO:** The person who has been designated by law and by the Governor of the State of Kansas to administer the State Historic Preservation Program for carrying out the provisions of the National Historic Preservation Act of 1966, as amended and related laws and regulations.

**State Review Board:** The Kansas Historic Sites Board of Review as established in KSA 75-2719a.

**Static:** Having no motion; being at rest; fixed, stationary.

**Street:** A right-of-way, dedicated to the public use, or a private right-of-way, which provides principal vehicular and pedestrian access to adjacent properties.

**Streetscape:** All physical elements that may be viewed along a street frontage.

**Structure:** A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**Student Housing:** Housing which only students in boarding schools, universities or other educational institutions are eligible to reside.

**Studio, Music/Movie/TV:** A place for the nurturing and recording of the visual and auditory arts.

**Style:** The visual appearance of a building, structure, site, or district depicting the influence of shape, materials, detailing or other features associated with a particular architecture.

**Subdivider:** A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for himself or for others.

**Subdivision (Major):** The division of a tract of land into five or more lots or parcels for the purpose of transfer of ownership of building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which vary from the latest, approved plat of the same.

**Subdivision (Minor):** The division of a tract of land into not more than five (5) tracts, parcels, or lots meeting the requirements set forth herein.



## Attachment A

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial-damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Substantial Renovation:** Any alteration affecting the front elevation of a building or costing more than 50 % of the current assessed County tax valuation.

**Substantial Work:** Work comprising the expenditure of more than 33% of the value of the project as listed on the building permit.

**Sundries, Pharmaceuticals, Convenience Store                      Retail Sales:**

**Tailoring, Custom:** Making or altering apparel according to personal or special order. The distinction between tailor shops and apparel manufacturing for zoning purposes is: 1. A custom tailoring shop should not have more than the equivalent of fifteen (15) full-time employees and; 2. Building space devoted to tailoring operations and product storage shall not exceed 12,000 square feet of floor space as measured by the exterior spatial dimensions.

**Tattoo Parlor/Piercing/Body Art:** Any place or structure, which is regulated by the Kansas Board of Cosmetology and where any form of elective body modifications occurs.

**Tavern:** An eating or drinking establishment where cereal malt beverages are sold for consumption on-premises as regulated by the Alcoholic Beverage Control Division, Kansas Department of Revenue.

**Taxi Dispatch:** A facility for the radio dispatch of taxis for hire. Taxis may also await dispatching at this location.

**Temporary Sign:** Any sign, banner, searchlight, sidewalk or curb sign, pennant, valance, flag, balloon, air- or gas-filled figure, or advertising display that is intended to be displayed for a limited period of time only and is typically constructed from nondurable material, such as paper, plastic, cloth, canvas, light fabric, cardboard, wallboard or other material, with or without frames. Temporary signs may be portable or fixed, but are not intended for permanent display. Temporary signs include, but are not limited to, real estate signs, garage sale signs, grand opening signs, construction signs, land for sale signs and open house signs. Specific restrictions, in addition to those restrictions that apply to all temporary signs, may apply to specially identified types of temporary signs. More comprehensive restrictions apply generally to all signs included in the broad category of temporary signs.

**Time and Temperature Sign:** An electronic changeable message sign displaying solely the time and temperature.



## Attachment A

**Tiny Home:** A home between 200-400 square feet that is site-built or partially site built, that is set up and secured on a permanent foundation with any means of transporting the unit, including wheels, suspension, axel components, or trailer, being removed. Tiny Homes do not include recreational vehicles, mobile homes, shipping containers, train cars, or any other similar structure or equipment.

**Trailer:** A vehicular, portable device used for moving people/goods or services between points and usually towed by a motor vehicle (see mobile home).

**Transition:** As used in the sign code, a visual effect (frame effect) used on an electronic changeable message sign to change from one message to another.

**Travel Trailer Parks:** See camp grounds

**Traveling:** As used in the sign code, a frame effect where the frame is changed by the apparent horizontal movement of the letters or graphic elements of the message.

**Trees:** Any self-supporting, woody plant of a species, which normally grows to an overall minimum height of fifteen (15) feet in this region.

