

We encourage everyone to view the meeting live via YouTube.

***Leavenworth County
Board of County Commissioners***

Regular Meeting Agenda

300 Walnut Street, Suite 225

Leavenworth, KS 66048

January 14, 2026

9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENT PRAYER
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be allowed at the beginning of each meeting and opened again at the end of the meeting after all regularly scheduled agenda items. Comments shall be limited to five minutes per person; however, commenters may speak for up to five minutes at both the beginning and end of each meeting. There should be no expectation of interaction by the Commission during this time. Everyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 a.m. the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow-up if needed prior to the meeting. During times when the Courthouse is closed to the general public anyone wishing to make public comment will provide their comments in writing no later than 8:00 a.m. the Monday immediately preceding the meeting. The comments will be included and distributed with the normal meeting packet.
- V. ADMINISTRATIVE BUSINESS:
 - a) County Clerk report
- VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.

- a) Approval of the minutes of the meeting of January 7, 2026
- b) Approval of the schedule for the week of January 19, 2026
- c) Approval of the check register
- d) Approve and sign the OCB's

VII. FORMAL BOARD ACTION:

- a) Consider a motion to adjourn sine die.
- b) Consider a motion to appoint a temporary chairperson.
- c) Consider a motion to convene.
- d) Consider a motion to appoint a new chairperson.
- e) Consider a motion to set the regular meeting days.
- f) Consider a motion to approve the official newspaper of the County.
- g) Consider a motion to approve Resolution 2026-1, designating the bank depository for the County.
- h) Consider a motion to approve Resolution 2026-2, establishing a Municipal Investment Pool and authorizing the individuals listed to take all other actions deemed necessary or appropriate for the investment of funds.
- i) Consider a motion to approve Resolution 2026-3, waiving the requirements of K.S.A. 75-11120 a(a) as they apply to the County of Leavenworth for year ended 2025.
- j) Consider a motion to approve Resolution 2026-4, setting the elected official's salaries.
- k) Consider a motion to renew the cereal malt beverage license for Lakestop, LLC, located at 15621 158th St., Bonner Springs, KS.
- l) Consider a motion to approve Resolution 2025-39, amendments to the Zoning and Subdivision Regulations.

VIII. PRESENTATIONS AND DISCUSSION ITEMS: presentations are materials of general concern where no action or vote is requested or anticipated.

a) Executive session if needed

IX. ADJOURNMENT

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, January 12, 2026

Tuesday, January 13, 2026

Wednesday, January 14, 2026

9:00 a.m. Leavenworth County Commission meeting
• Commission Meeting Room, 300 Walnut, Leavenworth KS

Thursday, January 15, 2026

Friday, January 16, 2026

11:30 a.m. LCDC Annual Meeting
• Riverfront Community Center, 123 S Esplanade St., Leavenworth, KS

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

*****January 7, 2026 *****

The Board of County Commissioners met in a regular session on Wednesday, January 7, 2026. Commissioner Culbertson, Commissioner Smith, Commissioner Reid, Commissioner Dove and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; Bill Noll, Infrastructure and Construction Services;

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Smith inquired about the attendance for the LCDC annual meeting.

Commissioner Smith reminded everyone about the voter enhancement work session on January 21st.

Commissioner Stieben reported that a letter sent to TerraPower from a local legislator read the Leavenworth County Commission supports them indicating that is not correct.

Commissioner Stieben suggested to send a letter to the TerraPower and the legislator indicating that information is incorrect.

Commissioner Stieben announced his candidacy for local legislation.

Commissioner Reid commented on the letter to TerraPower indicating she feels a personal meeting would be more appropriate than a correction.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, January 7, 2026, as presented.

Motion passed, 5-0.

Bill Noll requested approval of a contract for the replacement of bridge A-07.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve the construction contract with Norfolk Contracting for the replacement of bridge A-07 on Lecompton Road in the amount of \$226, 469.00 with a 10% contingency.

Motion passed, 5-0.

Cody Reynolds commented.

A motion was made by Commissioner Dove and seconded by Commissioner Reid to adjourn.

Motion passed, 5-0.

The Board adjourned at 9:25 a.m.

