



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, MARCH 12, 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 27, 2024 Regular Meeting **Action:** Motion (pg. 03)

Second Consideration Ordinance:

2. Second Consideration Ordinance No. 8236 Special Use Permit for Gas Station Use in North Neighborhood Redevelopment Overlay District at 300 N 4th Street **Action:** Roll Call Vote (pg. 08)
3. Second Consideration Ordinance No. 8237 Special Use Permit 920 N 14th Street for Two-Family Dwelling in R1-6 Zoning District **Action:** Roll Call Vote (pg. 10)
4. Second Consideration Ordinance No. 8238 Development Regulations Text Amendments **Action:** Roll Call Vote (pg. 13)
5. Second Consideration Ordinance No. 8239 Amending Chapter 2, Article II of the Leavenworth Code of Ordinances **Action:** Roll Call Vote (pg. 94)

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:

6. Cancellation of Taxable Industrial Revenue Bonds, Series 2021 (Luxury & Imports Project) **Action:** Motion (pg. 100)
7. Consider Cereal Malt Beverage License for Little Bar at 1431 10th Avenue **Action:** Motion (pg. 102)
8. Finance Department Policy Updates and Grant Management Policy **Action:** Motion (pg. 103)

Bids, Contracts and Agreements:

9. Consider Award of Bid for CDBG Sidewalk Improvements Project **Action:** Motion (pg. 133)
10. Consider Award of Bid to Replace #2 Grit Classifier **Action:** Motion (pg. 137)
11. Consider Award of Bid for New Cab and Chassis with Aerial Device **Action:** Motion (pg. 156)
12. Consider Award of Bid for Crack Seal Machine **Action:** Motion (pg. 160)
13. Consider Award of Bid for 2024 Pavement Management Program (Mill & Overlay Project) **Action:** Motion (pg. 164)
14. Consider Approval of Network Switches Replacement and Installation Project **Action:** Motion (pg. 170)
15. Consider Approval of Storage Area Network (SAN) Replacement Project **Action:** Motion (pg. 171)

Staff Report:

- Emergency Management Briefing (pg. 172)

Consent Agenda:

Claims for February 23, 2024 through March 7, 2024, in the amount of \$1,507,251.40; Net amount for Payroll #4 effective February 23, 2024, in the amount of \$406,035.97 (Includes Police & Fire Pension in the amount of \$7,491.38).

Action: Motion

Other:

16. Executive Session – Security Measures that Protect a Public Body or Agency

Action: Motion (pg. 173)

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.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Leavenworth Housing Authority Section Eight Coordinator Patrick Tooley, Planning & Community Development Director Julie Hurley, 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.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the February 13, 2024 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8235 Amending Chapter 28 Nuisances of the Leavenworth Code of Ordinances – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the February 13, 2024 meeting.

Mayor Martin called the roll and Ordinance No. 8235 was unanimously approved.

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

Louis Klemp, 1816 Pine Ridge Dr:

- Mentioned the following items:
 - Letter to the editor in the *Leavenworth Times* on February 20, 2024
 - Attended a Leavenworth Preservation Commission meeting
 - Mentioned the bridge and who is going to pay for it
 - Discussed traffic/roadway safety on 20th Street
 - Mentioned that the City should contact Portland Oregon regarding what they are doing with their roads

General Items:

Mayor's Appointments:

Mayor Martin moved 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.

Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Resolutions:

Resolution B-2360 Annual Report for Stormwater 2023 – Public Works Director Brian Faust presented for adoption the annual Kansas Department of Health and Environment (KDHE) report for 2023 stormwater activities. The City is required to submit an annual report to KDHE for stormwater activities for the year. The report summarizes actions the City has taken the previous year to protect and enhance stormwater quality.

Commissioner Bauder:

- Likes that we are tracking these activities; nice to see

Commissioner Wilson moved to adopt Resolution B-2360 approving the annual KDHE report for 2023 Stormwater activities. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Resolution B-2361 Section Eight Management Assessment Program (SEMAP) Certification – Leavenworth Housing Authority Section Eight Coordinator Patrick Tooley presented the 2023 SEMAP for approval by the City Commission. This assessment is an annual process and is submitted electronically after approval by the City Commission. Mr. Tooley provided an overview of the Section Eight Program. The Section Eight 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. The program is 100% federally funded, including all Admin costs.

Commissioner Hingula:

- Asked about the response regarding Payment Standards on the report

Commissioner Bauder moved to adopt Resolution B-2361 Section Eight Assessment Program. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance for Special Use Permit for Gas Station Use in North Neighborhood Redevelopment Overlay District at 300 N 4th Street – Planning & Community Development Director Julie Hurley presented for first consideration an ordinance to allow the operation of a gas station in the North Neighborhood Redevelopment Overlay District. The subject property is zoned R1-6 and falls within the 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 non-conforming use, as there is no Special Use Permit in place for its operation. The owner has requested a building permit to build an addition on the rear of the structure. The Special Use Permit would bring the property into conformance in order to enlarge their structure. The Planning Commission

considered this item at their February 5, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

Commissioner Bauder:

- Asked if the station will remain a Conoco station

Ms. Hurley:

- There is no indication that they are changing from Conoco

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

First Consideration Ordinance for Special Use Permit 920 N 14th Street for Two-Family Dwelling in R1-6 Zoning District – Planning & Community Development Director Julie Hurley presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. 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. The Planning Commission considered this item at their February 5, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

Commissioner Bauder:

- Asked about the notification requirement

Ms. Hurley:

- State statute requires notification to property owners within 200 feet of the property requesting the Special Use Permit and no comments were received

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

First Consideration Ordinance Development Regulations Text Amendments – Planning & Community Development Director Julie Hurley presented for consideration an ordinance amending various sections of the Development Regulations of the City Code of Ordinances. The Planning Commission held a public hearing for the proposed text amendments at their February 5, 2024 meeting and voted unanimously to recommend approval. Ms. Hurley reviewed the articles that have amendments.

Commissioner Bauder:

- Asked about tiny homes

Ms. Hurley:

- There have been inquiries about them, but no permits for construction

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

First Consideration Ordinance Amending Chapter 2, Article II of the Leavenworth Code of Ordinances – City Manager Paul Kramer presented for consideration an ordinance amending Division I of Article II, of Chapter 2 of the Leavenworth Code of Ordinances. The City Commission provided consensus at the January

23, 2024 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.

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

Staff Report:

Camp Leavenworth Feedback Session – Assistant City Manager Penny Holler and Kelli Wenzel from O'Neill Events and Management provided a recap of Camp Leavenworth 2023 and received feedback on updates for the 2024 event. Discussion items included:

- Highlights of the event
- New Elements added in 2023
- After Action Review and items to consider in 2024
- 2024 possibilities

Commissioner Bauder:

- Asked about an option to have other organizations run the beer tent

Commissioner Pittman:

- Would like to see more done to incorporate more of the downtown
- Would like to see a headliner musical act
- Would like to see rides for kids

Mayor Martin:

- Mentioned pop up petting zoo and pony rides

Ms. Wenzel:

- We are looking into how to engage more teens
- Could look at a contest idea for marketing

Mr. Kramer:

- If the Commission wants to go the route of a headliner, let us know, because after the Melissa Etheridge year, the Commission went away from a headliner

Ms. Wenzel:

- Costs of having a headliner is more expensive since COVID, but we are continuing to watch the trends to see if that starts to even back out

Commissioner Wilson:

- Would like to see a tie in to sports activities or a teenage talent show to get a teen draw

Commissioner Hingula:

- Mentioned having the historical society present to talk about the history of Leavenworth

Revenue Overview Presentation – Finance Director Roberta Beier presented a budget discussion focusing on expenditures and a comprehensive understanding of the City’s revenue sources. Staff presented a comprehensive overview of 2023 actual and 2024 budgeted revenue, including how an analysis of recent revenue trends will impact the 2025 budget process. Discussion items included:

- City-wide total revenue -> Net annual revenue
- Fund Accounting
- Revenue review
- Sales tax
- Ad Valorem tax
- Impact on 2025 budget process

Consent Agenda:

Commissioner Hingula moved to approve 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). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Other:

Commissioner Hingula:

- Mentioned the RCCP will present Into the Woods starting on Friday

Commissioner Pittman:

- Attended the ROTC Drill over the weekend, great event

Commissioner Bauder:

- St. Patrick’s Day Committee held a concert the other night, it was sold out and the Irish dancers were there
- Parade is on March 17th

Commissioner Wilson:

- God bless and have a great week

Mayor Martin:

- Heard from state legislators
- Leavenworth is in the same boat as many communities about budgets
- Have a good rest of the week

Adjournment:

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

Time Meeting Adjourned 7:52 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8236
ALLOWING A SPECIAL USE PERMIT FOR GAS STATION USE
IN THE NORTH NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT
AT 300 N 4TH STREET**

MARCH 12, 2024



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the February 27, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

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

There have been no changes to the ordinance since first introduced. Ordinance No. 8236 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8236

(Summary Published in the Leavenworth Times on March 16, 2024)

ORDINANCE NO. 8236

AN ORDINANCE ALLOWING A SPECIAL USE FOR A GAS STATION USE IN THE NORTH NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT LOCATED AT 300 N. 4TH 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 5th day of February 2024 in the Commission Chambers, 1st Floor of City Hall, 100 N. 5th 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 13th 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. 4th 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 4th 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 12th day of March, 2024.

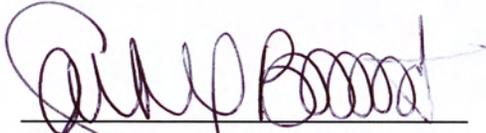
Griff Martin, Mayor

ATTEST:

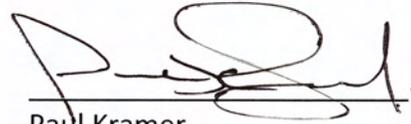
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8237
APPROVAL OF SPECIAL USE PERMIT FOR TWO-FAMILY DWELLING IN R1-6 ZONING
AT 920 N 14TH STREET**

MARCH 12, 2024



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the February 27, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

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. 14TH STREET IN THE CITY OF LEAVENWORTH, KANSAS.

There have been no other changes since first consideration.

Ordinance No. 8237 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8237

(Summary Published in the Leavenworth Times on March 16, 2024)

ORDINANCE NO. 8237

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. 14th 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 5th day of February 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th 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 11th day of January 2024; and

WHEREAS, the City Planning Commission did hear on the 5th day of February 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th 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. 14th 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 14th 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 12th day of March 2024.

Griff Martin, Mayor

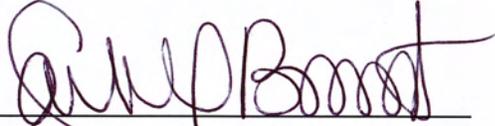
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ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8238
DEVELOPMENT REGULATIONS TEXT AMENDMENTS**

MARCH 12, 2024



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the February 27, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

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.

There have been no changes to the ordinance since first introduced. Ordinance No. 8238 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8238

(Summary Publish in the Leavenworth Times on March 16, 2024)

ORDINANCE NO. 8238

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	■		■
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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.

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	
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'

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	
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 arraignments 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 sign 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)

Table 8-01: Residential Signage Standards			
	Maximum Number	Height	Area
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)

Table 8-03: OBD, CBD, GBD, I-1 & I-2 Signage Standards									
	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
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[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 12th day of March 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

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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.

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

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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.

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.

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.

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.

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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,

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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

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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.

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

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.

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.

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,

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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.

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

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).

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.

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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.

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.

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.

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

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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.

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

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

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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

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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.

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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

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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.

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

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																		
RESIDENTIAL USES																		
Household Living																		
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											
Group Living																		
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						
PUBLIC AND INSTITUTIONAL USES																		
Community Services																		
Adult Day Center	S	S	S	S					P	P	P	P				S	P	P

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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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
Day Care																		
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
Educational Facilities																		
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
Health Care Facilities																		
Hospitals									S	S	P	P						S
Medical and dental clinics and offices								P	P	P	P	P				P	P	P
Parks and Open Space																		

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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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	P
Golf course, public	S	S	S	S											S			S
Golf course, private	S	S	S	S											S			S
Zoo												P						
Transportation																		
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				
Utility																		
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
COMMERCIAL USES																		
Animal Sales and Service																		

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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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
Assembly																		
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
Financial Service																		
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
Food and Beverage Services																		
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
Office																		
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
Recreation and Entertainment, Outdoor																		
Arena and Field House											S	P					S	S
Country Club	S	S	S	S								P						

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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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
Recreation and Entertainment, Indoor																		
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
Commercial Services																		
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

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Specific Use Type								P	P	P	P	P						
Studio, Music/Movie/TV								P	P	P	P	P						
Retail (Sales)																		
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
Vehicles and Equipment																		
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
Visitor Accommodation																		
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

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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														
INDUSTRIAL USES																		
Industrial Service																		
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				
Manufacturing and Production																		
Manufacturing, Fabrication, and Assembly: Custom												S	P	P				
Manufacturing, Fabrication, and Assembly: Light												P	P	P				

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

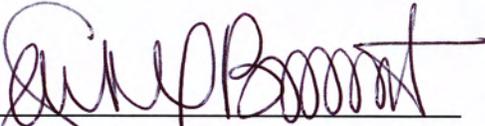
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Specific Use Type																		
Manufacturing, Fabrication, and Assembly: Heavy												S	S	P				
Wholesale, Storage, Warehouse, and Distribution																		
Automobile Towing Service Storage Yard; Impound Lot												S	S	P	P			
Mini-Storage												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				
Waste and Salvage																		
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			
AGRICULTURE																		
Agriculture/Aquaculture																		
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

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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 st floor (Sec 1.17 A,B)																		

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8239
AMENDING CHAPTER 2, ARTICLE II OF THE CITY OF LEAVENWORTH
CODE OF ORDINANCES**

MARCH 12, 2024



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the February 27, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

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.

There have been no changes to the ordinance since first introduced. Ordinance No. 8239 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8239

(Summary Published in the Leavenworth Times on March 16, 2024)

ORDINANCE NO. 8239

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 12th day of March, 2024.

Griff Martin, Mayor

{SEAL}

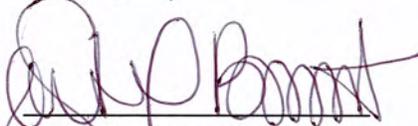
ATTEST:

Sarah Bodensteiner, CMC, City Clerk

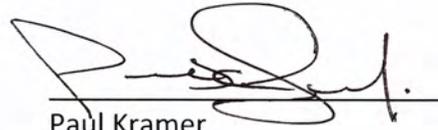
**POLICY REPORT
CANCELLATION OF TAXABLE INDUSTRIAL
REVENUE BONDS, SERIES 2021 (LUXURY & IMPORTS PROJECT)**

MARCH 12, 2024

Prepared by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

ISSUE:

Consider approval of the Certificate of Termination for the Taxable Industrial Revenue Bonds, Series 2021 (Luxury & Imports Project).

BACKGROUND:

The City of Leavenworth issued Taxable Industrial Revenue Bonds, Series 2021 (Luxury & Imports Project) (the "Bonds") in the aggregate maximum principal amount of \$2,750,000 on February 24, 2021. The project financed with the proceeds of the Bonds has been completed and in accordance with the Bond Trust Indenture, *that upon completion of the project and the payment of all costs thereof, the Bonds were cancelled*. The Bonds are deemed paid and discharged, and the City must consent to and certify that the Base Lease and Lease Agreement and all associated financing statements and obligations are deemed satisfied, and all liens and obligations are fully terminated and released. Since the Project is complete and the Trust Indenture requires the cancellation of the Bonds, the approval of the Certificate of Termination completes this project and officially cancels the Bonds. The Bonds are not a financial obligation of the City, but the City did serve as the conduit issuer of the Bonds on behalf of the Borrower.

STAFF RECOMMENDATIONS:

Staff recommends approving the Certificate of Termination.

ACTION:

Motion to approve the Certificate of Termination for the Taxable Industrial Revenue Bonds, Series 2021, as presented.

CERTIFICATE OF TERMINATION

WHEREAS, the City of Leavenworth, Kansas, (the “Issuer”) did issue its Taxable Industrial Revenue Bonds, Series 2021, (Luxury & Imports Project) in the aggregate maximum principal amount of \$2,750,000, dated February 24, 2021 (the “Bonds”); and

WHEREAS, the project financed with the proceeds of the Bonds has been completed; and

WHEREAS, the Issuer is advised by Bond Counsel in connection with the issuance of the Bonds, in accordance with *Section 1001* of the Bond Trust Indenture dated as of February 15, 2021, (the “Indenture”) by and between the Issuer and Security Bank of Kansas City, Kansas City, Kansas, appointed Trustee under the Indenture (the “Trustee”), that upon completion of the project and the payment of all costs thereof, the Bonds as delivered to and held by the Trustee, were cancelled by the Trustee pursuant to *Section 1001(b)* of the Indenture, at the direction of Rea Holdings, LLC, a Kansas Limited Liability Company, (the “Company”) the beneficiary of the Bonds; and

WHEREAS, the Trustee having cancelled the Bonds as aforesaid, the Bonds are, in accordance with *Section 1001* of the Indenture deemed to be paid and discharged and no longer deemed outstanding under the Indenture and therefor cease to be entitled to any lien, benefit, or security of the Indenture; and

WHEREAS, the Bonds as deemed paid and discharged under *Article X* of the Indenture, the Company has notified the City and Trustee by Bond Counsel’s letter of February 26, 2024, (“Notice”) that it is exercising its options to terminate both the Base Lease and the Lease Agreement (each as described in the Indenture), which termination date shall be not less than 15 nor more than 45 days from the date such Notice was mailed.