**Truck Terminal, Freight, Air Courier Services:** Any place or structure for the transfer of goods from one means of conveyance to another.

**Twirl Time:** The time it takes for static text, images, and graphics on an electronic changeable message sign to transition to a different text, images, or graphics.

**Uniform Building Code:** The current edition of the Uniform Building Code, published by the International Conference of Building Officials.

**Unlicensed Vehicle:** A vehicle not carrying the currently effective license or registered number plate or plates, including any registration issued to the owner of such vehicle displayed on the vehicle so registered as required by the motor vehicle laws of the State of Kansas.

**Urban Agriculture/Community Garden:** Any place or structure within the city, which exceeds ¼ acre, where crops intended for human consumption are raised.

**Variance:** A grant of relief to a property owner from certain provisions of the Zoning Ordinance when because of the particular physical surroundings, shape or topographical conditions of the property, compliance would result in a particular hardship upon the owner as distinguished from a mere inconvenience or a desire to make money. The variance may be granted for area, yard bulk, or parking requirements but not for a use. Or, a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community. Or, a variation from a specific requirement of the Secretary of the Interior's design standards, as applied to a specific structure or property.

**Vehicle Impound Lot:** The use of any part of a parcel or tract of land for the storage of automobiles or other vehicles that is not operable or roadworthy according to the laws of Kansas. Generally, these lots receive vehicles because of accidents or abandonment. No salvage of parts is permitted as part of this operation.

**Vehicle Storage Lot:** The use of any part of a parcel or tract of land for the storage of automobiles or other vehicles including recreational vehicles, that are owned by person(s) other than the operator of the



## Attachment A

storage lot, for a fee. To qualify to be held in a storage lot, the vehicle need be licensed and roadworthy according to the laws of Kansas.

**Veterinary Clinic:** Any place or structure where animal health services are provided by a one or more people licensed to provide veterinary services by the State of Kansas.

**Video:** A high resolution, high frames per second motion picture display.

**Violation:** As used in Article X, Floodplain Management, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until that documentation is provided.

**Vision Clearance Triangle:** A space, triangular in shape, on a corner lot in which nothing is permitted to be built, placed on or grown in a way that would impede visibility. Its purpose is to assure that vehicles and pedestrians have adequate and safe visibility.

**Wall Sign:** Any sign attached to, erected against, or painted on the face or wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall. Mansard, awning or canopy, marquee and fascia signs are wall signs.

**Warehouse, Mini:** A building or portion thereof designed or used exclusively for storing excess personal property of an individual or family when not located on the lot of their residence. Said personal property includes items normally found in the home or in accessory structures to residences including passenger or recreation vehicles, house trailer, boat, excess furniture, and similar household items, which are not used for the conduct of a business. This shall not include the storage of any merchandise, stock, furnishings, or vehicles of a business of any kind.

**Warehousing:** Any place or structure where the temporary storage of commercial or industrial goods is conducted.

**Water Storage:** Potable commercial water storage structures or features of more than 10,000 gallons.

**Water Surface Elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain riverine areas.

**Wearing Apparel and Accessories Retail Sales:** Any place or structure where the retail sale of apparel and or accessory goods is conducted.

**Wholesale, Storage, Warehouse, and Distribution:** Any place or structure where the non- retail temporary storage, sale, or rental of commercial or industrial goods is conducted.

**Window Sign:** Any sign that is placed on the inside of a window or upon the windowpanes and is visible from the exterior of the window.

**Yard, Front:** A yard extending the full width of the lot and situated between the street right-of-way and the required building setback line. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage.



## Attachment A

**Yard, Rear:** A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

**Yard, Side:** A yard extending from the required front yard, or front lot line where no front yard is required, to the required rear yard.

**Yard:** An open space at grade level on a tract with a building, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the nearest architectural projection should be used.

**Zone or District:** A section or area of the city as depicted by the Zoning District Map, for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open space are herein established.

**Zoning District Map:** A map or maps with all notations, dimensions, references, and symbols shown thereon depicting individual zoned districts as adopted and amended by the City Commission.