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, January 19, 2026

Tuesday, January 20, 2026

Wednesday, January 21, 2026

9:00 a.m. Leavenworth County Commission meeting
• Commission Meeting Room, 300 Walnut, Leavenworth KS

Thursday, January 22, 2026

Friday, January 23, 2026

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

TYPES OF CHECKS SELECTED: * ALL TYPES

CHECK RANGE SELECTED: * No Check Range Selected

WARRANT NUMBER	CHK TYPE	WARRANT DATE	VEND #/ PCH DOC #	VENDOR NAME/ ACCOUNT NUMBER	DESCRIPTION	AMOUNT	TOTAL
695		01/06/2026	829	THOMSON REUTERS - WEST 138153	6-001-5-09-209 ONLINE SUBSCRIPTION SOFTWARE	168.00	168.00
					WARRANT TOTAL		168.00
696		01/06/2026	8416	IRON MOUNTAIN INC 138154	6-001-5-19-220 SHREDDING FOR DISTRICT COURT	188.93	188.93
					WARRANT TOTAL		188.93
697		01/08/2026	6055	FLEETHOSTER 138165	6-001-5-05-271 JANUARY PS INV 100118261	100.00	100.00
				138165	6-001-5-06-222 JANUARY PS INV 100118261	19.95	19.95
				138165	6-001-5-11-271 JANUARY PS INV 100118261	19.95	19.95
				138165	6-001-5-31-230 JANUARY PS INV 100118261	59.85	59.85
				138165	6-001-5-41-271 JANUARY PS INV 100118261	100.00	100.00
				138165	6-001-5-53-220 JANUARY PS INV 100118261	99.75	99.75
				138165	6-108-5-00-213 JANUARY PS INV 100118261	39.90	39.90
				138165	6-127-5-00-2 JANUARY PS INV 100118261	20.00	20.00
				138165	6-133-5-00-229 JANUARY PS INV 100118261	998.75	998.75
				138165	6-136-5-00-221 JANUARY PS INV 100118261	40.00	40.00
				138165	6-137-5-00-229 JANUARY PS INV 100118261	300.00	300.00
				138165	6-145-5-00-230 JANUARY PS INV 100118261	678.70	678.70
				138165	6-160-5-00-215 JANUARY PS INV 100118261	119.80	119.80
					WARRANT TOTAL		2,596.65
698		01/08/2026	8103	CHARTER COMMUNICATIONS 138158	6-001-5-18-213 SPECTRUM	169.98	169.98
					WARRANT TOTAL		169.98
699		01/08/2026	8416	IRON MOUNTAIN INC 138184	6-127-5-00-3 SHREDDING	24.80	24.80
				138183	6-136-5-00-203 DOCUMNET SHREDDING	12.40	12.40
				138183	6-136-5-00-243 DOCUMNET SHREDDING	12.40	12.40
				138180	6-145-5-00-208 COA SHREDDING	70.55	70.55
					WARRANT TOTAL		120.15
700		01/08/2026	8686	EVERGY KANSAS CENTRAL INC 138195	6-133-5-00-251 BUILDING AND GROUNDS	187.63	187.63
					WARRANT TOTAL		187.63
118028	AP	01/06/2026	1227	EVANS REAL ESTATE CO 138155	6-001-5-03-230 ANNUAL BOND TREASURER OFFICE	142.00	142.00
					WARRANT TOTAL		142.00
118029	AP	01/08/2026	7158	A-1 RENTAL 138197	6-133-5-00-214 MONTHLY TOLIET RENTAL	280.00	280.00
				138197	6-133-5-00-214 MONTHLY TOLIET RENTAL	140.00	140.00
				138164	6-160-5-00-263 MONTHLY TOLIET RENTALS	140.00	140.00
					WARRANT TOTAL		560.00
118030	AP	01/08/2026	18253	AT&T MOBILITY 138196	6-133-5-00-210 MONTHLY CHARGES	56.23	56.23
				138196	6-133-5-00-210 MONTHLY CHARGES	56.23	56.23
				138196	6-133-5-00-210 MONTHLY CHARGES	23.74	23.74
				138196	6-133-5-00-210 MONTHLY CHARGES	23.74	23.74
				138196	6-133-5-00-210 MONTHLY CHARGES	73.74	73.74
				138196	6-133-5-00-210 MONTHLY CHARGES	43.73	43.73
				138196	6-133-5-00-210 MONTHLY CHARGES	43.73	43.73
				138196	6-133-5-00-210 MONTHLY CHARGES	43.73	43.73