NOW, THEREFORE, the City having received such Notice, postmarked February 26, 2024, hereby consents to and certifies as of the date hereof that the Base Lease and Lease Agreement and any and all associated financing statements and obligations of the parties thereto are hereby deemed satisfied and all liens and obligations hereunder are fully terminated and released.

This Certificate of Termination was approved by the governing body of the City of Leavenworth, Kansas, at its duly called meeting held this date.

DATED this 12th day of March, 2024.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

Griff Martin, Mayor

Sarah Bodensteiner, City Clerk

**POLICY REPORT
CONSIDER CEREAL MALT BEVERAGE LICENSE FOR
LITTLE BAR AT 1431 10th AVENUE**

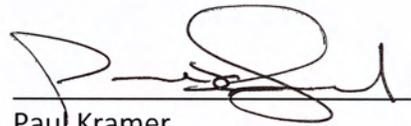
MARCH 12, 2024

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

Consider approving the issuance of a 2024 Cereal Malt Beverage (CMB) License to Little Bar, located at 1431 10th Avenue.

BACKGROUND:

Due to the recent passing of Little Bar owner Michael Malec, a new Cereal Malt Beverage License is required for the new owner to continue the locations operations. New owner, Stephen Malec has submitted the application for an on premise consumption Cereal Malt Beverage License for the location in town. The Police Department has reviewed and approved the application.

STAFF RECOMMENDATIONS:

Staff recommends approving the issuance of the CMB license.

ACTION:

Motion to approve the issuance of a 2024 on premise consumption Cereal Malt Beverage License for Little Bar, located at 1431 10th Avenue.

Policy Report No. FIN-24-01

**Consider Approval of Updated Finance Department Policies
and a New Grant Management Policy**

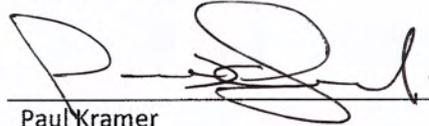
March 12, 2024

Prepared by:



Roberta Beier
Finance Director

Approved by:



Paul Kramer
City Manager

Issue:

The following Finance Department Policies were reviewed by the Finance Department Staff:

- a. Budget Policy
- b. Budgetary Reserve Policy
- c. Capital Asset Policy
- d. Debt Management Policy
- e. Investment Policy
- f. Revenue Control Policy
- g. CIP and Equipment Replacement Policy

In addition, the Finance Department drafted a new

- h. Grant Management Policy

The reviewed policies were updated as necessary. An overview of the updates is below. The Grant Management Policy was drafted in order to provide guidance with regard to new grant applications.

Changes to Reviewed Policies:

The formatting of all policies was updated for ease of reading and to provide consistency between all Finance Department Policies. Below is a list of updates that were made, in addition to formatting:

- a. Budget Policy –
 - i. Updated to include Revenue Neutral Rate Hearing requirements.
 - ii. Timeline was updated to meet the State's budget timeline requirements.
- b. Budgetary Reserve Policy
 - i. Added a 30% reserve target for the General Fund
 - ii. Added a 16% minimum reserve and 30% reserve target for the Refuse Fund
- c. Capital Asset Policy
 - i. Added a reference to restatement of leases and subscription based IT arrangements to be in compliance with GAAP
 - ii. Updated approval amount in accordance with the updated Purchasing Policy

- d. Debt Management Policy
 - i. No notable changes
- e. Investment Policy
 - i. No notable changes to policy, though a system of written internal controls for the investment process was developed. It has been reviewed by the City Manager.
- f. Revenue Control Policy
 - i. Shortened the introduction to remove unnecessary language meant to justify the need for a Revenue Control Policy
- g. Capital Improvement Planning and Equipment Replacement Policy
 - i. Changed the name to include Equipment Replacement
 - ii. Updated approval amounts in accordance with the updated Purchasing Policy
 - iii. Removed excerpt from the Budgetary Reserve Policy. The reference to the Budgetary Reserve Policy is sufficient.
 - iv. Removed the CIP Calendar and referred to the Budget Policy, which includes the CIP process

New Grant Management Policy:

A Grant Management Policy was drafted. The primary purpose of the policy is to ensure the Finance Department and City Manager are aware of all new grant requests. In addition, the policy requires City Commission approval of new grants that have matching requirement over \$50,000. A fillable pdf form was created that must be completed for all new grant requests.

Recommendation:

Staff recommends that the City Commission approve the updated Finance Policies and the new Grant Management Policy to be effective as of this day, March 12, 2024.

City of Leavenworth, Kansas
Budget Policy
(Draft for 2024)

INTRODUCTION

The preparation and adoption of the annual budget is a critical responsibility of the commission and its management team. It is also their main management tool. A budget is an operating plan that identifies likely sources and uses of resources and helps assess the effect they have on the City's financial position. There are many benefits to budgeting these anticipated sources and uses:

- An annual budget provides an opportunity to monitor and adjust activities as necessary.
- Governmental entities need to show compliance with legislative and resource requirements. Establishing an annual budget acknowledges those restrictions and shows compliance with them.
- Budgets also represent the embodiment of commission policies and priorities.
- An annual budget provides spending authority.
- An annual budget provides the authority to levy taxes.

PURPOSE

Effective financial management practices include budget policies and procedures that ensure financial stability. The purpose of this budget policy is to establish a framework from which the City Commission, City Manager, and all City Departments may work together to provide quality services to the citizens while maintaining financial viability.

SCOPE

This policy will apply to all of the City's operating funds that are required to be budgeted by the State of Kansas budget laws (K.S.A. 79-2925).

POLICY STATEMENT

The City of Leavenworth is committed to:

- Compliance with the State of Kansas Budget Laws.
- Effective management and monitoring of City resources, including the use of long-term financial planning and long-term capital improvement planning.
- Maintaining acceptable reserve levels.

The State of Kansas requires that a balanced budget be prepared on an annual basis. Kansas budget laws allow for the use of unrestricted cash balances to be used to offset shortfalls between anticipated revenues and expenditures. However, the City of Leavenworth is committed to maintaining an acceptable minimum reserve level, therefore, only the portion of unrestricted cash balances that exceeds the minimum reserve level identified in the City’s Budgetary Reserve Policy will be used to offset shortfalls between anticipated revenues and expenditures.

The City of Leavenworth will use a fund type of budget format that includes applicable receipts and expenditures for three years (prior, current, and future year), which are presented in a financial statement manner by fund. The use of this format clearly defines the sources and uses of the City’s resources by program or services provided. These programs and services will include all revenues as well as direct and indirect costs.

The City’s basis of budgetary accounting conforms to Kansas Cash Basis Budget Laws (K.S.A. 10-1101).

BUDGET CALENDAR

Month	Event / Milestone
February	Budget workbooks distributed by Finance Department to all City Departments with prior-year actual data; Departments begin planning future year expenses.
March	Long term planning with City Commission along with preliminary revenue projections by Finance for the next budget year. Capital Improvement Plan (CIP) development begins.
April	Departments complete first draft of budget workbooks and return to Finance Department; and meetings are scheduled to explain instructions. CIP requests are submitted and reviewed.
May	Department requests are due; budgets consolidated and reviewed by City Manager.
June	Receive estimates of assessed values from the County (budget adjusted as necessary); operating budget is presented to City Commission.
July	Kansas State Budget Book completed; County Clerk is notified of intention to exceed Revenue Neutral Rate (RNR).
August	Budget hearing is held on Annual Operating Budget and RNR adherence.
September	Adopted budget is forwarded to County Clerk.
January 1 st	New budget year begins.

MONITORING AND REPORTING

The budget process is a cooperative effort between the City Commission, City Manager, the Finance Department, and Department Directors. Each Department has access to their budget as well as current, accurate financial data. Department Directors are responsible for monitoring their individual budget status and notifying the City Manager and the Finance Department of any corrections or unforeseen events that will require budget changes. The Finance Department will review budgets for the entire organization on a regular basis, in addition to reviewing available cash compared to budgeted allocations.

BUDGET AMENDMENTS

Kansas budget law allows municipalities to amend budgets in order to spend money not in the original budget. The additional expenditures must be made from existing revenues and cannot require additional tax levies. A budget amendment is not required if the receipts result from a source specifically exempt by statute from the budget law.

City of Leavenworth, Kansas
Budgetary Reserve Policy
(Draft for 2024)

INTRODUCTION

Effective financial management practices ensure that the City of Leavenworth has available cash reserves in order to:

- Provide resources in case of emergency or disruption of revenues
- Meet contractual obligations
- Reduce the need to issue debt
- Provide financial stability and mitigate risks of economic downturns
- Provide stable tax rates
- Maintain good bond ratings/credit worthiness
- Comply with established public management best practices

The Government Finance Officers Association (GFOA) recommends analyzing risk areas that may influence an organization’s needed reserve level in order to adequately prepare for uncertainty. Such factors include revenue volatility, probability of extreme events (i.e. weather), infrastructure condition, and outside influences such as political change or pension liabilities.

As such, The GFOA recommends a minimum baseline of two months of General Fund revenues or expenditures, whichever is most predictable.

PURPOSE

The purpose of the Budgetary Reserve Policy is to provide guidelines to the governing body and staff for establishing, maintaining, and reviewing the minimum and target reserve levels. A budget reserve policy is considered prudent stewardship of public funds, and a conservative business practice in order to address unforeseen situations and provide for long-term financial planning.

SCOPE

This policy will apply to the General Fund, Sewer Fund, and Refuse Fund.

POLICY STATEMENT

The City of Leavenworth is committed to:

- Maintaining minimum budgetary reserves in the General Fund equal to 16% of annual expenditures, with an annual target of 30%.

- Maintaining a minimum budgetary reserves in the Sewer Fund of 25% of annual expenditures and a capital reserve of 5% of net capital assets.
- Maintaining minimum budgetary reserves in the Refuse Fund equal to 16% of annual expenditures, with an annual target of 30%.
- Budgeting 4% of expenditures for restoration of reserve levels that are below the reserve minimum, if necessary.
- Reducing the need for issuing debt through effective use of budgetary reserves.
- Using reserves below the minimum level only with prior authorization of the City Commission and City Manager.
- Using excess unassigned amounts above the targeted balance requirements in the following ways:
 - Debt reduction.
 - One-time expenditures that do not increase recurring operating costs, but cannot be funded through current revenues.
 - Establishing or increasing reserves for risk management programs, equipment replacement, capital projects, emergencies, or disaster recovery.
- Reviewing and updating this policy periodically.

City of Leavenworth, Kansas
Capital Asset Policy
(Draft for 2024)

INTRODUCTION

The City of Leavenworth defines capital assets as tangible and intangible assets with a value exceeding \$5,000 and a useful life exceeding one business cycle. The City's capital assets are resources used to provide public services to the community. Therefore, the City has a responsibility to manage, control, and safeguard these assets to ensure maximum benefit is obtained for the good of the City.

The City plans and implements a five-year Capital Improvement Plan which prioritizes construction and maintenance projects as well as equipment purchases. This plan is updated annually and presented to the Commission for approval. The planning process is a joint effort of the City Commission, City Manager, Department Directors and their staff, and the Finance Director.

Accurate and effective capital asset plans are necessary for:

- Accurately reporting and creating financial statements in accordance with Generally Accepted Accounting Principles (GAAP).
- Insurance purposes.
- Accountability/transparency to the public.
- Efficiency and cost reduction through central management.
- Accurate financial information.
- Determining appropriate financing options (when necessary) for the acquisition of assets.

PURPOSE

The purpose of this policy is to establish guidelines governing the definition, classification, control, and reporting of capital assets.

SCOPE

This policy will address the following aspects of capital asset management:

- Definition of capital assets
- Acquisition, classification, and disposal of City assets
- Responsibility for proper use, maintenance, insurance, and safeguarding City assets
- Recording and reporting asset transactions

- Restatement of leases and subscription based IT arrangements (SBITAs) for compliance with Governmental Accounting Standards Board (GASB) guidelines.

POLICY STATEMENT

The City of Leavenworth is committed to:

- Recording, updating, and maintaining asset transactions including acquisitions, transfers, adjustments, depreciation, and disposals in a timely and accurate manner.
- Classifying assets into the following categories and their respective life expectancies:
 - Land not depreciated
 - Buildings 15-30 years
 - Improvements other than buildings 15-30 years
 - Machinery and equipment 5-15 years
 - Infrastructure 10-30 years
 - Construction in Progress begins once asset is in service
- Limiting the use of City assets to achieving the City’s stated goals and objectives.
- Obtaining approval of the City Manager prior to disposal of an asset.
- Reporting asset transactions in accordance with GAAP and other federal, state, and local regulations.

RESPONSIBILITIES

City Commission:

The City Commission is responsible for the approval of the five-year Capital Improvement Plan which contains programmed capital asset purchases. The City Commission is responsible for approving the acquisition, remodeling, repair, maintenance, renovation, and construction of capital assets that cost in excess of \$50,000 in accordance with the City Purchasing Policy

City Manager:

The City Manager is responsible for coordinating, planning, and submission of the five-year Capital Improvement Plan to the Commission for approval. The City Manager is responsible for approving the acquisition, remodeling, repair, maintenance, renovation, and construction of capital assets that cost in excess of \$15,000 but less than \$50,000 in accordance with the City Purchasing Policy. The City Manager is also responsible for approving the disposal of capital assets.

City Clerk:

The City Clerk is responsible for maintaining adequate insurance on capital assets and maintaining insurance records.

Department Directors:

Department Directors are responsible for planning, prioritizing, and coordinating requests included within the five-year Capital Improvement Plan. Directors are responsible for submitting accurate information to the City Manager, Finance, and the City Clerk regarding the disposal of assets. Department Directors are also responsible for the safeguarding of assets within their scope of authority.

Finance Director:

The Finance Director is responsible for establishing, maintaining, supervising, and coordinating the capital asset system, as well as valuing, capitalizing, and depreciating the City's capital assets. The Finance Director is responsible for preparing capital asset financial information for reporting and budgeting purposes.

City of Leavenworth, Kansas
Debt Management Policy
(Draft for 2024)

INTRODUCTION

The management of governmental debt requires good legal advice and a good understanding of the principles of public finance. A formal debt policy is crucial for effective financial management. A debt policy provides justification for the structure of the debt issuance, identifies goals, establishes a commitment to long-term financial planning, and improves the quality of decisions. Over-indebtedness limits a government's ability to issue additional debt, and excessively large payments strain future operating budgets and reduce financial flexibility.

PURPOSE

The purpose of the Debt Management Policy is to establish a framework in which the City Commission, City Manager, and all Departments work to effectively use available financing options to provide quality services to the citizens of Leavenworth, while maintaining financial integrity.

- The City will seek to achieve and maintain the highest possible bond rating.
- The City will follow a policy of full disclosure as required by legal and professional guidelines in its relations with rating agencies, the Government Finance Officers Association, the Securities and Exchange Commission, the National Federation of Municipal Analysts and the investment community.
- The City will have a specific set of debt issuance guidelines consistent with Federal, State, and local laws and practices. The debt guidelines will recognize how much debt the community can support including the debt of overlapping jurisdictions.

For the purpose of this document, debt is defined as long-term financing instruments, even those that future payments are only guaranteed by continuing annual appropriations through the budget process (including leases and lease-purchase agreements).

SCOPE

This policy will apply to all City debt.

POLICY & RESPONSIBILITIES

The primary responsibility for administering this policy rests with the Director of Finance, who shall be assisted by the City Manager, and the City Manager's designees.

The responsibilities of the Finance Director shall be:

- Address the need for debt financing through the annual Capital Improvement Plan process and other improvements/programs deemed necessary by the City Manager.

- Review compliance to this policy and applicable benchmark debt ratios.
- Review changes in Federal and State legislation that affect the City’s ability to issue debt and report such findings as appropriate.
- Review the provisions of ordinances authorizing the issuance of bonds.
- Review opportunities for refinancing current debt.
- Review at least annually the services provided by the City’s financial advisor, bond counsel, paying agents, and other debt financing services providers.
- In developing financing recommendations, the Director will consider:
 - Options for interim financing including short-term and inter-fund borrowing, where allowable
 - Effects of proposed actions on tax rates and user charges
 - Trends in bond market structures
 - Other factors deemed appropriate

USES OF DEBT FINANCING

The City of Leavenworth will not issue long-term debt for routine operations; including routine repairs and maintenance, small tools, or equipment. Long-term debt will be used only for capital projects or specialized equipment that cannot be financed from current revenue sources.

Projects included within the City’s five-year Capital Improvement Plan may be considered for long-term debt if the procurement using operating funds would require an unacceptable spike in revenue sources or reduction of reserves. Unplanned projects may be considered if they are the result of growth-related activities within the community that require unanticipated and unplanned infrastructure or capital improvements or in the event of emergency situations.

Debt will not be issued for longer than the useful life of the improvement or asset it is funding. There must be sufficient revenues to repay the debt, whether from future property taxes, user fees, project revenues, cost sharing revenues, or other specified sources.