**Zoning Ordinance:** The text of this ordinance and the accompanying Zoning District Map.

**Zoo:** A collection of animals for display to the public.



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

- 
- A. **Table Organization.** Table A1-1 Table of Permitted Uses classifies land uses and activities into general “use categories” and specific “use types” based on common functional or physical characteristics, such as the type and amount of activity, the type of customers or residents, types of products, how goods or services are sold or delivered, and site conditions. Regardless of whether a use is allowed by right or permitted as a special use, there may be additional standards that are applicable to the use. Uses are allowed as follows:
1. *Permitted By-Right Uses.* “P” in a cell indicates that the use is permitted by right in the respective zoning district and overlay district. Permitted uses are subject to all other applicable regulations in this document, including the use-specific standards in this section.
  2. *Special Uses.* “S” in a cell indicates that the use is allowed only if reviewed and approved as a special use in accordance with the procedures of Article II - Administration regarding Special Use Permits. Special uses are subject to all other applicable regulations of this document including the use-specific standards in this section and the requirements of Article IV – Supplementary District Regulations.
  3. *Prohibited Uses:* A blank cell indicates that the use is prohibited in the respective zoning district.
- B. **Classification by Interpretation.** This classification does not list every use or activity that may appropriately exist within the categories and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The categories are intended merely as an indexing tool for the specific use type and are not regulatory. When application is made for a use type that is not specifically listed in Table A1-1, Table of Permitted Uses but that appears similar to uses in that table, the Director shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:
1. The Director shall consider the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
  2. Standards for new and unlisted uses may be interpreted as those applicable to a similar use.
  3. The Director may choose to send a proposed use to the City Commission for interpretation where classification options are unclear or where the potential impact must be considered in the interpretation process.
  4. When the Director determines that a new or unanticipated use is so similar in impact to a specific use type, or uses generally within the use category the Director may:
    - a. Make the interpretation the use type is generally broad enough to include the use in question; or
    - b. For ease of future application and interpretation add the use to the appropriate category in the table. Such administrative adjustment to the table shall not be considered an amendment to this ordinance provided the criteria above are clearly met, and provided notice and comment of the adjustment is placed on the agenda of both the Planning Commission and Governing Body for review and consent.
  5. Appeal of the Director’s decision shall be made to the City Commission.
-



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

<b>Table A1-1, TABLE OF PERMITTED USES</b>																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential							Overlay		
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
<b>RESIDENTIAL USES</b>																		
<b>Household Living</b>																		
Dwelling, Single-Family Detached	P	P	P	P		P	S	P	P		S					P	S	
Dwelling, Two-Family	S	S	S	S	P	P		P	P							P	S	
Dwelling, Townhouse				S	P	P		P	P							P	P	
Dwelling, Multi-Family					P	P		P								P	P	
Dwelling in Mixed-Use Structure Note [1]								P	P	P	P	P				P	P	P
Dwelling, Live/Work								P	P	P	P	P				P	P	P
Dwelling, Manufactured	P	S	S	S			P											
Dwelling, Mobile Home							P											
<b>Group Living</b>																		
Assisted Living Facility	S	S	S	S	S	S		S			P	P				S	S	S
Convent/Monastery	P	P	P	P	P	P	P	P										
Dormitory	S	S	S	S	S	S		S										
Fraternity/Sorority Home	S	S	S	S	S													
Group Home: Disabled (K.S.A. 12-736)	P	P	P	P	P	P	P	P								S	S	S
Nursing Home/Hospice	S	S	S	S	P	S						P				S	S	S
Senior Housing	S	S	S	S	P	P		S			P	P				S	S	S
Shelter, Domestic Violence	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Shelter Home	S	S	S	S	P	P		P	S	S	P	P				S	P	S
Student Housing	S	S	S	S	P	P		P			P	P						
<b>PUBLIC AND INSTITUTIONAL USES</b>																		
<b>Community Services</b>																		
Adult Day Center	S	S	S	S					P	P	P	P				S	P	P