START DATE: 01/01/2026 END DATE: 01/08/2026

TYPES OF CHECKS SELECTED: * ALL TYPES

CHECK RANGE SELECTED: * No Check Range Selected

WARRANT NUMBER	CHK TYPE	WARRANT DATE	VEND #/ PCH DOC #	VENDOR NAME/ ACCOUNT NUMBER	DESCRIPTION	AMOUNT	TOTAL
WARRANT TOTAL							
118031	AP	01/08/2026	22369	BAMFORD FIRE SPRINKLER			364.87
			138169	6-001-5-32-209	INSPECTION WET SPRINKLER	944.00	
			138169	6-001-5-33-209	INSPECTION WET SPRINKLER	815.00	
WARRANT TOTAL							
118032	AP	01/08/2026	1402	BLUE CROSS BLUE SHIELD OF KANS			1,759.00
			138166	6-510-2-00-939	COVERAGE JANUARY	438,686.42	
			138166	6-510-2-00-939	COVERAGE JANUARY	12,372.26	
WARRANT TOTAL							
118033	AP	01/08/2026	338	GOVERNMENT FORMS AND SUPPLIES			451,058.68
			138210	6-001-5-41-306	8000 #10 GREEN ENVELOPES	974.00	
			138210	6-001-5-41-306	8000 #10 GREEN ENVELOPES	190.62	
WARRANT TOTAL							
118034	AP	01/08/2026	2489	HONORABLE ROBERT BEDNAR			1,164.62
			138172	6-001-5-19-252	DOMESTIC COURT PRO TEM JUDGE P	3,750.00	
WARRANT TOTAL							
118035	AP	01/08/2026	283	ROBERT BUSETTI			350.00
			138208	6-001-5-07-219	MONTHLY INMATE FEE FOR DENTIST		350.00
WARRANT TOTAL							
118036	AP	01/08/2026	198	COLLINS AUTOMOTIVE LLC			350.00
			138156	6-001-5-07-213	UNIT 146 VIN 8841	117.65	
WARRANT TOTAL							
118037	AP	01/08/2026	1971	CAROLINA SOFTWARE			117.65
			138198	6-160-5-00-263	WATEWORKS SOFTWARE SUPPORT	500.00	
WARRANT TOTAL							
118038	AP	01/08/2026	24545	CDW GOVERNMENT INC			500.00
			138159	6-001-5-18-254	ADOBE GOV PHOTOSHOP	434.94	
			138159	6-001-5-18-254	ADOBE GOV PHOTOSHOP	869.98	
WARRANT TOTAL							
118039	AP	01/08/2026	5447	CITY WIDE MAINTENANCE			1,304.92
			138168	6-001-5-32-296	JANUARY JC SERVICES	6,250.00	
WARRANT TOTAL							
118040	AP	01/08/2026	1220	CULLIGAN OF GREATER KANSAS CIT			6,250.00
			138176	6-126-5-00-225	WATER COOLER RENTASL	42.00	
			138178	6-136-5-00-203	WATER COOLER SERVICE	42.00	
WARRANT TOTAL							
118041	AP	01/08/2026	902	DEBS RIVERVIEW LLC			84.00
			138207	6-001-5-07-266	SHELTERING SERVICES	1,447.03	
WARRANT TOTAL							
118042	AP	01/08/2026	1504	DELTA DENTAL OF KANSAS			1,447.03
			138185	6-510-2-00-942	JANUARY DENTAL PREMIUMS	18,854.08	
			138185	6-510-2-00-942	JANUARY DENTAL PREMIUMS	2,417.08	
WARRANT TOTAL							
118043	AP	01/08/2026	380	DONDLINGER & SONS CONSTRUCTION			21,271.16
			138214	6-220-5-11-400	CONSTRUCTION ON K 19	243,629.40	
WARRANT TOTAL							
118044	AP	01/08/2026	754	JANA HARRIS			243,629.40
			138206	6-001-5-07-219	MONTHLY MEDICAL SERIVES FOR JA	6,250.00	
WARRANT TOTAL							
118045	AP	01/08/2026	21600	SUNFLOWER HEALTH PLAN			6,250.00