STRUCTURE AND TERMS OF DEBT FINANCING

The City will only use level or declining debt repayment schedules with fixed rates; it will not use back-loaded or ballooning repayment schedules or variable-rate debt. The City will avoid the use of certificates of participation, or similar types of instruments for the acquisition of facilities or equipment, except in the case of those revenue backed issuances of the Leavenworth Public Utilities, which are enterprise funds and are not subject to the vote of the people.

Debt will be structured to match cash in-flows with cash out-flows, minimize the impact on future property tax levies, and maintain a relatively rapid repayment of principal.

Debt will be structured to achieve the lowest possible net interest cost to the City within the current market conditions, the urgency of the proposed capital project, and the nature and type of security provided.

Public funds, property, and resources will not be used directly or indirectly to influence the outcome of ballot questions. No financial advisor, bond counsel, underwriter, broker/dealer, or other entities involved or potentially involved with the outcome of the issuance of the debt shall provide contributions to influence the outcome of ballot questions.

The investment of debt proceeds for construction type projects will be in alignment with the City's investment policy.

The selection of consultants for the providing of professional services for any bond issue will be based upon qualifications, through a formal request for qualifications for proposals. Any Financial Advisor to the City also capable of providing underwriting services shall be prohibited from participating in the underwriting of any City debt for a period of two years after the last service provided as Financial Advisor.

The Financial Advisor and Bond Counsel shall be prohibited from engaging in such relationships or agreements without prior consent of the City Commission. The Financial Advisor and Bond Counsel shall certify in writing their compliance with this policy.

MAXIMUM AMOUNTS OF DEBT FINANCING

There are several key ratios that investors and financial analysts use to determine credit worthiness and the soundness of the City's financial position. The City has established a set of guidelines to be used when reviewing the debt ratios. These numbers are indicators of financial stability and are listed below.

Ratios for general government debt:

Statutory

- Net Direct Bonded Debt as a percentage of Assessed Value 30%
- Charter Ordinance 56 as a percentage of the previous year's tax levy* 28%

Internal Goals

- Net Direct Bonded Debt Per Capita \$1,000
- Net Direct Bonded Debt Per Capita as a percentage of Per Capita Income 5%
- Net overall debt per capita (overlapping debt) \$2,000
- Mill Rate Not to Exceed 10 Mills

Ratios for Revenue-Funded Debt:

- Debt Service Coverage 125%

*On December 22, 2015, the Commission passed Charter Ordinance 56, which became effective March 1, 2016. Charter Ordinance 56 states that the City's bond issuance shall not exceed in any one year an amount equal to 28% of its previous year's tax levied, as certified by the County Clerk, for general improvements.

The City of Leavenworth will integrate the Capital Improvement Plan and debt funding activities so that the City works to effectively maximize available financing options. Any capital financing proposal of a City department, agency, or utility involving the pledge or other extension of the City's credit through sale of bonds, execution of loans or leases, or otherwise involving directly or indirectly the lending or pledging of the City's credit, shall be referred to the Finance Director and City Manager for review before such pledge is considered by the City Commission.

BOND FUND

Generally, payment of general obligation bonds and special assessment bonds shall be made from the City's Debt Service Fund. However, in situations in which general obligation bonds are to be paid from user fees or sales taxes, bond payments should be made from the fund that receives the revenue (i.e. enterprise funds). The Debt Service Fund balance will be managed to eliminate or minimize arbitrage rebate liability.

POST ISSUANCE MANAGEMENT

The City will establish procedures for ensuring compliance with tax-exempt financing rules and regulations.

Federal arbitrage legislation is intended to discourage governmental entities from issuing tax-exempt obligations unnecessarily. In compliance with the spirit of this legislation, the City will issue obligations only when it appears the proceeds will be utilized in a timely fashion. Because of the complexity of arbitrage regulations and the severity of non-compliance penalties, the City will engage outside consultants when arbitrage related questions arise and to calculate potential arbitrage liability.

The City is committed to full and complete primary and secondary financial disclosure and to cooperating fully with rating agencies, institutional and individual investors, City departments and agencies, other levels of government, and the general public to share clear, comprehensible, and accurate financial information.

Official statements accompanying debt issues, Annual Comprehensive Financial Reports, and continuing disclosure statements will meet (at a minimum), the standards articulated by the Government Accounting Standards Board (GASB), the National Federation of Municipal Analysts, the Securities and Exchange Commission (SEC), and Generally Accepted Accounting Principles (GAAP).

The City shall take care to maintain compliance with all continuing disclosure agreements entered into in connection with issuance of debt. The City should thoroughly understand its obligations to gather and keep current the required information. Year-end financial reports, along with any other required information, will be posted to the Electronic Municipal Market Access (EMMA) website maintained by the Municipal Securities Rulemaking Board (MSRB) within the time required by the disclosure agreement. If a material event occurs as identified by the agreement, the City will file a notice to EMMA within 10 business days.

CREDIT RATINGS

The Finance Director shall be responsible for the determination of rating requests and maintaining relationships with agencies assigning ratings to City debt. Additionally, the Finance Director shall provide periodic updates on the City's general financial condition to include debt issuance. Full disclosure of operations and open lines of communication shall be provided to rating agencies used by the City. The staff of the Finance Department, with assistance from the City's Financial Advisor, shall prepare the necessary materials and presentations to the rating agencies.

City of Leavenworth, Kansas
Investment Policy
(Draft for 2024)

INTRODUCTION

K.S.A. 12-1675 allows cities to invest funds that are not immediately needed for their intended purposes and, therefore, generate revenue through interest.

PURPOSE

This policy establishes the framework for the City's investment activities ensuring effective and conservative management of public funds. These guidelines are intended to be flexible enough to allow City Staff to function within the parameters of their responsibility and authority, yet specific enough to adequately safeguard City funds.

SCOPE

This Investment Policy applies to all financial assets of the City. The financial assets of all funds (except for those assets held in trust and bond fund investments) shall be administered in accordance with the provisions of this policy. Assets held in trust will be subject to the Trust Investment Policy. Bond Fund investments will be subject to the Debt Management Policy. This policy does not apply to intergovernmental revenues that contain restrictions on investment earnings.

POLICY

The City of Leavenworth shall invest public funds in a manner that will provide the highest return and maximum security while meeting daily cash flow demands and conforming to all applicable state and local statutes.

PRUDENCE

The standards to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. The prudent person standard states "Investment shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

OBJECTIVES

The primary objectives, in priority order, of the City's investment activities shall be:

- A. Safety: Safety of principal is the foremost objective of this investment policy. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of the principal in the overall portfolio. Safety risks include credit risk (the risk of loss due to the failure of the security) and interest rate risk (the risk that the market value of securities in the portfolio will fall due to changes in market interest rates).
- B. Liquidity: The City's investment portfolio will remain convertible into cash with minimal loss of principal or interest to enable the City to meet all reasonably anticipated cash flow requirements sufficiently.
- C. Yield: The rate of return on the City's investments, while an important source of revenue, is less important than safety or liquidity. K.S.A. 12-1675(b)(2) identifies investments in which cities may participate.
- D. Local investments: K.S.A. 12-1675(b)(2) instructs cities to intentionally seek investment of funds with banking institutions that have main or branch offices located in the local community. These guidelines are specifically identified in the section entitled "Authorized and Suitable Investments."

INVESTMENT AUTHORITY

City Commission:

The City Commission holds the responsibility for approval of the Investment Policy. The Commission shall authorize the City Manager to manage the investment program according to City Ordinances, the City Resolution approving this policy, and State statutes.

City Manager:

The City Manager will review any modifications to the Investment Policy and submit them to the City Commission as appropriate. The City Manager has final management responsibility for the investment program.

Finance Director:

The Finance Director has direct management responsibility of the investment program. The Finance Director shall report to the City Manager on a periodic basis, as appropriate, concerning the status of the City's investment program. The Finance Director will review and receive approval from the City Manager before enacting changes in the City's investment practices.

ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. All authorized investment officials shall disclose to the City Clerk any material financial interest in financial institutions that conduct business with the City.

AUTHORIZED FINANCIAL INSTITUTIONS

The Finance Director will maintain a list of financial institutions from which the City may purchase investment securities and in which funds may be deposited. This list shall be reviewed and approved annually by the City Commission. All such financial institutions must supply the Finance Director with audited financial statements on a yearly basis.

AUTHORIZED AND SUITABLE INVESTMENTS

In accordance with K.S.A. 12-1675(b)(2), the Finance Director is authorized to invest in the following securities:

- Direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof
- Savings deposits, demand deposits, time deposits, open accounts, certificates of deposit, or time certificates of deposits with maturities of not more than two (2) years
- State Municipal Investment Pool
- Municipal bonds issued by any municipality of the State of Kansas
- Repurchase agreements for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof
- Any investments made with a depository institution must be made with banks, savings and loan associations, and savings banks which have a main or branch office located in Leavenworth County or the City of Leavenworth
- Temporary notes of the City of Leavenworth

K.S.A. 12-1675(b)(2) and K.S.A.12-1675(f) also allows for Certificate of Deposit Account Registry Service (CDARS)-type programs. The CDARS and other qualifying reciprocal deposit programs allows for a participating institution to arrange for the allocation of deposits in excess of the FDIC insurance limit of \$250,000 among other participating institutions in amounts that would be eligible for FDIC coverage if:

- “(1) the Kansas participating institution has a main or branch office located in Leavenworth;
- (2) the Leavenworth bank receives reciprocal deposits from other institutions in an amount equal to the amount of funds placed by the City;
- (3) the other banks issuing certificates of deposit of the City are located throughout the United States; and

(4) each certificate of deposit issued by out-of-county banks is in an amount that is eligible for full FDIC coverage.”

When selecting a depository, the City will place investment priority on local institutions whose interest rates are equal to or greater than the investment rate as defined in K.S.A. 12-1675(a) before placing investments in the CDARS or CDARS-type programs.

The following criteria will be considered when making investment decisions:

Collateralization:

In order to reduce custodial credit risk (which is the risk that the City may not be able to recover its deposits in the event of the depository institution failure) collateral is required on all City investments and funds on deposit held in authorized financial institutions. Collateral is not required on investments which are covered by Federal Deposit Insurance Corporation (FDIC) and direct obligations of the U.S. government. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 100% of current value of principal and accrued interest.

Collateral may consist of the following:

- Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations, including but not limited to letters of credit, and securities of United States sponsored corporations which under federal law may be accepted as security for public funds; and
- Municipal bonds of the State of Kansas and political subdivisions thereof that are eligible for the deposit of public funds and approved by the State Bank Commissioner.

Safekeeping and Custody:

An independent third party with whom the City has a current custodial agreement will always hold collateral securities. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained. Pledged collateral shall not be released until an acceptable re-pledging of collateral is made and confirmed to the Finance Director or designee in the event of a transfer of collateral. The independent external auditor shall review safekeeping procedures annually.

Diversification:

It is the policy of the City to diversify its investment portfolio by security type and maturity date. Assets held in the cash fund and other investment funds shall be diversified to eliminate the risk of loss that result from over concentration of assets in a specific maturity or a specific class of securities.

Maximum Maturities:

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not invest in securities maturing more than two (2) years from the date of purchase. However, the City may invest reserve funds in securities exceeding two (2) years if the maturities of such investments are made to coincide as nearly as possible with the expected use of the funds.

Performance Standards:

The investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles taking into account the City's investment risks, constraints and cash flow needs.

Market Yield:

The basis used by The Finance Director to determine whether market yields are being achieved shall be the 91-day U.S. Treasury Bill rate or the amount established by the State Municipal Investment Pool.

INTERNAL CONTROL

The Finance Director shall establish a system of written internal controls to assure compliance with state laws and this policy. The controls shall be designed to prevent the loss of public funds due to fraud, error, misrepresentation by third parties, unanticipated market changes or imprudent actions by employees or officers of the City. An annual, independent audit review shall provide internal control by assuring compliance with state laws and this policy.

INTEREST ALLOCATION

Interest earned on investments will be allocated according to Kansas statutes, specific fund requirements, and based on level of participation in the investments.

REPORTING

The Finance Director or designee shall compile monthly investment reports showing type of investment, institution, rate of interest, term, maturity date, and projected interest earnings at maturity. Interest earnings reports and collateral reports for each financial institution shall also be prepared.

REVIEW OF POLICY

The Finance Director shall review the policy on an annual basis with the City Manager, and any modifications must have prior approval of the City Commission.

City of Leavenworth, Kansas
Revenue Control Policy
(Draft for 2024)

INTRODUCTION

Effective management of the City’s revenues helps create a sustainable financial position and ensure sound financial practices.

PURPOSE

The purpose of the Revenue Control Policy is to establish a framework for the City Commission, City Manager, and all Departments to maintain effective revenue controls and cash management practices, and to ensure compliance with Federal, State and local requirements and industry standards.

SCOPE

This policy will address the following elements of revenue:

- Segregation of duties
- Revenue diversification
- Reviewing and updating rates and user fees
- Reviewing the effect of property values and mill rates
- Identifying additional revenue sources
- Cash forecasting to identify needed changes to rates and user fees

POLICY

The City of Leavenworth is committed to:

- Maintaining a diversified and stable revenue base to reduce the effects of short-term fluctuations in any one revenue source.
- Ensuring the segregation of revenue related duties for internal control purposes.
- Making a prudent effort to collect revenues.
- Funding current expenditures with current revenues. Avoiding procedures that balance current budgets by postponing needed expenditures, accruing future revenues, or rolling over short-term debt.
- Establishing various Special Revenue, Capital Project, Debt Service, and Enterprise Funds to account for revenues whose use should be restricted to certain activities. Accordingly, each fund exists as a separate financing entity from other funds, with its own revenue sources, expenditures, and fund equity.

- Clearly identifying operating transfers between funds in the annual budget. These operating transfers, under which financial resources are transferred from one fund to another, are distinctly different from inter-fund borrowings, which are usually made for temporary cash flow reasons, and are not intended to result in a transfer of financial resources by the end of the fiscal year.
- Performing a comparative analysis of 3-5 years of revenues and expenditures to establish basic cash flow patterns by fund.
 - Monitoring daily cash balances and investments to verify accuracy and determine whether appropriate levels of cash are available.
 - Establishing a prioritization of expenditures that reflect organizational goals.
 - Establishing a five-year Capital Improvement Plan to help prioritize expenditures for upgrades, replacement, and maintenance of City infrastructure.
 - Forecasting conservatively, because fluctuations in both revenues and expenditures occur for many reasons.
 - Updating cash requirements on a regular basis to ensure accuracy and validity of recommendations.
- Using the above criteria to monitor cash flow needs, determine debt issuance timing, and inform the budgetary process. Any significant deviation from the established pattern will be reviewed for cause and to determine if there is a need for action.
- Reviewing and updating fees on a regular basis to ensure that they keep pace with the changes in the cost of providing service, as well as changes in methods or levels of providing service.
 - In setting user fees, including the recovery of costs associated with providing services, there are several factors to be considered including, but not limited to the following:
 - Does the service provide a benefit to the community at large, or is it specific to a particular individual or group?
 - Are the fees in line with fees charged for comparable services by comparable communities?
 - How do the fees being charged impact the level of services provided?

Enterprise Funds:

- The City will set fees and rates at levels which cover the total direct and indirect costs, including operations, capital outlay, capital improvements, the minimum acceptable reserve level as established in the City’s Budgetary Reserve Policy, and debt service of the following Enterprise Funds:
 - Sewer
 - Refuse
 - Storm Water

Payment In-Lieu of Taxes (PILOT):

- In certain economic development circumstances, the City may assess reasonable payments in lieu of taxes.

Grant funding:

- The City will actively seek grant funding for both operating and capital expenditures. Prior to accepting grant funding, the Grants Management Policy will be reviewed in order to ensure the grant being applied for meets those requirements.

City of Leavenworth, Kansas
Capital Improvement Planning and Equipment Replacement Policy
(CIP Policy)
(Draft for 2024)

INTRODUCTION

Effective CIP policies are designed to ensure the City has processes in place to purchase, update, replace, and maintain the City’s infrastructure, City owned buildings, other City owned property, including parks, and the necessary equipment for City operations.

CIP policies strengthen the borrowing position of the City by demonstrating sound fiscal management, establishing a framework in which to prioritize needs, assessing financing options, planning for possible debt issuances, and understanding the impact of capital asset purchases on operating budgets and reserves.

The CIP policy establishes a framework for developing a capital improvement and equipment replacement plan.

PURPOSE

The purpose of this policy is to establish a framework in which the City Commission, City Manager, Department Directors, and the Finance Department can develop a capital improvement and equipment replacement plan that identifies priorities, maximizes available resources, and manages debt levels.

SCOPE

This policy will address the following aspects of capital planning:

- A definition of what constitutes a capital improvement project.
- Roles and responsibilities of the stakeholders in the process.
- A process for establishing and accumulating capital reserves in accordance with the Reserve Policy.
- Identifying the capital improvement planning process.
- A plan that links funding strategies with useful life estimates.
- Identifying the method of establishing priorities.
- Provisions for determining when short-term or long-term debt will be issued.

POLICY STATEMENT

The City of Leavenworth, Kansas is committed to creating a sustainable capital improvement and equipment replacement plan that is consistent with best practices and is designed to meet the City’s acquisition, construction, maintenance, and replacement needs. The plan will include a method of

determining priorities, aligning funding sources, guidelines for coordinating long-term projects, and a method of determining when short-term and long-term debt will be issued.