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

<b>Table A1-1, TABLE OF PERMITTED USES</b>																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential							Overlay		
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
Cemetery	S	S	S	S														
Mausoleum	S	S	S	S							P	P						
Civic, Social, and Fraternal Organizations	S	S	S	S				S		P	P	P				P	S	P
Community Centers											P	P				P		P
Government Offices and Facilities	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P
Historic and Monument Sites	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Jails and Prisons													S	S				
Library	S	S	S	S				S	P	P	P	P				P	P	P
Post Office Branches								P	P	P	P	P				P	P	P
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Safety Services	P	P	P	P				P	P	P	P	P				P	P	P
<b>Day Care</b>																		
Day Care Center/Preschool	S	S	S	S	S	S	S	S	P	P	P	P				P	P	P
Day Care, Home (6 or less children)	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Day Care, Home (7 or more children)	S	S	S	S	S	S	S	S	P	P	P	P				S	P	P
<b>Educational Facilities</b>																		
College or University	S	S	S	S						P	P	P				S	S	S
School, Elementary and Middle (Public and Private)	S	S	S	S	S	S	S	S	S	S	S	S				S	S	S
School, Senior High	S	S	S	S	S	S	S	S	S	S	S	S				S	S	S
School, Vocational-Technical and Trade									S	P	P	P						S
<b>Health Care Facilities</b>																		
Hospitals									S	S	P	P						S
Medical and dental clinics and offices								P	P	P	P	P				P	P	P
<b>Parks and Open Space</b>																		



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

<b>Table A1-1, TABLE OF PERMITTED USES</b>																			
P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
Arboretum or botanical garden		S										P					P	P	P
Campground		S																	
Community playfields, playgrounds, and parks		P	P	P	P				P	P	P	P					P	P	P
Golf course, public		S	S	S	S											S			S
Golf course, private		S	S	S	S											S			S
Zoo												P							
<b>Transportation</b>																			
Airport												S	S	S					S
Bus Garage and Equipment Maintenance												P	P	P					
Bus Terminal										S	S	P	P	P	P	P			
Heliport												S	S	S	S				
Railroad Terminal												P							
Taxi Dispatch										S	S	P	P						
Truck Terminal, Freight, Air Courier Services														P	P				
<b>Utility</b>																			
Private Wind Energy Systems		S	S	S	S	S	S	S	S	S	S		S	S	S		S	S	S
Private Solar Collection Systems		P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Commercial Wind Energy Systems		S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Commercial Solar Collection Systems		S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Communication Tower		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication Tower – Alternative Structure		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication Facility on Existing Structure		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Storage		P	S	S	S	S	S	S	S	S	S	P	P				S	S	S
<b>COMMERCIAL USES</b>																			
<b>Animal Sales and Service</b>																			



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

<b>Table A1-1, TABLE OF PERMITTED USES</b>																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential						Overlay			
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
Kennel												P	P	P				
Pet Shops									P		P	P				P	P	
Pet Grooming	S	S	S	S				S	P		P	P				S	S	S
Veterinary Clinic with Boarding									S	S	P	P	P	P		S	S	P
Veterinary Clinic without Boarding									S	S	P	P	P			P	P	P
<b>Assembly</b>																		
Assembly Hall								S	S	P	P	P						
Auction Establishment									S	P	P	P	P					S
Membership Clubs									S	P	P	P				S	S	S
Event Venue									S	P	P	P					P	P
<b>Financial Service</b>																		
Financial Institution, with Drive-thru								P	P	P	P	P				S	S	P
Financial Institution, without Drive-thru								P	P	P	P	P				P	P	P
<b>Food and Beverage Services</b>																		
Food and Beverage General								S	P	S	P	P				P	P	P
Bars or Taverns								S	S	S	P	P				S	P	P
Restaurant, with Drive-in or Drive-thru								S	P	S	P	P					S	P
Restaurant, without Drive-in or Drive-thru								S	P	S	P	P				S	S	S
<b>Office</b>																		
Administrative and Professional Offices								P	P	P	P	P				P	P	P
Offices for Nonprofit, Community Health, and Welfare Service Organizations								P	P	P	P	P				P	P	P
<b>Recreation and Entertainment, Outdoor</b>																		
Arena and Field House											S	P					S	S
Country Club	S	S	S	S								P						