CAPITAL IMPROVEMENT DEFINITION

A capital improvement project is a project that constructs, improves, or maintains elements of the City's infrastructure or constructs, expands, renovates, or replaces a City facility. To be considered a capital improvement project, the project must enhance the use of the asset or extend its useful life and cost more than \$10,000.

The equipment replacement plan is for vehicles and equipment that meet the definition of a capital asset, are movable in nature, retain their original shape and appearance with use, are non-expendable, and are not permanently attached to a building. The equipment cost must be greater than \$5,000.

RESPONSIBILITIES

City Commission:

The City Commission is responsible for establishing annual goals and objectives for City staff, who will use those guidelines to determine capital needs. The Commission is then responsible for reviewing and approving the five-year capital asset and equipment replacement plan, as well as, approving the acquisition, remodeling, repair, maintenance, renovation, and construction of capital assets that cost in excess of \$50,000 in accordance with the City Purchasing Policy.

City Manager:

The City Manager is responsible for coordinating, planning, and submission of the five-year capital improvement and equipment replacement plan to the Commission for approval based on the goals and objectives established by the Commission. The City Manager is responsible for approving the acquisition, remodeling, repair, maintenance, renovation, and construction of capital assets that cost in excess of \$15,000 but less than \$50,000 in accordance with the City Purchasing Policy.

Department Directors:

The Department Directors are responsible for planning, prioritizing, and coordinating requests for the five-year capital improvement and equipment replacement plan that achieves the Commission established goals and objectives and cost in excess of \$7,500 but less than \$15,000 in accordance with the City Purchasing Policy.

Finance Director:

The Finance Director or designee is responsible for analyzing capital asset requests and aligning appropriate funding levels and sources. The Finance Director is responsible for:

- Ensuring the capital asset requests meet the definition of capital assets;

- Ensuring capital assets requests allow for the establishment and accumulation of capital reserves in accordance with the Commission approved Reserve Policy;
- Making funding recommendations;
- Including capital assets requests in the annual budget; and
- Creating the Capital Asset Plan Document and ensuring the Commission approved document is available on the City website.

CAPITAL RESERVES

The Commission approved Budgetary Reserve policy calls for a minimum of two months (16.67%) of expenditures as a reserve level and to budget 4% annually to increase reserves until the approved reserve level is reached. The capital improvement process will be conducted within the parameters of the City's Budgetary Reserve Policy.

CAPITAL IMPROVEMENT PLANNING PROCESS

The City budgets according to the Kansas Cash Basis Budget Laws (K.S.A. 10-1116), which do not require capital project funds to be budgeted. While capital project funds are not required to be budgeted, the City includes the capital project funds in its annual budget. As part of the annual budget process, a five-year capital project and equipment replacement plan is prepared and presented to the City Commission. The capital improvement process follows the process and calendar outlined in the City's Budget Policy.

FUNDING STRATEGIES

The key factors in developing a funding strategy are:

- Cost of the asset
- Expected useful life of the asset
- Availability of cash
- Impact on operating budget and reserves level if paying cash

Cost of Asset:

The City will not issue long-term debt for an asset with a cost less than \$500,000, unless it is determined necessary by the City Manager, Finance Director, and/or City Commission.

The City may enter into short-term funding (lease purchase agreements) for assets greater than \$300,000 if the asset has been determined to be a priority and paying cash for the asset:

- Places a strain on the operating budget,
- Reduces reserves below the reserve level established by the Commission approved reserve policy, or
- Eliminates the opportunity to complete other necessary projects.

Expected Useful Life:

The City will not issue debt with a longer term than the expected useful life of the asset being financed.

Lease/purchase agreements will not exceed five (5) years.

For most buildings, improvements, and infrastructure, if long-term debt is issued, it will not exceed ten (10) years. Special consideration will be given to projects that may require up to twenty (20) years of repayment; though the term of the debt for these projects will never exceed the useful life of the asset. Examples could include a wastewater treatment plant, industrial parks, a fire station, or other assets that cost in excess of \$5,000,000 and have a life expectancy greater than 20 years. In these instances, if a shorter repayment schedule would place a hardship on operating budgets, cause a significantly higher tax burden, or jeopardize reserves, a repayment term up to and including twenty (20) years will be considered.

Availability of Cash for Capital Improvements:

The City has two sources of sales tax revenues dedicated specifically for capital improvements and equipment and some capital grant funding, in addition to resources provided by enterprise fund operations. Most machinery and equipment, and some infrastructure repairs and replacements are paid from these sources.

ESTABLISHING PRIORITIES

The prioritization of capital asset acquisitions including infrastructure projects, building renovations and repairs, and equipment replacement will be determined by the answers to the following questions. Does the acquisition:

- Support the City's main functions?
- Support a Commission established goal or objective?
- Provide resources not available through another City department?
- Support improved efficiencies in work processes, reduce costs, improve effectiveness, or result in improved functionality?
- Demonstrate a return that is equal to or better than an alternative use of resources such as increased quality, speed, costs, flexibility, customer satisfaction, or enhanced employee safety?
- Of information technology incorporate the necessary security measures and include an appropriate amount of support in the annual operating budget?
- Reduce various elements of risk?
- Have benefits that outweigh the asset's total life-cycle costs, as determined by an analysis?

City of Leavenworth, Kansas
Grant Management Policy
(DRAFT for 2024)

INTRODUCTION

The City of Leavenworth receives grant dollars for many programs. Effective financial management requires that grant policies be in place to:

- Ensure that grant requirements are met.
- Ensure that operating budgets can meet any matching funding requirements.
- Ensure that the grant coincides with Commission goals and objectives.
- Ensure that grant renewals or extensions are evaluated on a timely basis.
- Determine whether a line of credit or grant anticipation notes are required to cover the time between expenditures are made and reimbursements are received.
- Determine whether there is authorization to accept the grant.

PURPOSE

The purpose of this policy is to establish a framework from which the City Commission, City Manager, Finance Department, and Department Directors may work to maximize the benefits and minimize the risks associated with grant funded projects.

SCOPE

This policy applies to all grant funds, regardless of the source. Possible sources of grant funding include but are not limited to the State of Kansas, the federal government, local governmental entities, and private organizations.

POLICY STATEMENT

The City of Leavenworth is committed to:

- Ensuring that the department seeking the grant is fully aware of and understands the grant requirements for:
 - Matching funds requirements
 - Specific operating requirements
 - Specialized reporting requirements
 - Time lines
 - Monitoring and reporting requirements of sub-recipients
 - Future demands on City resources
 - Post-expiration requirements (i.e., maintaining certain staffing levels)
- Ensuring that the department seeking new grants gives prior notification to the appropriate authority, such as finance or others, so they can determine the effects on the City including the impact on cash flow, budgeting, special procurement requirements, operating requirements, etc.
- Ensuring that the grant being applied for aligns with Commission goals/objectives and/or City functions/programs, thereby eliminating the expenditure of resources for non-budgeted items.
- Providing a multi-year cost/benefit analysis, including matching funds, prior to accepting the grant.

- Analyzing grant renewals to determine whether the grant should be renewed going forward.
- Measuring performance levels to ensure whether the grant fulfilled the stated goals/objectives.
- Creating a project plan for:
 - Monitoring the grant to ensure compliance.
 - Determining who is responsible for implementation of the project.
 - Assigning roles for different areas of responsibilities.
 - Establishing terms and conditions for grant-funded personnel.
 - Identifying the method of charging expenses to the grant.
 - Training employees in their grant responsibilities.
- Grant records will be maintained according to specific grant requirements, but not less than five (5) years after the closing of the grant.

While Kansas budget laws do not require that cities budget grant revenue and its associated expenditures, the City has an internal budget process that helps staff track grant compliance, tracks expenditures in order to avoid over-spending of grant funds, and that provides guidelines for internal control purposes.

RESPONSIBILITIES

City Commission:

The City Commission is responsible for the approval of all grant agreements that have a City matching requirement greater than \$50,000.

City Manager:

The City Manager is responsible for the approval of all grants agreements with the exception of grants that are approved by the City Commission, as described in the preceding paragraph. The City Manager, with the assistance of the Finance Director, is responsible for ensuring that City funds are available to satisfy all grant requirements (i.e. matching requirements or City expenditures that must be made prior to the receipt of grant funds).

Department Directors:

Department Directors are responsible for applying for grants, completing grant applications, and ensuring compliance with grant requirements. Department Directors are also responsible for notifying the Finance Department of new grant applications and the amounts awarded for recurring grants in a timely manner. Directors will ensure that all grant expenditures are correctly coded in the ERP system to reflect the project number assigned by the Finance Department.

Finance Department:

The Finance Department is responsible for assigning project numbers for all grants and ensuring that all grant revenue and grant expenditures are properly recorded to the correct project number in the ERP system. The Finance Department is responsible for preparing grant reports that are required as part of the year-end audit process.

GRANT FUNDING APPLICATION & APPROVAL

Instructions:

This form is to be used by Departments to seek approval to apply for all Grants.
 Departments must fill out this form completely providing as many details as possible. All Grants will be reviewed and approved by the Finance Director to assess the impact on the City's budget and cash flow. Grants which exceed \$10k will require the approval of the City Manager who will review the Grant to determine if the Grant aligns with City Programs and Commission Goals
All requests must be endorsed by Dept Directors, approved by the Finance Dept, and, if over \$10k, receive approval by the City Manager

SECTION I

1. REQUESTING DEPARTMENT		2. PERSON SUBMITTING REQUEST	
3. NAME OF GRANT		4. GOVERNMENT AGENCY / ORGANIZATION ISSUING GRANT	
5. DESCRIPTION OF GRANT			
6a. AMOUNT OF GRANT	6b. WILL THE CITY BE REQUIRED TO MATCH FUNDS?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6c. IF YES, WHAT ARE THE MATCHING REQUIREMENTS			

SECTION II

7. ADDITIONAL DETAILS / REQUIREMENTS / QUALIFICATIONS	
7a. SPECIFIC OPERATING REQUIREMENTS	7b. REPORTING REQUIREMENTS
7c. TIMELINE	7d. FUTURE DEMANDS ON CITY RECOURCES
7e. MONITORING AND REPORTING REQUIREMENTS OF SUB-RECIPIENTS	
7f. POST-EXPIRATION REQUIREMENTS (i.e. maintaining certain staffing levels)	
8. APPLICABLE SOURCE / WEBSITE	

SECTION III

7a. REQUESTED BY (print name)	Title
Signature	Date
7b. APPROVED BY (print name)	Finance Director
Signature	Date
7c. APPROVED BY (print name)	City Manager
Signature	Date

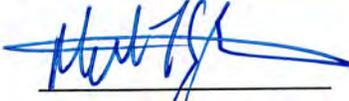
POLICY REPORT PWD NO. 24-11

CONSIDER APPROVAL OF LOW BID FOR CONSTRUCTION OF THE
2024 CDBG SIDEWALK IMPROVEMENTS PROJECT
DAKOTA STREET (4th Street to Cheyenne Curve)

City Project 2023-005

March 12, 2024

Prepared by:



Michael Stephan,
Project Manager

Reviewed by:



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



Paul Kramer,
City Manager

ISSUE:

Consider bids received and possible award of the 2024 CDBG Sidewalk Improvements Project on Dakota Street.

BACKGROUND:

This project is part of the on-going sidewalk repair and replacement work funded by the City's portion of the countywide sales tax.

For 2024, funding is available to complete a section of sidewalk on Dakota Street from 4th Street to Cheyenne Curve. In addition to dedicated sidewalk funding, Community Development is providing CDBG funding to assist with the project.

CDBG funding is subject to federal regulations and an environmental review and request for release of funds, from HUD, was completed. Results of the environmental review reveal the Northern Long-Eared Bat is a threatened endangered species. The USFWS Kansas Ecological Services Field Office reviewed the project and recommends that any tree clearing take place outside of June and July due to pup-rearing months for the Northern Long-Eared Bat.

The project plans were prepared by City Staff and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on February 20, 2024 and the bid results are shown below and in the attached bid tabulation.

Company	City	Base Total Bid
KC Concrete Company	Riverside, MO	\$ 68,215.50
Linaweaver Construction	Lansing, KS	\$ 69,415.00
Kansas Heavy Construction	Tonganoxie, KS	\$ 94,097.00
Kaaz Construction	Leavenworth, KS	\$109,510.00
Engineer's Estimate		\$ 96,011.00

KC Concrete Company was the low bidder; however, this company did not meet all of the bidding requirements that were published in the Notice to Contractors. Therefore, we have

moved to the second lowest bidder, Linaweaver Construction. Linaweaver Construction has met all of the bidding requirements. Linaweaver Construction has completed Sidewalk Improvements Projects for the City in previous years. The prior work was completed within the required timeframe and specifications. The company has completed numerous concrete projects for other cities in Kansas and Missouri and has the experience to satisfactorily perform this work for the City of Leavenworth.

The sidewalk improvements are expected to begin no later than April 1, 2024 with completion in 30 Calendar Days. The project consists of new ADA compliant ramps, sidewalks, curbs, and drive entrances along the north and south sides of Dakota Street from 4th east to the Cheyenne Curve.

Inspection will be by City Staff.

POLICY:

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's Estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. The qualified low bid from Linaweaver Construction was under the Engineer's Estimate and the contractor is well qualified for this work.

BUDGET IMPACT:

The total project cost is \$69,415. There is CDBG funding available in the amount of \$73,816.57. The CDBG Funds will cover the entire cost of this project.

RECOMMENDATION:

Staff recommends that the City Commission approve the qualified low bid submitted by Linaweaver Construction for the 2024 CDBG Sidewalk Improvements Project on Dakota Street between 4th Street and Cheyenne Curve in the amount of \$69,415.

ATTACHMENTS:

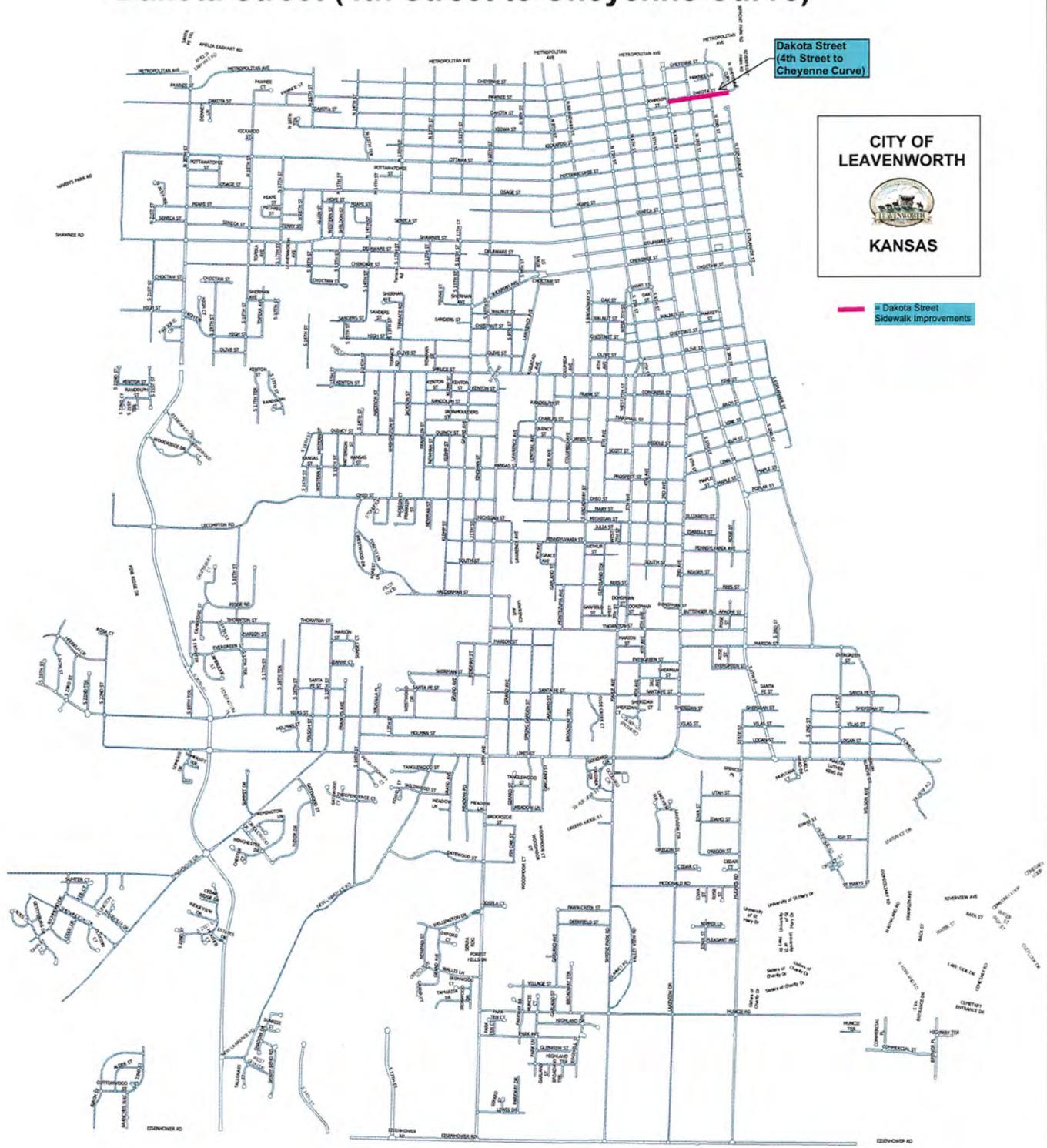
Bid Tabs
Project Site Map



CITY OF LEAVENWORTH
 Project No. 2023-005
 2024 CDBG Sidewalk Improvements Project
 February 28, 2024