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

<b>Table A1-1, TABLE OF PERMITTED USES</b>																			
P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
Marina		S										S	S	S					
Outdoor Commercial Recreation and Entertainment		S										S	P	S				S	P
Racing Facilities		S											S	S	S	S			
Riding Academies/Stables		S												S	S	S			
Sports/Entertainment Arena or Stadium										S	S	S	P	S					P
Athletic Facilities		S	S	S	S				P	P	P	P	P	S					
Non- Residential Swimming Pools Public or Private Membership		S	S	S	S							P	P				P		P
<b>Recreation and Entertainment, Indoor</b>																			
Art Gallery or Museum									P	P	P	P	P				P	P	P
Auditorium/Exhibition Hall/Convention Center												S	P					S	P
Indoor Commercial Recreation/ Entertainment												P	P	P			P	P	P
<b>Commercial Services</b>																			
Sexually Oriented Business														S					
Building Services											P	P	P				S	S	P
Business Support									P	P	P	P	P				P	P	P
Contracting Services, no storage or yard												P	P	P	P				P
Funeral, Mortuary, Crematory		S	S	S	S						S	P	P				S	S	S
General Personal Services									P	P	P	P	P				P	P	P
Gun Sales and Service									S	P	P	P	P						
Indoor Shooting Ranges												S	S	P	P				
Maintenance and Repair										P	S	P	P					S	S
Tattoo Parlor/Body Art									P	P		P	P						
Radio, Television, and Recording Services											S	P	P					P	P



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

<b>Table A1-1, TABLE OF PERMITTED USES</b>																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential					Overlay				
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
Studio, Music/Movie/TV								P	P	P	P	P						
<b>Retail (Sales)</b>																		
Building Supplies and Equipment											P	P	P				S	P
Consumer Goods								P	P	P	P	P				P	P	P
Sundries, Pharmaceuticals, Convenience Store								P	P	P	P	P				P	P	P
Food, Beverage, and Groceries								P	P	P	P	P				P	P	P
<b>Vehicles and Equipment</b>																		
Automobile Repair Shop											P	P	P					
Automobile, Boat, Truck, Motorcycle, RV Sales, Rental, and Service											P	P	S					
Car Wash/Truck Wash									S		S	P	P					
Gas Station									S		P	P	P			S	P	P
Heavy Vehicle/Equipment Sales, Rentals and Service												P	P	P				
Parking Lot or Garage (Commercial, Non-Accessory)	S	S	S	S				S	S	S	P	P	S	S		S	S	S
<b>Visitor Accommodation</b>																		
Bed and Breakfast Inns	S	S	S	S	S	S	S	P	P	P	P	P				S	S	S
Residential Home Stay	S	S	S	S	S	S	S	P	P	P	P	P				S	S	
Boarding and Rooming Houses	S	S	S	S	S	S	S	P	S	S	P	P				S	S	
Camp, Private, Overnight	S																	
Health Resort/Spa										P	P	P						
Hotel										P	P	P				P	P	P



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

<b>Table A1-1, TABLE OF PERMITTED USES</b>																			
P = Permitted, S = Special Use Permit Required																			
Use Category	Residential								Non-Residential						Overlay				
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG	
Specific Use Type																			
Hotel – Limited Service										P	P	P					P	P	P
Residence Hotels								S	S	P	P	P					P	P	P
Retreat House	S	S	S	S															
<b>INDUSTRIAL USES</b>																			
<b>Industrial Service</b>																			
Animal Research Facilities													S						
Builders Supply Yards and Lumberyards (except when indoors as part of a hardware store)												P	P						
Construction Industry Related Businesses (such as general contractors, electrical contractors, plumbing contractors) /Accessory and Incidental uses												P	P	P					
Educational and Scientific Research, Development, and Testing Services										P	P	P	P	P				P	P
Heavy Industrial														P	S				
Light Industrial													P	P	S				
Petroleum Pipeline and Pressure Control Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S					
<b>Manufacturing and Production</b>																			
Manufacturing, Fabrication, and Assembly: Custom												S	P	P					
Manufacturing, Fabrication, and Assembly: Light												P	P	P					