BASE BID													
Dakota Street (4th to Chetenne Curve)				Engineer's Estimate		KC CONCRETE COMPANY		LINAWEAVER CONSTRUCTION		KANSAS HEAVY CONSTRUCTION		KAAZ CONSTRUCTION	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$15,000.00	\$15,000.00	\$1,500.00	\$1,500.00	\$4,000.00	\$4,000.00	\$9,750.00	\$9,750.00	\$3,000.00	\$3,000.00
2	Contractor Construction Staking	LS	1	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$750.00	\$750.00	\$750.00	\$750.00	\$2,500.00	\$2,500.00
3	Clearing & Grubbing	LS	1	\$2,250.00	\$2,250.00	\$1,000.00	\$1,000.00	\$2,000.00	\$2,000.00	\$1,550.00	\$1,550.00	\$1,625.00	\$1,625.00
4	Stormwater Pollution Prevention (Erosion Control)	LS	1	\$2,250.00	\$2,250.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$750.00	\$750.00	\$3,000.00	\$3,000.00
5	Traffic Control	LS	1	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00	\$1,750.00	\$1,750.00	\$3,000.00	\$3,000.00
6	Site Restoration (Fine Grading & Contractor Furnished Top Soil)	LS	1	\$6,000.00	\$6,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$5,500.00	\$5,500.00	\$2,500.00	\$2,500.00
7	Hydroseeding	LS	1	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,350.00	\$1,350.00	\$4,500.00	\$4,500.00
8	Remove Existing Sidewalk (Concrete or Brick)	SF	555	\$5.00	\$2,775.00	\$4.00	\$2,220.00	\$2.50	\$1,387.50	\$6.00	\$3,330.00	\$4.00	\$2,220.00
9	Construct 5' Wide Concrete Sidewalk (4") (AE)	SF	625	\$10.00	\$6,250.00	\$10.00	\$6,250.00	\$7.25	\$4,531.25	\$12.00	\$7,500.00	\$15.00	\$9,375.00
10	Remove Existing Driveway (Concrete, Brick or Gravel)	SF	1,527	\$6.00	\$9,162.00	\$4.50	\$6,871.50	\$3.75	\$5,726.25	\$6.50	\$9,925.50	\$5.00	\$7,635.00
11	Construct Concrete Residential Driveway (6") (AE)	SF	1,527	\$12.00	\$18,324.00	\$12.00	\$18,324.00	\$10.00	\$15,270.00	\$14.50	\$22,141.50	\$15.00	\$22,905.00
12	Construct ADA Compliant Ramp w/Curb & Gutter (Type B)	EA	6	\$2,500.00	\$15,000.00	\$1,800.00	\$10,800.00	\$2,250.00	\$13,500.00	\$2,350.00	\$14,100.00	\$3,750.00	\$22,500.00
13	Construct ADA Compliant Ramp w/Curb & Gutter (Type C)	EA	2	\$2,000.00	\$4,000.00	\$3,000.00	\$6,000.00	\$2,500.00	\$5,000.00	\$3,050.00	\$6,100.00	\$7,500.00	\$15,000.00
14	Remove & Replace Concrete Curb & Gutter (Combined) (AE) (Est)	LF	150	\$50.00	\$7,500.00	\$55.00	\$8,250.00	\$65.00	\$9,750.00	\$64.00	\$9,600.00	\$65.00	\$9,750.00
				TOTAL BASE BID:	\$96,011.00		\$68,215.50		\$69,415.00		\$94,097.00		\$109,510.00

2024 CDBG Sidewalk Project (Project # 2023-005) Dakota Street (4th Street to Cheyenne Curve)



POLICY REPORT NO. 2024-010

**CONSIDER AWARD TO REPLACE THE #2 GRIT CLASSIFIER
BID # 01WW-2024-01
PUBLIC WORKS - WATER POLLUTION CONTROL DIVISION**

MARCH 12, 2024

Prepared by:



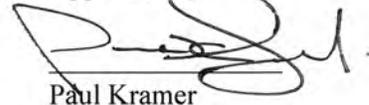
Tim Guardado
WPC Superintendent

Reviewed by:



Brian Faust
Public Works Director

Approved by:



Paul Kramer
City Manager

ISSUE:

Consider approval of the bid to replace the Grit Screw Classifier #2.

BACKGROUND:

The Grit Classifier is used to clean and remove inorganic material from the waste stream. The classifier carries the inorganic material from the cyclone separator and drops it into a roll off dumpster. From there it is taken to the dump for disposal. There are two different grit systems in the treatment system for Leavenworth. We are currently running on one grit system which is putting unnecessary stress on the overall grit removal system. This can also allow some inorganic material to get past the removal process and affect other treatment processes downstream. This can clog lines and cause excessive wear to the pumps. The current Grit system was installed as part of the 2004 Phase 1 project and is obsolete. Replacement parts and installation for current system will cost approximately \$90,000 with limited warranty. If there is another failure, parts will be extremely hard to obtain. By upgrading to the new system, parts will be easily accessible and a warranty is included.

Bids were requested for replacement of the grit classifier. Specifications were prepared and advertised in the Leavenworth Times. Request for bids were also sent to various vendors.

The bid opening was February 29, 2024 with only one bid received.

JCI Industries: \$139,530.00

BUDGET IMPACT:

The 2024 CIP included \$150,000 for replacement of the Grit Classifier. The bid from JCI Industries is \$10,470 less than the budgeted amount. Anticipated delivery time is 14 to 16 weeks after order is placed. While we only received one bid, staff has worked with JCI in the past with no issues or concerns.

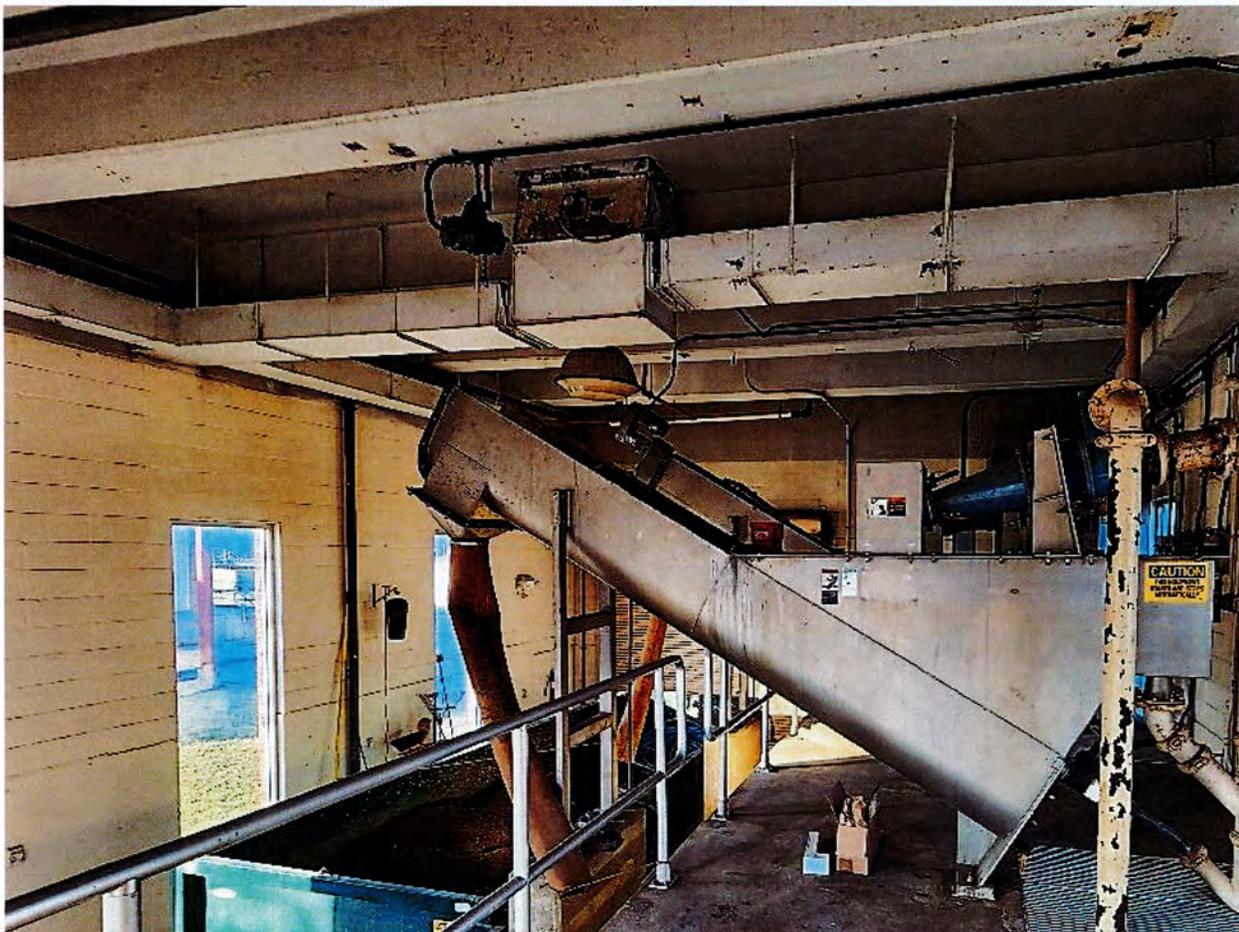
POLICY: The City Commission can accept the bid as recommended by City Staff, or can ask the staff to re-bid.

STAFF RECOMMENDATION:

Staff recommends the City Commission approve bid from JCI Industries for a replacement Grit Classifier for a cost not to exceed \$139,530.

ATTACHMENTS:

CIP Sheet
Bid Form



**Capital Improvements Program
2024 - 2028**

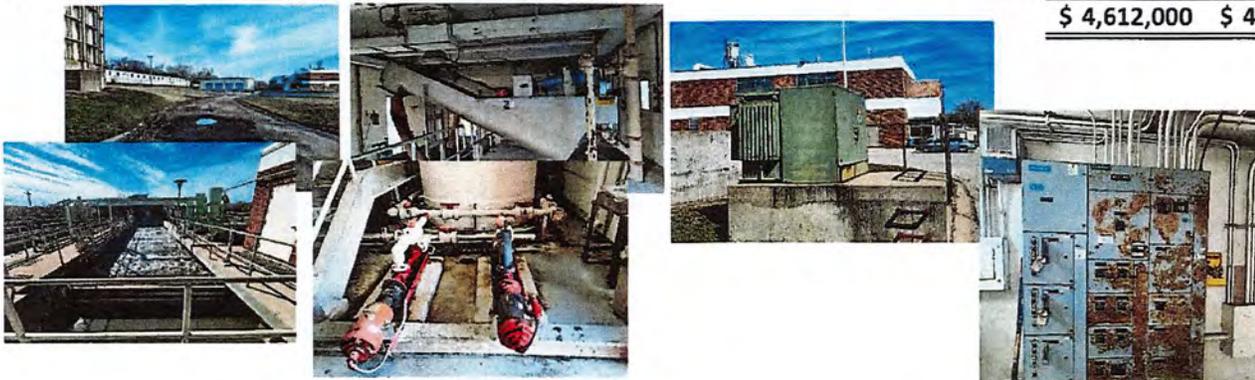
Sewer Fund - Waste Water Treatment Plant Improvements and Repairs

Purpose:

This allocation provides for the replacement and improvement of critical equipment at the Waste Water Treatment Plant (WWTP), asphalt repair, the purchase and construction of a utility storage building and the addition of a dump station.

Source	Comments	Year	Requested	Projected
Sewer Fund Operating Budget		2024	\$ 350,000	\$ 350,000
Sewer Fund Operating Budget		2025	1,355,000	1,355,000
Sewer Fund Operating Budget		2026	2,180,000	2,180,000
Sewer Fund Operating Budget		2027	627,000	627,000
Sewer Fund Operating Budget		2028	100,000	100,000
			\$ 4,612,000	\$ 4,612,000

Uses	Comments	Year	Requested	Projected
WWTP	East Grit Classifier Replacement - replace obsolete 2006	2024	\$ 150,000	\$ 150,000
WWTP	Asphalt Resurfacing	2024	200,000	200,000
WWTP	Asphalt Resurfacing	2025	160,000	160,000
WWTP	Air Scrubber Maint/Repair	2025	45,000	45,000
WWTP	Hoffman Blowers Replacement	2025	150,000	150,000
WWTP	Holding Tank Roof	2025	25,000	25,000
WWTP	Non-potable water system	2025	125,000	125,000
WWTP	Switchgear replacement	2025	840,000	840,000
WWTP	Press Room Water lines	2025	10,000	10,000
WWTP	Asphalt Resurfacing	2026	40,000	40,000
WWTP	Air Handler	2026	160,000	160,000
WWTP	Trickling filter 1	2026	1,980,000	1,980,000
WWTP	Motor Control Center #4	2027	185,000	185,000
WWTP	Motor Control Center #9	2027	100,000	100,000
WWTP	Primary Clarifiers	2027	180,000	180,000
WWTP	Polymer Room Equipment	2027	62,000	62,000
WWTP	Electrical Transformers	2027	100,000	100,000
WWTP	Electrical Transformers	2028	100,000	100,000
			\$ 4,612,000	\$ 4,612,000



Purchasing Office
100 North 5th Street
City Hall
Leavenworth, Kansas 66048
(913) 364-5816
Invitation to Bid
For: Grit Classifier Replacement

Sealed bids will be received prior to the time and date specified below. Time will be defined as the prevailing local time. Sealed bids received after said time and date will not be considered. Please make sure you have included a signed and notarized non-collusion affidavit.

01WW-2024-01

Bids Due:

Date: February 29,2024

Time: 2:00 P.M.

Bids Opening:

Date: February 29,2024

Time: 2:00 P.M.

**Standard Terms and Conditions
Leavenworth, Kansas**

1. **Scope:** The following terms and conditions will prevail unless otherwise modified by the City of Leavenworth within this bid document. The City of Leavenworth reserves the right to reject any bid which takes exception to these terms and conditions.
2. **Definitions As Used Herein:**
 - a. The term "bid request" means a solicitation of a formal sealed bid.
 - b. The term "bid" means the price offered by the bidder.
 - c. The term "bidder" means the offerer or vendor.
 - d. The term "City" means the City of Leavenworth, Kansas.
 - e. The term "City Commission" means the governing body of the City of Leavenworth, Kansas.
3. **Completing Bid:** Bids must be submitted only on the forms provided in this bid document. All information must be legible. Any and all corrections and/or erasures must be initialed. An authorized bidder must sign each bid sheet and all required information must be provided.
4. **Confidentiality of Bid Information:** Each bid must be sealed to provide confidentiality of the bid information prior to the bid opening. Supporting documents and/or descriptive literature may be submitted with the bid or in a separate envelope marked "Literature for Bid (Number)." Do not include bid prices on literature.

All bids and supporting bid documents become public information after the bid opening and are available for inspection by the general public in accordance with the Kansas Open Records Act.
5. **Accuracy of Bid:** Each bid is publicly opened and is made part of the public record of the City. Therefore, it is necessary that any and all information presented is accurate and will be that by which the bidder will complete the contract. If there is a discrepancy between the unit price and the extended total, the unit price will prevail.
6. **Submission of Bid:** Bids are to be sealed and submitted to the City Hall Clerk's Office, Attn: Stephanie Alexander, 100 North 5th Street, Leavenworth, Kansas 66048, prior to the date and time indicated on the cover sheet. ***ALL bids must be received sealed and marked with the following:

"SEALED BID FOR (ITEM DESCRIPTION AND BID#)
7. **Addenda:** All changes in connection with this bid will be issued by the Purchasing Office in the form of a written addendum. Signed acknowledgment of receipt of each addendum must be submitted with the bid.
8. **Late Bids and Modification or Withdrawal:** Bids received after the deadline designated in this bid document will not be considered and will be returned unopened.

Bids may be withdrawn or modified prior to the bid opening. All such transactions must be submitted in writing and received by the Purchasing Office prior to the bid opening.
9. **Bids Binding:** All bids submitted will be binding upon the bidder if accepted by the City within sixty (60) calendar days after the bid opening.

Standard Terms and Conditions
Leavenworth, Kansas

10. **Equivalent Bids:** When brand or trade names are used in this bid invitation, it is for the purpose of item identification and to establish standards for quality, style and features. A bid on equivalent items of substantially the same quality; style and features are invited unless items are marked "No Substitute." Equivalent bids must be accompanied by descriptive literature and/or specifications to receive consideration. Demonstrations and/or samples may be required and will be supplied at no cost to the City.
11. **New Materials, Supplies or Equipment:** Unless otherwise specified, all materials, supplies or equipment offered by a bidder will be new, unused, of recent manufacture, first class in every respect, and suitable for their intended purpose. All equipment will be assembled, fully serviced and ready for operation when delivered.
12. **Warranty:** Supplies or services furnished as a result of this bid will be covered by the most favorable commercial warranties, ~~expressed or implied, to the extent assignable and~~ that the bidder and/or manufacturer gives to any customer. The rights and remedies provided herein are in addition to and do not limit any rights afforded to the City by any other clause of this bid. The City reserves the right to request from bidders a separate manufacturer certification of all statements made in the proposal. The warranty set forth herein is the sole and exclusive warranty given by Seller/Bidder and exclude all other warranties express or implied.
13. **Method of Award and Notification:** Bids will be analyzed and the award made to the lowest and best, responsive and responsible bidder (s) whose bid conforms to the specifications and whose bid is considered to be the best value in the opinion of the City.