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

<b>Table A1-1, TABLE OF PERMITTED USES</b>																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential						Overlay			
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
Manufacturing, Fabrication, and Assembly: Heavy												S	S	P				
<b>Wholesale, Storage, Warehouse, and Distribution</b>																		
Automobile Towing Service Storage Yard; Impound Lot											S	S	P	P				
Mini-Storage											S	P	P					
Moving and Storage Facilities												P	P					
Warehousing											S	P	P	P				
Wholesale Trade or Storage, General												P	P	P				
Wholesale Trade or Storage, Light											P	P	P					
<b>Waste and Salvage</b>																		
Automobile Parts Recycling Business												S	P	P				
Junkyard, Salvage Yard												S	P	P				
Neighborhood Recycling Center	S	S	S	S	S	S	S	S	S	S	S	S	S	S		P	P	P
Recycling Collection Station													P	P				
Solid Waste Facility													S	S				
<b>AGRICULTURE</b>																		
<b>Agriculture/Aquaculture</b>																		
Animal Husbandry (other than dairy)	P																	
Apiary	P	P	P	P	P	P	P	P										
Farming	P																	
Fish Farm/Hatchery	S																	
Ranching	S																	
Greenhouse/Nursery	S	S							S	S	P	P	S	S				P
Urban Agriculture/Community Garden	P	P	P	P	P	P	P	P								P	S	P



DEVELOPMENT REGULATIONS  
APPENDIX A. USE TABLE

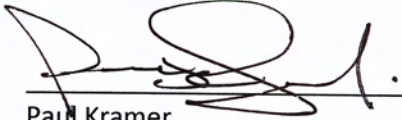
Table A1-1, TABLE OF PERMITTED USES																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential				Overlay					
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
NOTE 1: In the CBD, Residential is not permitted within the front half or front 30' of space, whichever is greater, on the 1 <sup>st</sup> floor (Sec 1.17 A,B)																		



**Policy Report**

Ordinance change: form of government and swearing in process  
February 27, 2024

Prepared by:

A handwritten signature in black ink, appearing to read 'Paul Kramer', written over a horizontal line.

Paul Kramer  
City Manager

**Issue:**

The City Commission provided consensus at the January 23 Commission Study Session to formalize the current practice regarding the annual selection of Mayor and Mayor Pro Tem. In addition, the revised ordinance sets the swearing in of Commissioners at the first regular meeting in December following the election. The City Manager's Office and City Attorney have prepared the revised ordinance to reflect changes to the City Code.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING DIVISION 1 (GENERALLY) OF ARTICLE II (CITY COMMISSION) OF CHAPTER 2 (ADMINISTRATION) OF THE LEAVENWORTH CODE OF ORDINANCES REGARDING THE TERMS OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY AND THE SELECTION OF THE MAYOR AND MAYOR PRO TEM FOR THE CITY, AND ESTABLISHING A NEW AND REPLACEMENT DIVISION.**

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

**Section 1.** Division 1 (Generally) of Article II (City Commission) of Chapter 2 of the Leavenworth Code of Ordinances, consisting of Sections 2-19 through 2-51, inclusive, is hereby deleted in its entirety and amended to read as follows:

**ARTICLE II.—CITY COMMISSION**

**DIVISION 1.—GENERALLY**

**Sec. 2-19. - Composition; election; term of office.**

- (a) *Form of government.* The city continues to operate under the commission-manager form of government, pursuant to K.S.A. 12-184b and pursuant to all existing ordinances and charter ordinances relating to its form of government. The city commission shall consist of five commissioners, who are residents and qualified electors of the city, to be elected to terms set forth herein.
- (b) *Candidacy for city commission.* In accordance with K.S.A. 25-205, and amendments thereto, any person may become a candidate for city office elected at large by having had filed on their behalf, a nomination petition or a declaration of candidacy, accompanied by any fee required by law not later than 12:00 noon, on June 1, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon on the next following day that is not a Saturday, Sunday or holiday. If filing by nomination petition, such petition must be signed by 50 qualified electors of the city or not less than one percent of the ballots cast and counted at the last general city election, whichever is less.
- (c) *Elections of commissioners.*
  - (i) General elections shall be held on the Tuesday following the first Monday in November of each odd-numbered year. All elections for the city shall be nonpartisan.
  - (ii) At each regular city election, there shall be elected two commissioners for a four-year term, and one commissioner for a two-year term. Subject to subsection (d) below, the candidates receiving the largest and second largest number



of votes shall be elected for four-year terms, and the candidate receiving the third largest number of votes shall be elected for a two-year term commencing the second Tuesday in December following certification of the election, and until a successor is elected and qualified. In the event of any tie votes, such tie shall be resolved pursuant to K.S.A. 25-3108, as amended.