The City reserves the right to reject any or all bids and any part of a bid; to waive informalities, technical defects and minor irregularities in bids received; and to award the bid on an item by item basis, by specified groups of items or to consider bids submitted on an "all or nothing" basis if the bid is clearly designated as such or when it is determined to be in the best interest of the City.

The signed bid will be considered an offer on the part of the bidder; such offer will be deemed accepted upon the issuance by the City of a purchase order or other contractual document.

14. **Preference to Vendors Domiciled within City Limits:** When the City of Leavenworth solicits quotations or bids for the purchase of goods or services; it is common to receive responses from vendors domiciled both within and outside the Leavenworth City limits.

In such circumstances, if the low quotation or bid is submitted by a vendor domiciled outside the Leavenworth City limits, then the vendor domiciled within the Leavenworth City limits may nevertheless be deemed the preferred vendor and awarded the contract, provided that:

the goods or services quoted or bid by the vendor domiciled within the Leavenworth City limits meets the specifications of the procurement;

the amount of the quotation or bid of the vendor domiciled within the Leavenworth City limits is not more than 1% greater than the amount of the low quotation or bid; and

the vendor domiciled within the Leavenworth City limits agrees to meet the low quotation or bid by filing a written agreement to that effect within 72 hours after receiving notification of being deemed the preferred vendor.

Standard Terms and Conditions
Leavenworth, Kansas

This section will not apply to the procurement of goods or services that relate to public improvements governed by K.S.A. 10-1-37.

For the purpose of this section, "vendor domiciled within the Leavenworth City limits" is defined as a vendor who:

maintains a permanent place of business within the Leavenworth City limits, and

has a valid State sales tax registration certificate.

15. **Delivery Terms:** All deliveries will be F.O.B. Destination and all freight charges will be included in the bid price.
16. **Damaged and/or Late Shipments:** The City has no obligation to accept damaged shipments and reserves the right to return, at the vendor's expense, damaged merchandise even though the damage was not apparent or discovered until after receipt of the items. The vendor is responsible to notify the City Purchasing Office of any late or delayed shipments. The City reserves the right to cancel all or any part of an order if the shipment is not made as promised.
17. **Credit Terms:** Bidder will indicate all discounts for full and/or prompt payment. Discounts will be considered as a cost factor in the determination of award, except discounts offered for payment within less than ten (10) calendar days. Discounts offered will be computed from date of receipt of correct invoice or receipt and acceptance of products, whichever is later.
18. **Seller's Invoice:** Invoices will be prepared and submitted to the address shown on the purchase order. Separate invoices are required for each purchase order. Invoices will contain the following information: purchase order number, contract number (if applicable), item number, description of supplies or services, sizes, unit of measure, quantity, unit price and extended totals. The City shall pay undisputed Seller/Bidder invoices within thirty (30) days of receipt of Seller/Bidder invoices.
19. **Tax-Exempts:** The City and its departments are exempt from state and local sales taxes. Situs of all transactions under the order(s) that will be derived from this bid request will be deemed to have been accomplished within the State of Kansas.
20. **Safety:** All practices, materials, supplies, and equipment will comply with the Federal Occupational Safety and Health Act, as well as any pertinent federal, state, and/or local safety or environmental codes.
21. **Disclaimer of Liability:** The City, or any of its departments, will not hold harmless or indemnify any bidder for any liability whatsoever.
22. **Hold Harmless:** The contractor agrees to protect, defend, indemnify and hold the City Commission, its officers, and employees and agents free and harmless from and against any and all third party losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character to the extent arising out of or relating to any and all third party claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of the error, negligent omission or negligent act of the contractor. Without limiting the generality of the foregoing, and all such claims, etc., relating to the personal injury, infringement of any

**Standard Terms and Conditions
Leavenworth, Kansas**

United States patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal or property right of a third party, or actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court, will be included in the indemnity hereunder. The contractor further agrees to investigate, handle, respond to provide defense for and defend any such claims, etc., at his/her sole expense and agrees to bear all other costs and expenses related thereto, even if such claim is groundless, false or fraudulent. Seller/Bidder shall defend the City with and to the extent of the foregoing indemnification, provided the Seller/Bidder is promptly notified by the City, in writing, of any claims demands, or suits for such damages or injuries; given all reasonable information and assistance by the City; and given control over any resulting negotiation, arbitration, or litigation, including the right to choose counsel and settle claims with the consent of the City, such consent shall not be unreasonably withheld, delayed, or conditioned.

23. **Law Governing:** All contractual agreements will be subject to, governed by, and construed according to the laws of the State of Kansas without regard to its conflict of laws principles.
24. **Anti-discrimination Clause:** No bidders on this request will in any way, directly or indirectly, discriminate against any person because of age, race, color, handicap, sex, national origin, or religious creed.
25. **Affirmative Action Letter:** The City requires an Affirmative Action certification letter signed by the City Manager to be on file in the City Manager's office prior to opening the bid. This can be obtained by contacting the Affirmative Action Officer in the City Manager's office at (913) 680-2604 or at 100 5th St. Leavenworth, Ks 66048. You can also email Arianne Burgoon at ABurgoon@firstcity.org.
26. **Non Collusion Affidavit:** The Finance Department now requires a Non-Collusion Affidavit to be submitted with your bid packets. This document will be provided in the bid specifications that are sent out. This form must be filled out and notarized.
- ~~26-27.~~ Except for fraud, intentional misconduct, or gross negligence, in no event, regardless of the form of the claim or cause of action (whether based in contract, infringement, negligence, strict liability, other tort or otherwise) shall either party's liability to the other party exceed the price paid or payable by the City to the Seller/Bidder for the specific goods or services provided by Seller/Bidder giving rise to the claim or cause of action. Neither party's liability to the other party shall extend to include incidental, consequential, or punitive damages.

Standard Terms and Conditions
Leavenworth, Kansas

**CITY OF LEAVENWORTH
SPECIFICATIONS FOR
Replacement of existing grit classifier
For Wastewater Treatment Plant
For The City of Leavenworth, Kansas 66048
BID #01WW-2024-01**

DESCRIPTION

The following specifications apply to the purchase, install of replacement of existing grit classifier. Bidders must furnish all descriptive literature, manufacturer's compliance certificates and all other necessary data on the equipment bid as required in the specification. Bidder must answer **YES** or **NO** to each specification line item except where asked to state specific data. Failure to answer correctly, or failure to respond, will deem your bid as non-responsive. All line items with a "**NO**" response, will be explained in detail on the "Exceptions to Bid Specification" pages provided at the end of this document. The City reserves the right to waive minor technicalities under these specifications.

The designed feed flow rate to the Cyclone (on the grit washer) is 250 GPM. The flow to the grit washer from the Cyclone is 32.5 to 50 GPM. Onsite visit to view equipment can be arranged by contacting Tim Guardado at 913.682.1090

This letter will serve as our invitation to submit a bid for the installation and replacement of one US Filter grit classifier to the City of Leavenworth Purchasing Office. Bids must be submitted on a form provided by the City, signed by an authorized person and placed in a sealed envelope addressed to the Purchasing Office. Additional information/supporting document including an example of a residential mailer is to be included. **CLEARLY MARK ON THE ENVELOPE BID #01WW-2024-01 .**

The City of Leavenworth reserves the right to reject any or all bids. The city also reserves the right to waive minor technicalities. The acceptance of a bid within sixty (60) days by the issuance of a Purchase Order will constitute a valid contract.

The bids will be due to the City's Clerk's Office by 2pm on February 29, 2024. The bid opening will be at 2pm in the 2nd floor conference room of City Hall. **NO FAXED BIDS WILL BE ACCEPTED.**

Non-Collusion Affidavit attached with this bid must be filled out, notarized and submitted with your bid.

**CITY OF LEAVENWORTH
 SPECIFICATIONS FOR
 Replacement of existing grit classifier
 For Wastewater Treatment Plant
 For The City of Leavenworth, Kansas 66048
 BID #01WW-2024-01**

FAILURE TO FOLLOW THESE PROCEDURES IS CAUSE FOR REJECTION OF THE BID.

If you have any questions concerning this bid, please contact Stephanie Alexander, Purchasing Agent at City Hall, 100 N. 5th Street, Leavenworth, KS 66048 phone# (913) 684-0348.

PUBLICATIONS

The successful bidder shall supply factory service manuals for the components. **Note: the prompt delivery of the publications is of great importance to the City of Leavenworth.** The successful bidder will provide cost of the required publications to the City.

Specifications for the replacement of existing Grit Classifier:

Minimum screw capacity 5.0 ft/hr	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Minimum screw grit capacity 33 gpm	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Minimum screw length 10 ft	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Maximum height of screw discharge above operating floor 12 ft	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Screw shaft diameter minimum 12 in.	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Screw shaft diameter maximum 18 in.	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Classifier reservoir drain connection Size 4 in.	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Conveyer material abrasion resistant steel	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Reservoir and trough material AISI type 304 SS	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Support members materials AISI type 304 SS	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Drive unit motor minimum one-half horsepower	COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

CITY OF LEAVENWORTH
SPECIFICATIONS FOR
Replacement of existing grit classifier
For Wastewater Treatment Plant
For The City of Leavenworth, Kansas 66048
BID #01WW-2024-01

- | | |
|--|--|
| Re use of electrical control panels | COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| Re use of Krebs D10LB Cyclone Separator | COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| Complete installation with startup and training
Upon completion | COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| Operations and Maintenance manuals included | COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| A. Equipment function, normal operating
characteristics and limiting conditions | |
| B. Operating instructions for startup,
routine and normal operation,
regulation and control shutdown
and emergency conditions | |
| C. Lubrication and maintenance
instructions | |
| D. Guide to troubleshooting | |
| E. Parts list | |
| Removal of existing grit structure | COMPLY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |

CITY OF LEAVENWORTH
SPECIFICATIONS FOR
Replacement of existing grit classifier
For Wastewater Treatment Plant
For The City of Leavenworth, Kansas 66048
BID #01WW-2024-01

MAKE AND MODEL: Kusters ProTector Model GC 1215F Grit Classifier

PRICE \$ 139,530.00

FIRM SUBMITTING BID: JCI Industries, LLC

ADDRESS: 1161 SE Hamblen Rd

CITY, STATE & ZIP CODE: Lee's Summit, MO 64081

AUTHORIZED SIGNATURE: 

PRINTED NAME: Brad Gulley

TELEPHONE NUMBER: 816-525-3320 FAX NUMBER: _____

PROJECTED DELIVERY DATE: 14 to 16 weeks from receipt of signed approvals

DATE BID EXPIRES: April 1, 2024

SPECIAL NOTES: _____

NON- COLLUSION AFFIDAVIT

The undersigned bidder or agent, being duly sworn on oath, say that he/she has not, nor has any other member, representative, or agent of the firm company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone such letting nor to prevent any person from bidding nor to include anyone to refrain for bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He/ She further says that no person or persons, firms or corporation has; have to will receive directly, any rebate, fee gift, commission or thing of value on account of such of sale.

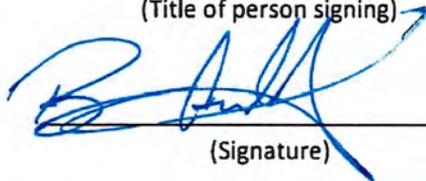
OATH AND AFFIRMATION

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS AND INFORMATION CONTAINED IN THE FOREGOING BID FOR PUBLIC WORKS ARE TRUE AND CORRECT.

Dated this 27th day of February, 2024

JCI Industries, LLC
(Name of Organization)

Brad Gulley - Vice President
(Title of person signing)


(Signature)

ACKNOWLEDGEMENT

STATE OF Missouri)

)SS

COUNTY OF Jackson)

Before me, a Notary Public, personally appeared the above name and swore that the statements contained in the foregoing document are true and correct.

Subscribed and sworn to me this 27th day of February, 2024.


Notary Public Signature Kathleen Graham

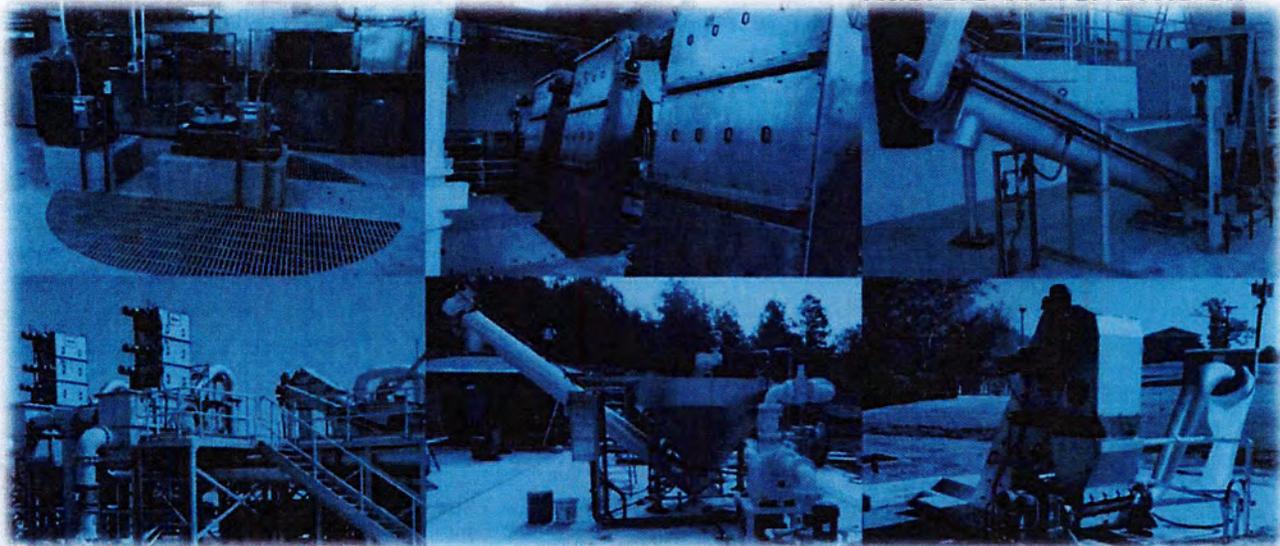
My Commission Expires: October 21, 2026





Manufacture.Quality.Solutions.

Kusters Water Division



Equipment Proposal

Quote Number: KW/102324/GK/lt

February 26, 2024

To:

Section(s):

Bidding Contractors

Project:

Leavenworth, KS Grit Classifier Replacement

Bid Date:

February 29, 2024

Represented by:

JCI Industries

Brandon Ford

816-820-7711

Addendums Received:

Zima Corporation
physical address
101 Zima Park Drive
Spartanburg • SC 29301 • USA
mailing address
P.O. Box 6128

Spartanburg • SC 29301 • USA
+1 864 576 0660
www.zimacorp.com/water
www.kusterswater.com



Registered to
ISO 9001

dependable, cost-effective solutions for water and wastewater treatment

Headworks | Biological | Clarification | Thickening | Biosolids | Odor Control

Dear Sir or Madam:

Kusters Water is pleased to provide a Firm Proposal for equipment based on our interpretation of the referenced bid specifications.

Item A

Grit Classifier

ProTector® Model GC 1215F Grit Classifier

Quantity: 1



General Design Description

The grit classifier shall be a self-contained, auger driven grit classification system designed to receive pumped flow from a grit settling basin and positively separate free organic material from the deposited grit and transport the retained grit to the discharge point for deposition in a grit conveyor or collection dumpster. The grit classifier shall be designed to be fully automated.

Grit slurry will be pumped to a conical cyclone where the incoming flow will be separated. The cyclone will be designed to separate the flow and deliver the majority of the incoming solids to the classifier.

The underflow from the cyclone will be deposited in the inlet hopper of the grit classifier where the grit then settles to the bottom. Free organics deposited in the inlet hopper flow over the internal weir and into the launder box.

Settled grit is then transported up the inclined grit transportation trough by the grit screw and discharged at the grit discharge chute.

Design Criteria (Each)

Maximum Pumped Flow:	250 GPM
Grit Screw Nominal Diameter:	12 in.
Grit Screw Pitch:	Full
Grit Screw Nominal Length:	15.0 ft.
Grit Screw Capacity:	93 ft ³ /hr
Grit Screw Material:	Abrasion Resistant Steel
Grit Discharge Diameter:	10 in.
Grit Discharge Height:	5.65 ft.

Overflow Outlet & Drain:	6 in. Flanged & 4in.
Overflow Discharge Height:	32 in.
Hopper, Trough and Leg Material:	304L Stainless Steel
Cover Material:	304L Stainless Steel
Cover Type:	Solid
Cyclone Model:	Krebs D10LB (Reuse Existing)
Cyclone Body Material:	Steel & Aluminum
Cyclone Liner Material:	Neoprene
Cyclone Inlet:	4 in. Flanged
Cyclone Outlet:	6 in. Flanged
Motor Horsepower:	1.0 HP
Operational Environment:	Class 1, Div. 1
Operational Voltage:	460V/3ph/60Hz
Fasteners Material:	304 Stainless Steel
Anchor Bolts Material:	304 Stainless Steel

Wear Shoes Attached to Screw Flights

- Wear Shoe Material	UHMWPE
----------------------	--------

Site Service

Total Trips	2
Total Days	3

Price is firm for acceptance within 60 days of bid date.