- (iii) Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and amendments thereto, and every such oath or affirmation shall be filed with the city clerk.

(d) *Terms of office.*

- (i) The terms of each commissioner position with terms that would have expired on the first Tuesday in December 2025 shall expire on the second Tuesday in December 2025 when the commissioners elected in the 2025 general city election take office, or until a successor is otherwise qualified, whichever is later. The terms of each commissioner position with terms that would have expired on the first Tuesday in December 2027 shall expire on the second Tuesday in December 2027 when the commissioners elected in the 2027 general city election take office, or until a successor is otherwise qualified, whichever is later. Thereafter, terms of office shall commence as set forth in subsection (c)(ii) above.

- (ii) At the first regularly-scheduled meeting of the governing body in December of any city election year, as provided in section 2-52 of this code, following certification of the results of the city election held the previous November, the governing body, as constituted before said election, shall meet and open the meeting, and thereafter seat the new governing body, and the new governing body shall proceed to the order of business. Provided, that in the event the governing body is not able to hold its regularly-scheduled meeting on the second Tuesday of December in any year, then the terms of office of commissioners shall nevertheless expire and commence as set forth in this section, and the mayor, city manager, or city clerk shall otherwise make arrangements to qualify commissioners by oath or affirmation.

- (e) *City manager.* The city commission shall appoint a city manager to be responsible for the administration and affairs of the city. The city manager shall serve at the pleasure of the city commission. The city manager shall see that all laws and ordinances are enforced. The city manager shall appoint and remove all heads of



departments and all subordinate officers and employees of the city. All appointments shall be made upon merit and fitness alone.

**Sec. 2-20. - Powers generally.**

All powers exercised by cities of the first class, or which shall be conferred upon such cities, shall be exercised by the city commission, insofar as they do not conflict with the provisions of the statutes relating to the commissioner-manager form of government.

**Sec. 2-21. - No title distinctions between commissioners; compensation.**

Regulations relating to the commissioners of the city shall include the following:

- (1) No distinction shall be made in the title or duties among the commissioners, except as the board shall organize itself for business.
- (2) The commissioners shall be entitled to receive and be reimbursed for any reasonable expenses incurred as a result of trips or efforts made on behalf of the city.
- (3) Each commissioner shall receive a \$50.00 per month technology allowance to be used on technology costs of their choosing, to include, but not limited to, the cost of internet and phone.
- (4) Each commissioner shall receive a salary of \$6,000.00 per year, payable in monthly installments, provided that the commissioner chosen as chairperson annually, who shall have the title of mayor, shall, be paid \$7,200.00 during the year of office, payable in monthly installments.

**Sec. 2-22. - Mayor and mayor pro tem.**

- (a) The city commission shall have a chairperson to serve for a one (1) year term, and the chairperson shall have the title of mayor during the year of office, to the end that the city shall have an official head on formal occasions. The city commission shall also have a vice-chairperson to serve for a one (1) year term, and the vice-chairperson shall have the title of mayor pro tem during the year of office, to the end that the city shall have an official head on all formal occasions in the absence of the duly elected mayor.
- (b) Notwithstanding the provisions of subsection (a) above:
  - (i) The current mayor as of the effective date of this ordinance shall serve as mayor until the second Tuesday in December 2024. The current mayor pro tem as of the effective date of this ordinance shall serve as mayor pro tem until the second Tuesday in December 2024, at which time he or she shall



become mayor. The candidate receiving the second-largest number of votes in the 2023 general election shall serve as mayor pro tem commencing as of the second Tuesday in December 2024.

- (ii) Commencing with the 2025 general election and every subsequent general election thereafter, the candidate receiving the largest number of votes (elected for a four-year term) shall serve as mayor pro tem for a term of one (1) year commencing as of the second Tuesday in December immediately following such general election, and until the second Tuesday in December one year thereafter, at which time he or she shall become mayor. In the event of a tie between the two candidates receiving the largest number of votes, the person to serve as mayor pro tem under this subsection shall be broken by a coin flip by the then-current mayor.
  - (iii) Commencing with the 2025 general election and every subsequent general election thereafter, the candidate receiving the second-largest number of votes (elected for a four-year term), or the person not selected by a coin flip as provided in subsection (ii) above, shall serve as mayor pro tem for a term of one (1) year commencing as of the second Tuesday in December that follows one (1) year after such general election.
  - (iv) Commencing with the second Tuesday in December 2024, and then commencing with the second Tuesday of every December thereafter, the then-current mayor pro tem shall serve as mayor for the upcoming year until the second Tuesday in December of the following year.
- (c) In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office, or when the mayor no longer resides in the city, or for any other reason, the mayor pro tem will fill the vacancy by serving as mayor through the expiration of the then-current term. The mayor pro tem shall then serve as mayor for his or her own term as provided in subsection (b) above.
  - (d) In case of a vacancy in the office of mayor pro tem occurring by reason of resignation, death, removal from office or when the mayor pro tem no longer resides in the city, or when the mayor pro tem has become mayor due to a vacancy as provided in subsection (c) above, or for any other reason, the next-in-line mayor pro tem (as established under subsection (b) above) shall serve as mayor pro tem through the expiration of the then-vacated mayor pro tem term. If there is, at such time, no next-in-line mayor pro tem, then the governing body shall select, by a majority of those commissioners present, a new mayor pro tem from those commissioners serving at the time of the vacancy within thirty (30) days from the vacancy. In



the event of a tie vote in the selection of a new mayor pro tem, the tie shall be broken by a coin flip by the then-current mayor.

**Sec. 2-23. - Determination of offices and fixing of salaries.**

The city commission shall provide for such offices as shall be necessary to carry out the provisions of the state statutes relating to the commission-manager plan of government and determine salaries for such offices.

**Sec. 2-24. - Members not to interfere with conduct of departments.**

No members of the city commission shall directly interfere with the conduct of any department, except at the express direction of the city commission.

**Secs. 2-25—2-51. - Reserved.**

**Section 2.** Division 1 (Generally) of Article II (City Commission) of Chapter 2 of the Leavenworth Code of Ordinances, consisting of Sections 2-19 through 2-51, inclusive, in existence as of and prior to the adoption of this ordinance is hereby repealed.

**Section 3.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Griff Martin, Mayor

{SEAL}

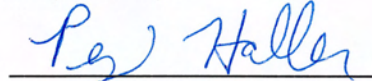
ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



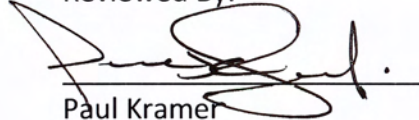
**STAFF REPORT**  
**Camp Leavenworth Feedback Session**  
**February 27, 2024**

Prepared By:



Penny Holler  
Assistant City Manager

Reviewed By:



Paul Kramer  
City Manager

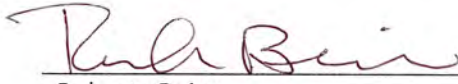
**BACKGROUND:**

Early planning for Camp Leavenworth 2024 has begun. City staff and O'Neill Events and Management will provide a recap of Camp Leavenworth 2023 and gain feedback on updates for the September event this year.

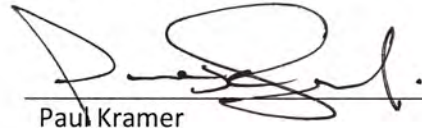


**Policy Report**  
**Staff Report - Revenue Overview**  
**February 27, 2024**

Prepared by:

  
\_\_\_\_\_  
Roberta Beier  
Finance Director

Approved by:

  
\_\_\_\_\_  
Paul Kramer  
City Manager

**Issue:**

The City Commission is responsible for providing direction for and approving the annual Operating Budget and the 5-Year Capital Improvement Budget. The budget discussion focuses on expenditures, and in order to provide informed direction, the City Commission must have a comprehensive understanding of the City's revenue sources.

Staff will present a comprehensive overview of 2023 actual and 2024 budgeted revenue, including how an analysis of recent revenue trends will impact the 2025 budget process.