Exclusions

Taxes

Schedule (Estimated)

Submittals, from acceptance of order	6 - 8 weeks
Delivery, from receipt of signed approvals	20 - 22 weeks

Warranty

36 months from date of shipment, for all **ProTechtor®** products including this Grit Classifier ProTechtor® Model GC 1215F Grit Classifier that is quoted on this project.

POLICY REPORT NO. 24-13

CONSIDER AWARD OF
2023 CAB AND CHASSIS WITH 40-FT. AERIAL DEVICE
BID # 01ST-2024-03
PUBLIC WORKS DEPARTMENT - TRAFFIC DIVISION

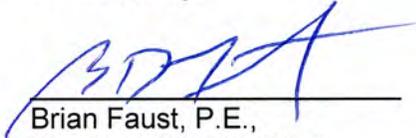
MARCH 12, 2024

Prepared by:

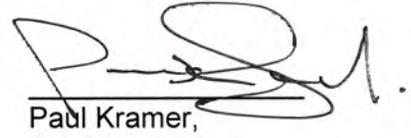
Reviewed by:



Derek Burleson,
Operations Superintendent



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



Paul Kramer,
City Manager

ISSUE:

Consider approval of the bid for the purchase of a new cab and chassis with a 40-ft. aerial device (bucket truck) for the Traffic Division.

BACKGROUND:

The 2024 CIP included funding for the purchase of a new bucket truck. This truck will be used to maintain our traffic signals as well as City-owned street lights. The vehicle currently being used is a 2012 truck with a shorter aerial length that limits our ability to maintain City-owned street lights. The existing truck may be transferred to another department or sold on Purple Wave.

Specifications were prepared and advertised in the Leavenworth Times. Request for bids were also sent to the following vendors:

1. Custom Truck
2. Crane Works
3. Altec Industries, Inc.

The bid opening was held on March 1, 2024 with two (2) bids received.

Crane Works:	\$189,909
Altec Industries:	\$216,835

BUDGET IMPACT:

The 2024 CIP included \$195,525 for the bucket (aerial) truck. The bid from Crane Works is \$5,616 less than the budgeted amount. Anticipated delivery time is six to eight weeks after the order is placed.

POLICY:

The City Commission can either approve or reject this bid.

STAFF RECOMMENDATIONS:

Staff recommends that the City Commission accept the lowest qualified bid from Crane Works, 100 S. Paniplus Dr., Olathe, KS 66061 for one (1) new 2023 Cab and Chassis with a 40-ft. aerial device in the amount of \$189,909.

ATTACHMENTS:

CIP Sheet
Bid Forms

**Capital Improvements Program
2024 - 2028
Public Works - Street Equipment**

Purpose:

This allocation provides funding for the scheduled replacement of several pieces of streets equipment through 2026 in accordance with our Vehicle and Equipment Replacement Policy (VERP). The Public Works department plans for a 10-14 year lifespan for most Streets equipment in an attempt to provide consistency and predictability for the budget.

Source	Comments	Year	Requested	Projected
Sales Tax	Replacement of 2005 Crack-seal machine	2024	\$ 103,162	\$ 103,162
Sales Tax	Paving Equip. (Pavijet, skid steer attachments)	2024	129,800	129,800
Sales Tax	Replacement of 2012 Ford F-550 aerial truck	2024	195,525	195,525
Sales Tax	Replacement of 1993 Ford flush truck	2025	85,000	85,000
Sales Tax	Replacement of 2015 Freightliner dump truck	2025	165,000	165,000
Sales Tax	Replacement of 2006 Vactron-tow behind	2025	35,000	35,000
Sales Tax	Replacement of 2011 International dump truck	2026	165,000	165,000
Sales Tax	Replacement of 2010 Freightliner dump truck	2026	165,000	165,000
			\$ 1,043,487	\$ 1,043,487

Uses	Comments	Year	Requested	Projected
Public Works - Streets	Replacement of 2005 Crack-seal machine	2024	\$ 103,162	\$ 103,162
Public Works - Streets	Paving Equip. (Pavijet, skid steer attachments)	2024	129,800	129,800
Public Works - Streets	Replacement of 2012 Ford F-550 aerial truck	2024	195,525	195,525
Public Works - Streets	Replacement of 1993 Ford flush truck	2025	85,000	85,000
Public Works - Streets	Replacement of 2015 Freightliner dump truck	2025	165,000	165,000
Public Works - Streets	Replacement of 2006 Vactron-tow behind	2025	35,000	35,000
Public Works - Streets	Replacement of 2011 International dump truck	2026	165,000	165,000
Public Works - Streets	Replacement of 2010 Freightliner dump truck	2026	165,000	165,000
			\$ 1,043,487	\$ 1,043,487



Crack seal machine



Tandem-axle dump truck



Flush truck



Pavijet mini street paver

CITY OF LEAVENWORTH
SPECIFICATIONS FOR

2024 40 ft. Truck with Articulating Telescopic Aerial Device with Material Handler with
1000# capacity

For The Traffic Division
For The City of Leavenworth, Kansas 66048
BID #01ST-2024-03

TRADE IN MAKE & MODEL 2012 FORD F550 2-TON
VIN 1FDUF5HT9CEC57060
MILEAGE 57769.6

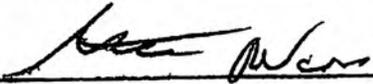
MAKE AND MODEL: 2023 RAM 5500

PRICE \$ 189,909.00

FIRM SUBMITTING BID: CRANE WORKS

ADDRESS: 100 S Pampus Dr

CITY, STATE & ZIP CODE: Olathe KS 66061

AUTHORIZED SIGNATURE: 

PRINTED NAME: Steve Warner

TELEPHONE NUMBER: 913 938 0058 FAX NUMBER: 913 780 4110

PROJECTED DELIVERY DATE: 4-3-2024

DATE BID EXPIRES: 3-17-2024

SPECIAL NOTES: _____

**CITY OF LEAVENWORTH
SPECIFICATIONS FOR
2024 40 ft. Truck with Articulating Telescopic Aerial Device with Material Handler with
1000# capacity
For The Traffic Division
For The City of Leavenworth, Kansas 66048
BID #01ST-2024-03**

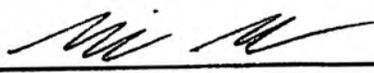
TRADE IN MAKE & MODEL 2012 FORD F550 2-TON
VIN 1FDUF5HT9CEC57060
MILEAGE 57769.6 Trade-In Value: \$7,500.00
MAKE AND MODEL: 2024 Ford F600 - AT41M

PRICE \$ Total Price: \$216,835.00 Total Price with Trade-In: \$209,335.00

FIRM SUBMITTING BID: Altec Industries, INC

ADDRESS: 1550 Aerial Ave

CITY, STATE & ZIP CODE: Creedmoor, NC 27522

AUTHORIZED SIGNATURE: 

PRINTED NAME: Will Bledsoe

TELEPHONE NUMBER: 919-225-0128 FAX NUMBER: 919-764-4015

PROJECTED DELIVERY DATE: June 2024

DATE BID EXPIRES: 4-15-2024

SPECIAL NOTES: _____

POLICY REPORT NO. 24-14

CONSIDER AWARD OF A 2024 CRACK SEAL MACHINE
BID # 01ST-2024-02
PUBLIC WORKS DEPARTMENT - STREET DIVISION

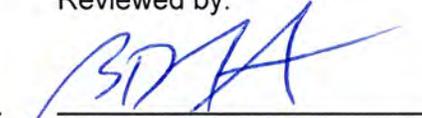
March 12, 2024

Prepared by:



Derek Burleson,
Operations Superintendent

Reviewed by:



Brian Faust, P.E.,
Public Works Director



Paul Kramer,
City Manager

ISSUE:

Consider the approval of the bid for the purchase of a new crack seal machine for the Street Division.

BACKGROUND:

The 2024 CIP included funding for the purchase of a new crack seal machine to replace the 2005 model currently in use. Specifications were prepared and advertised in the Leavenworth Times. Request for bids were also sent to the following vendors:

1. Crafc0
2. BearCat
3. CimLine
4. Sealmaster
5. Marathon Equipment
6. American Equipment

The bid opening was held on March 1, 2024 with three (3) bids received.

Marathon Equip.:	Non-responsive (missing required paperwork)
Sealmaster KC:	\$ 86,893.65
American Equip.:	\$101,066.00

BUDGET IMPACT:

The 2024 CIP included \$103,262 for the crack seal machine. The bid from Sealmaster is \$16,368 less than the budgeted amount. Anticipated delivery time is six weeks after order is placed.

POLICY:

The City Commission can either approve or reject this bid.

STAFF RECOMMENDATIONS:

Staff recommends the City Commission accept the lowest qualified bid from Sealmaster, 4110 E. 12th Street, Kansas City, MO 64127 for a new crack seal machine in the amount of \$86,893.65.

ATTACHMENTS:

CIP Sheet
Bid Forms

**Capital Improvements Program
2024 - 2028
Public Works - Street Equipment**

Purpose:

This allocation provides funding for the scheduled replacement of several pieces of streets equipment through 2026 in accordance with our Vehicle and Equipment Replacement Policy (VERP). The Public Works department plans for a 10-14 year lifespan for most Streets equipment in an attempt to provide consistency and predictability for the budget.

Source	Comments	Year	Requested	Projected
Sales Tax	Replacement of 2005 Crack-seal machine	2024	\$ 103,162	\$ 103,162
Sales Tax	Paving Equip. (Pavijet, skid steer attachments)	2024	129,800	129,800
Sales Tax	Replacement of 2012 Ford F-550 aerial truck	2024	195,525	195,525
Sales Tax	Replacement of 1993 Ford flush truck	2025	85,000	85,000
Sales Tax	Replacement of 2015 Freightliner dump truck	2025	165,000	165,000
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Sales Tax	Replacement of 2011 International dump truck	2026	165,000	165,000
Sales Tax	Replacement of 2010 Freightliner dump truck	2026	165,000	165,000
			\$ 1,043,487	\$ 1,043,487

Uses	Comments	Year	Requested	Projected
Public Works - Streets	Replacement of 2005 Crack-seal machine	2024	\$ 103,162	\$ 103,162
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Public Works - Streets	Replacement of 2015 Freightliner dump truck	2025	165,000	165,000
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Public Works - Streets	Replacement of 2011 International dump truck	2026	165,000	165,000
Public Works - Streets	Replacement of 2010 Freightliner dump truck	2026	165,000	165,000
			\$ 1,043,487	\$ 1,043,487



Crack seal machine



Tandem-axle dump truck



Flush truck



Pavijet mini street paver

CITY OF LEAVENWORTH
SPECIFICATION FOR 2024 CRACKSEAL MACHINE
Bid 01ST-2024-02

BID SHEET
DATE:

MAKE & MODEL CRACK PRO TR 125 DA

UNIT COST \$ \$86,893⁶⁵

WARRANTY ATTACHED COMPLY YES NO

LOCATION FOR SERVICE OF EQUIPMENT

4110 E. 12th STREET

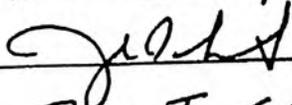
KANSAS CITY, MO 64127

PROJECTED DELIVERY DATE: PROTECTORS 6 WEEK LEAD TIME

FIRM SUBMITTING BID: SEALMASTER KC

ADDRESS: 4110 E. 12th STREET

CITY, STATE, & ZIP CODE: KANSAS CITY, MO 64127

AUTHORIZED SIGNATURE: 

PRINT NAME: JOHN T. SMITH

TELEPHONE NUMBER: 913-707-5171

DATE BID EXPIRES: 5/1/2024

SPECIAL NOTES: _____

POLICY REPORT PWD NO. 24-12

CONSIDER APPROVAL OF LOW BID FOR CONSTRUCTION OF THE
2024 PAVEMENT MANAGEMENT PROGRAM
(MILL & OVERLAY PROJECT)

City Project 2023-028

March 12, 2024

Prepared by:


Michael Stephan
Project Manager

Reviewed by:


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


Paul Kramer,
City Manager

ISSUE:

Consider bids received and possible award of the 2024 Pavement Management Program – Mill & Overlay Project.

BACKGROUND:

Beginning in the fall of 2023, the City of Leavenworth Engineering Staff compiled a list of possible streets for the 2024 Mill & Overlay Project. Many of the streets selected were on the verge of needing complete reconstruction if a mill/overlay was not performed in the very near future. The streets were evaluated using both actual field observation and their Pavement Condition Index (PCI). Based on this evaluation, a final list of streets was determined for the 2024 PMP – Mill & Overlay Project.

In previous years, both General Obligation Bonds and Sales Tax were used to fund the street maintenance program. For 2024, the City Commission authorized the use of Sales Tax for the annual Pavement Management Program. The components of the 2024 program include both the mill and overlay program and minor upgrades to a parking lot. The funding for 2024 covers the costs of the 2024 construction of the various components, along with the next phase of a Comprehensive Pavement Management Program. Inspection will be by City Staff.

The Mill & Overlay Program for 2024 includes the City streets highlighted on the attached map.

Base Bid Streets are:

- Shrine Park Road (McDonald Road to Limit Street)
- 10th Avenue (180' North of Eisenhower Road to 65' South of Muncie Road)
- 10th Avenue (200' North of Limit Street to 100' North of Vilas Street)
- Limit Street (50' West of Broadway Terrace to Shrine Park Road)
- Oregon Street (Lakeview Circle to Lakeview Drive)
- 17th Terrace (Dead End to Thornton Street)
- 5th Avenue (Michigan Street to Middle Street)
- Oak Street (West 7th Street to 7th Street)
- Short Street (65' South of Intersection of West 7th Street to 7th Street)
- 2nd Street (120' North of Chestnut Street to 3 Mile Creek Bridge)
- Shawnee Street (20th Street to 15th Street)
- 7th Street (Shawnee Street to Seneca Street)
- 7th Street (Delaware Street to Shawnee Street)
- 7th Street (Cherokee Street to Delaware Street)
- 7th Street (3 Mile Creek Bridge to Cherokee Street)
- Kiowa Street (7th Street to 4th Street)
- Dakota Street (Broadway Street to 7th Street)
- Pawnee Street (Broadway Street to 7th Street)
- Cheyenne Street (13th Street to 11th Street)
- City Parking Lot (Kiowa Street & 4th Street – Richard Allen Cultural Center & Museum)

The bid also included three alternates that could be added if the base bid came in under the engineer's estimate. The alternate streets are:

- Shrine Park Road – Alt #1 (Muncie Road to McDonald Road)
- Shrine Park Road – Alt #2 (Eisenhower Road to Muncie Road)
- Broadway Street – Alt #3 (120' North of Thornton Street to North Side of Pennsylvania Street)

The Project Plans, Specifications, and Location Map were developed by City staff and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on March 6, 2024 and the bid results are shown below and in the attached bid tabulation.

Company	City	Base Total Bid
Little Joe's Asphalt	Bonner Springs, MO	\$1,416,746.95
J M Fahey	Grandview, MO	\$1,515,797.55
Asphaltic Surfaces, LLC	Independence, MO	\$1,521,004.40
Newland Paving	Lee's Summit, MO	Non-Responsive
Engineer's Estimate		\$2,014,245.00

Little Joe's Asphalt was the low bidder and met all bidding requirements. Little Joe's Asphalt has completed Mill & Overlay Programs for the City in the past. The prior work by Little Joe's Asphalt was completed within the required timeframe and specifications.

POLICY:

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. There were three responsive bidders and the low bid from Little Joe's Asphalt was under the engineer's estimate.

BUDGET IMPACT:

The 2024 budget included \$2M for the Pavement Management Program.

Current/Estimated 2024 costs:

- Mill and Overlay (Little Joe's) \$1,416,746.95 (base bid only)
- Engineer's Estimated Base Bid Total..... \$2,014,245.00 (base bid only)
- Total for all Alternates \$ 387,430.03
- Base & all Alternates Bid Total \$1,804,176.98

Little Joe's Asphalt's Base Bid was \$1,416,746.95 which is under the budget by \$583,253.05. If the Alternates are added to the contract, the total project cost is \$1,804,176.98 (\$195,823.02 under budget).

RECOMMENDATION:

Staff recommends that the City Commission award the base bid and the three alternates for the 2024 Pavement Management Program – Mill & Overlay Project to Little Joe's Asphalt in the amount of \$1,804,176.98.

ATTACHMENTS:

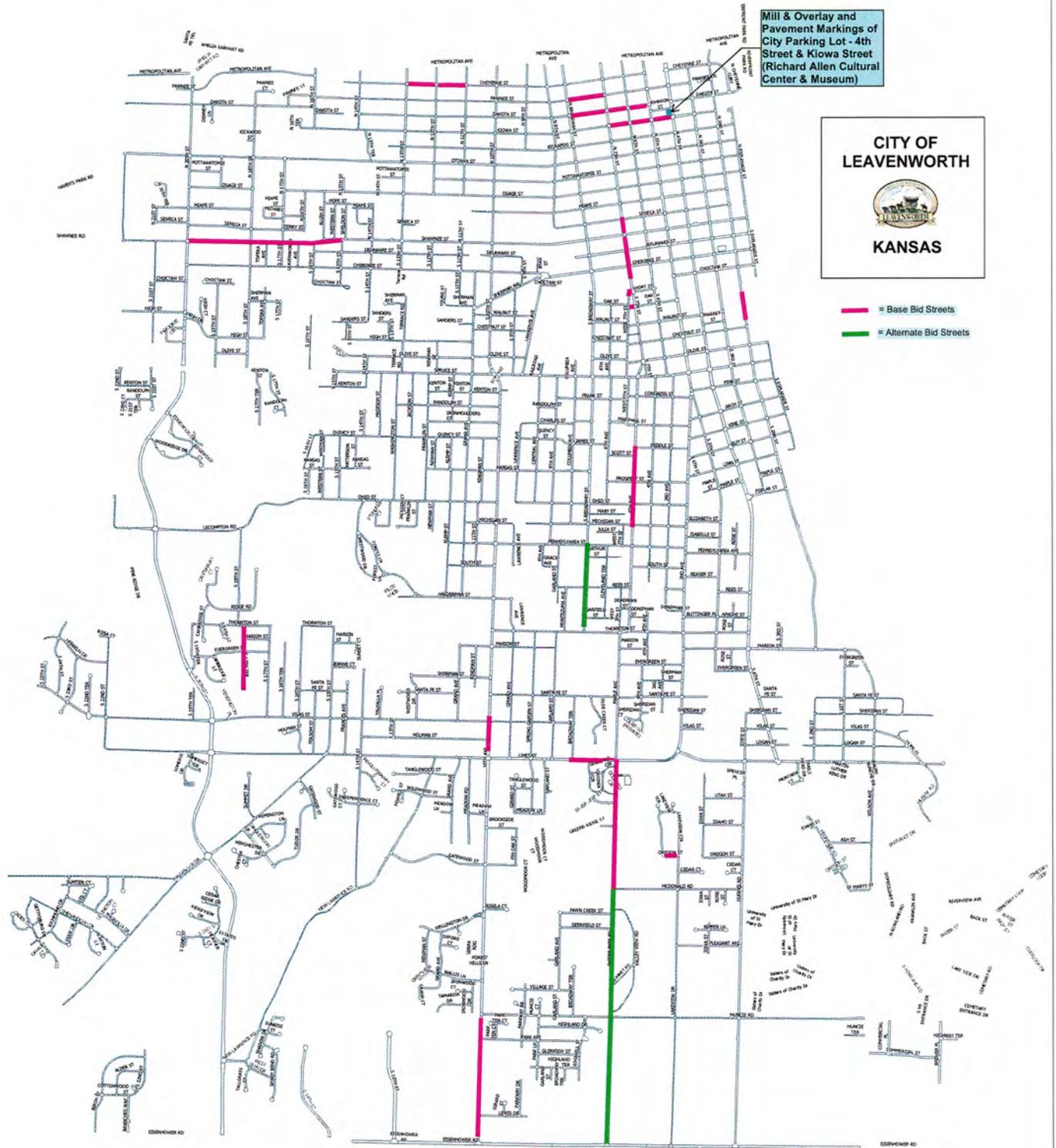
- Project Street Map
- List of Streets
- Bid Tabs
- CIP Sheet



BASE BID													
Item	Description	Unit	Quantity	Engineer's Estimate		Little Joe's Asphalt		J M Fahey		Asphaltic Surfaces		Newland Paving	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$40,000.00	\$40,000.00	\$12,000.00	\$12,000.00	\$17,500.00	\$17,500.00	\$23,000.00	\$23,000.00		\$0.00
2	Milling (Headers)	LF	2,190	\$8.00	\$17,520.00	\$6.85	\$15,001.50	\$4.00	\$8,760.00	\$6.00	\$13,140.00		\$0.00
3	Milling (Full Width)	SY	70,233	\$3.00	\$210,699.00	\$2.45	\$172,070.85	\$2.15	\$151,000.95	\$2.40	\$168,559.20		\$0.00
4	Profile Milling 2" +/- (Full Width)	SY	13,476	\$3.50	\$47,166.00	\$2.70	\$36,385.20	\$2.50	\$33,690.00	\$2.50	\$33,690.00		\$0.00
5	2" Asphaltic Concrete Surface Course KC APWA 5-01	TON	9,099	\$95.00	\$864,405.00	\$81.95	\$745,663.05	\$88.00	\$800,712.00	\$87.00	\$791,613.00		\$0.00
6	Asphaltic Base Courses KC APWA 5-01 Wedging/Patching	TON	455	\$500.00	\$227,500.00	\$195.00	\$88,725.00	\$200.00	\$91,000.00	\$167.00	\$75,965.00		\$0.00
7	ADA Ramps (R & R)	EA	37	\$2,000.00	\$74,000.00	\$1,850.00	\$68,950.00	\$2,700.00	\$99,900.00	\$2,500.00	\$92,500.00		\$0.00
8	Curb & Gutter (24") (R & R)	LF	930	\$75.00	\$69,750.00	\$59.00	\$54,870.00	\$80.00	\$74,400.00	\$62.00	\$57,660.00		\$0.00
9	Concrete Pavement (8") (R & R)	SY	154	\$200.00	\$30,800.00	\$140.00	\$21,560.00	\$175.00	\$26,700.00	\$145.00	\$22,170.00		\$0.00
10	6" Granular Subbase, AB-3 Compacted	TON	182	\$20.00	\$3,640.00	\$38.00	\$6,916.00	\$36.00	\$6,552.00	\$35.00	\$6,470.00		\$0.00
11	4" Concrete Sidewalk (R & R)	SF	2,150	\$20.00	\$43,000.00	\$13.00	\$27,950.00	\$15.50	\$33,325.00	\$15.00	\$32,250.00		\$0.00
12	Roadside Manholes	EA	31	\$2,000.00	\$62,000.00	\$2,100.00	\$65,100.00	\$2,200.00	\$68,200.00	\$1,750.00	\$54,250.00		\$0.00
13	Reset Monument Boxes	EA	7	\$2,250.00	\$15,750.00	\$1,050.00	\$7,350.00	\$1,000.00	\$7,000.00	\$2,100.00	\$14,700.00		\$0.00
14	Permanent Pavement Markings, 6" Solid White Line (Multi Component Epoxy)	LF	1,345	\$10.00	\$13,450.00	\$1.15	\$1,546.75	\$1.00	\$1,345.00	\$2.00	\$2,690.00		\$0.00
15	Permanent Pavement Markings, 12" Solid White Crosswalk Line (Multi Component Epoxy)	LF	1,480	\$25.00	\$37,000.00	\$8.50	\$12,580.00	\$8.00	\$11,840.00	\$16.00	\$23,680.00		\$0.00
16	Permanent Pavement Markings, 4" Solid Yellow Line (Multi Component Epoxy)	LF	3,784	\$5.50	\$20,812.00	\$1.00	\$3,784.00	\$0.90	\$3,405.60	\$1.80	\$6,811.20		\$0.00
17	Permanent Pavement Markings, 4" Solid White Line (Multi Component Epoxy)	LF	23,910	\$5.00	\$119,550.00	\$1.00	\$23,910.00	\$0.90	\$21,519.00	\$1.80	\$43,038.00		\$0.00
18	Permanent Pavement Markings, 12" Solid Yellow Line (Multi Component Epoxy)	LF	145	\$25.00	\$3,625.00	\$9.00	\$1,305.00	\$8.00	\$1,160.00	\$16.00	\$2,320.00		\$0.00
19	Permanent Pavement Markings, 24" Solid White Line (Multi Component Epoxy)	LF	418	\$40.00	\$16,720.00	\$17.20	\$7,189.60	\$16.00	\$6,688.00	\$26.00	\$10,868.00		\$0.00
20	Permanent Pavement Markings, Left Turn Arrow (Multi Component Epoxy)	EA	42	\$1,000.00	\$42,000.00	\$330.00	\$13,860.00	\$300.00	\$12,600.00	\$300.00	\$12,600.00		\$0.00
21	Permanent Pavement Markings, Right Turn Arrow (Multi Component Epoxy)	EA	10	\$1,000.00	\$10,000.00	\$330.00	\$3,300.00	\$300.00	\$3,000.00	\$300.00	\$3,000.00		\$0.00
22	ADA Parking Symbol (Thermo Plastic)	EA	1	\$750.00	\$750.00	\$350.00	\$350.00	\$250.00	\$250.00	\$250.00	\$250.00		\$0.00
23	Permanent Pavement Markings, ONLY (Multi Component Epoxy)	EA	5	\$1,000.00	\$5,000.00	\$500.00	\$2,500.00	\$450.00	\$2,250.00	\$450.00	\$2,250.00		\$0.00
24	Traffic Detector Loop, 6' x 30'	EA	2	\$2,000.00	\$4,000.00	\$6,000.00	\$12,000.00	\$5,000.00	\$10,000.00	\$6,000.00	\$12,000.00		\$0.00
25	Asphalt Oil Price Adjustment	LS	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00
26	Traffic Control	LS	1	\$35,000.00	\$35,000.00	\$9,500.00	\$9,500.00	\$21,000.00	\$21,000.00	\$14,000.00	\$14,000.00		\$0.00
				TOTAL BASE BID:	\$2,014,245.00		\$1,416,746.85		\$1,615,797.85		\$1,821,004.40		\$0.00

Non-Responsive

2024 PMP - MILL & OVERLAY (Project # 2023-028)





2024 PMP - Mill & Overlay (Project #2023-028)
List of Streets

STREET NAME	LOCATION DESCRIPTION
Base Bid Streets	
Shrine Park Road	McDonald Road to Limit Street
10th Avenue	180' North of Eisenhower Road to 65' South of Muncie Road
10th Avenue	200' North of Limit Street to 100' North of Vilas Street
Limit Street	50' West of Broadway Terrace to Shrine Park Road
Oregon Street	Lakeview Circle to Lakeview Drive
17th Terrace	Dead End to Thornton Street
5th Avenue	Michigan Street to Middle Street
Oak Steet	West 7th Street to 7th Street
Short Street	65' South of Intersection of West 7th Street to 7th Street
2nd Street	120' North of Chestnut Street to 3 Mile Creek Bridge
Shawnee Street	15th Street to 20th Street
7th Street	Shawnee Street to Seneca Street
7th Street	Delaware Street to Shawnee Street
7th Street	Cherokee Street to Delaware Street
7th Street	3 Mile Creek Bridge to Cherokee Street
Kiowa Street	7th Street to 4th Street
Dakota Street	Broadway Street to 5th Street
Pawnee Street	Broadway Street to 7th Street
Cheyenne Street	13th Street to 11th Street
City Parking Lot	Kiowa Street & 4th Street (Richard Allen Cultural Center & Museum)
Alternate Bid Streets	
Shrine Park Road (Alt #1)	Muncie Road to McDonald Road
Shrine Park Road (Alt #2)	Eisenhower Road to Muncie Road
Broadway Street (Alt #3)	120' North of Thornton Street to North Side of Pennsylvania Street

**Capital Improvements Program
2024 - 2028
Streets Capital Projects Fund - Pavement Management Program**

Purpose:

This allocation provides for the annual surface preservation (micro-surface/granite chip/seal, etc.), rehabilitation (mill/overlay with minor base patching), reconstruction and stop-gap measures.

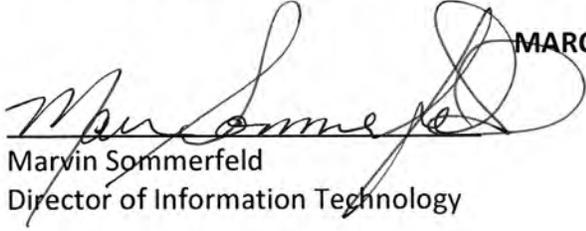
Source	Comments	Year	Requested	Projected
Sales Tax		2024	\$ 2,000,000	\$ 2,000,000
Sales Tax		2025	2,000,000	2,000,000
Sales Tax		2026	2,000,000	2,000,000
Sales Tax		2027	2,000,000	2,000,000
Sales Tax		2028	2,000,000	2,000,000
			\$ 10,000,000	\$ 10,000,000

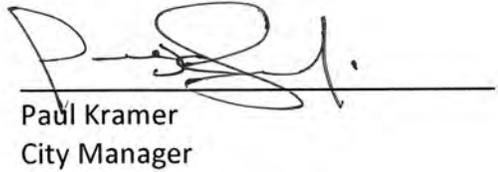
Uses	Comments	Year	Requested	Projected
Streets	Street resurfacing, projects are identified annually	2024	\$ 2,000,000	\$ 2,000,000
Streets	Street resurfacing, projects are identified annually	2025	2,000,000	2,000,000
Streets	Street resurfacing, projects are identified annually	2026	2,000,000	2,000,000
Streets	Street resurfacing, projects are identified annually	2027	2,000,000	2,000,000
Streets	Street resurfacing, projects are identified annually	2028	2,000,000	2,000,000
			\$ 10,000,000	\$ 10,000,000



POLICY REPORT
CONSIDER APPROVING THE PROJECT TO REPLACE NETWORK SWITCHES IN 2024

MARCH 12, 2024


Marvin Sommerfeld
Director of Information Technology


Paul Kramer
City Manager

ISSUE:

Consider approval of the project to replace City network switches.

BACKGROUND:

The Information Technology Department, is seeking to replace our Cisco network switches with Aruba network switches, the latest technology from HPE. The current Cisco switches are reaching end of life end of support. End of life hardware means vendors stop creating and delivering updates for end of support hardware. These network switches will become a security risk for the City and we will not be able to purchase maintenance or support.

Switching to Aruba will save the City \$19,526 on the initial hardware investment and an additional saving of \$13,785 in maintenance the next five years. Additional benefits are the simplification of licensing and a graphical user interface for managing the network.

ISG was awarded and installed the current switches. The ISG team has the experience and knowledge of our network to complete this upgrade. ISG knows the technical configurations of our network.

City policy authorizes leveraging cooperative contracts to streamline the acquisition process and receive competitive pricing. ISG is an authorized reseller on the State of Kansas Contract 55219B for HP Enterprise NASPO Agreement.

This is a complex upgrade that will benefit from ISG's knowledge and experience with our network to make informed decisions regarding implementation and work toward a seamless integration, and replacement of these switches.

Completing this project will allow us to increase bandwidth between City Hall and the Justice Center. This project must be completed before replacing our SAN (storage area network).

BUDGET IMPACT:

Council approved \$86,000 for this CIP project in the 2023 budget. The NASPO contract pricing is \$105,907.98. The balance of \$19,907.98 will be funded by reserves in the CIP Sales Tax Fund.

STAFF RECOMMENDATION:

Staff recommends the City Commission approve the 2023 project, partner with ISG and replace network switches in the amount of \$105,907.98

POLICY REPORT

CONSIDER APPROVING THE PROJECT TO REPLACE A SAN (storage area network) IN 2024

MARCH 12, 2024


Marvin Sommerfeld
Director of Information Technology


Paul Kramer
City Manager

ISSUE:

Consider approval of the project to replace City SAN (storage area network).

BACKGROUND:

The Information Technology Department, is seeking to replace our Nimble SAN (storage area network) and host servers with the Alletra SAN, the latest technology from HPE.

A SAN is a highly efficient, organized service for storing all our virtual servers and data. A SAN combines servers, hard drives, networking switches, software and services. The SAN is the hard drive and servers for most of the city applications. The current HPE Nimble storage SAN are reaching end of life end of support. End of life hardware means vendors stop creating and delivering updates for end of support hardware. These servers and storage will become a security risk for the City.

ISG was awarded and installed the current SAN (storage area network). The ISG team has the experience and knowledge of our implementation to complete this upgrade. ISG knows the technical configurations of this system.

City policy authorizes leveraging cooperative contracts to streamline the acquisition process and receive competitive pricing. ISG is an authorized reseller on the State of Kansas Contract 55219B for HP Enterprise NASPO Agreement.

This is a complicated upgrade that will benefit from ISG's knowledge and experience with our network to make informed decisions regarding implementation and work toward a seamless integration, and replacement of this hardware.

BUDGET IMPACT:

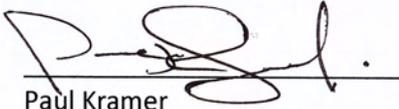
Council approved \$400,000 for this CIP project in the 2024 budget. The NASPO contract pricing is \$448,122.98. The balance of \$48,122.98 will be funded by reserves in the CIP Sales Tax Fund.

STAFF RECOMMENDATION:

Staff recommends the City Commission approve the 2024 project to partner with ISG and replace the SAN (storage area network) in the amount of \$448,122.98.

Policy Report
Staff report – Emergency Management
March 12, 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 has expressed a desire to learn more about the preparation, response and after-action efforts related to disaster response.

Leavenworth County Emergency Management Director Chuck Magaha will brief the Commission on how emergency preparedness and response functions in Leavenworth.

**EXECUTIVE SESSION
DISCUSSION OF MATTERS RELATED TO SECURITY MEASURES
PUBLIC BODY OR AGENCY**

MARCH 12, 2024

CITY COMMISSION ACTION:

Motion:

Move the City Commission recess into executive session for a period of _____ minutes for the purpose of discussing security measures pursuant to the *discussion of matters relating to security measures that protect a public body or agency, public building or facility or the information system of a public body or agency* exception per K.S.A. 75-4319 (b) (12) (C). The City Commission, Assistant City Manager and Director of Information Technology will be present. The open meeting will resume in the City Commission Chambers at _____p.m.