START DATE: 01/01/2026 END DATE: 01/08/2026

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WARRANT NUMBER	CHK TYPE	WARRANT DATE	VEND #/ PCH DOC #	VENDOR NAME/ ACCOUNT NUMBER	DESCRIPTION	AMOUNT	TOTAL
			138200	6-108-5-00-216	ADJUSTED CLAIM	7.91	
					WARRANT TOTAL		7.91
118046	AP	01/08/2026	22605	HINCKLEY SPRINGS			
			138213	6-001-5-11-208	FILTRATION SYSTEM RENTAL	51.74	
					WARRANT TOTAL		51.74
118047	AP	01/08/2026	2505	INTRINSIC INTERVENTIONS			
			138174	6-127-5-00-3	UA CUPS	2,057.50	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
			138175	6-127-5-00-3	LAB COST	25.00	
					WARRANT TOTAL		2,307.50
118048	AP	01/08/2026	66366	KANSAS GAS SERVICE			
			138211	6-001-5-05-215	SERVICE DATES FOR DEC	463.70	
					WARRANT TOTAL		463.70
118049	AP	01/08/2026	1851	KANSAS ONE-CALL SYSTEM INC			
			138161	6-001-5-18-213	LOCATE SERVICES	23.94	
			138161	6-001-5-18-213	LOCATE SERVICES	11.97	
					WARRANT TOTAL		35.91
118050	AP	01/08/2026	771	KANSAS CO TREASURER ASSN			
			138173	6-001-5-03-203	KCTA ANNUAL CONFERENCE AND KCT	250.00	
			138173	6-146-5-00-203	KCTA ANNUAL CONFERENCE AND KCT	300.00	
					WARRANT TOTAL		550.00
118051	AP	01/08/2026	6605	KANSAS ASSN OF LOCAL HEALTH DE			
			138163	5-108-5-00-203	KALHD DUES	2,153.40	
					WARRANT TOTAL		2,153.40
118052	AP	01/08/2026	1629	KANSAS UNIVERSITY PHYSICIANS I			
			138199	6-108-5-00-280	PRENATAL CLINICAL SERVICES	4,384.00	
					WARRANT TOTAL		4,384.00
118053	AP	01/08/2026	19903	LANGUAGE LINE SERVICES INC			
			138187	6-001-5-19-221	PHONE INTERPRETER	14.60	
					WARRANT TOTAL		14.60
118054	AP	01/08/2026	461	LEAV CO COOP			
			138202	6-160-5-00-304	FUEL	1,325.02	
					WARRANT TOTAL		1,325.02
118055	AP	01/08/2026	4755	LEAVENWORTH PAPER AND OFFICE S			
			138188	6-001-5-19-301	DC OFFICE SUPPLIES	2,951.71	
					WARRANT TOTAL		2,951.71
118056	AP	01/08/2026	105	MIDWEST MOBILE RADIO SERVICE			
			138191	6-001-5-05-280	RADIO MAINTENANCE	234.00	
			138191	6-001-5-05-280	RADIO MAINTENANCE	200.00	
			138205	6-001-5-07-208	RADIOS	20.00	
			138205	6-001-5-07-208	RADIOS	175.00	
			138205	6-001-5-07-208	RADIOS	146.00	

START DATE: 01/01/2026 END DATE: 01/08/2026

TYPES OF CHECKS SELECTED: * ALL TYPES

CHECK RANGE SELECTED: * No Check Range Selected

WARRANT NUMBER	CHK TYPE	WARRANT DATE	VEND #/ PCH DOC #	VENDOR NAME/ ACCOUNT NUMBER	DESCRIPTION	AMOUNT	TOTAL
			138162	6-108-5-00-601	RADIO MAINTENANCE	75.00	
			138194	6-133-5-00-207	RADIO MAINTENANCE	375.00	
			138194	6-133-5-00-207	RADIO MAINTENANCE	10.00	
			138194	6-133-5-00-207	RADIO MAINTENANCE	10.00	
			138194	6-133-5-00-207	RADIO MAINTENANCE	108.00	
					WARRANT TOTAL		1,353.00
118057	AP	01/08/2026	2666	HAYDEN THOMAS SHOFNER			
			138209	6-001-5-11-213	WITNESS TRAVEL 25 CR 418	244.00	
					WARRANT TOTAL		244.00
118058	AP	01/08/2026	137	OMNI-SITE			
			138170	6-212-5-00-2	1 YEAR WIRELESS SERVICE 24 HR	660.00	
			138170	6-212-5-00-2	1 YEAR WIRELESS SERVICE 24 HR	366.00	
			138170	6-212-5-00-2	1 YEAR WIRELESS SERVICE 24 HR	366.00	
			138170	6-212-5-00-2	1 YEAR WIRELESS SERVICE 24 HR	366.00	
			138170	6-212-5-00-2	1 YEAR WIRELESS SERVICE 24 HR	366.00	
			138171	6-218-5-00-2	STANDARD 1 YEAR WIRELESS SEVIC	165.00	
			138171	6-218-5-00-2	STANDARD 1 YEAR WIRELESS SEVIC	366.00	
					WARRANT TOTAL		2,655.00
118059	AP	01/08/2026	770	BASEHOR UNITED METHODIST CHURC			
			138181	6-145-5-00-246	JANUARY COA	146.00	
			138181	6-145-5-05-202	JANUARY COA	50.00	
			138181	6-145-5-07-202	JANUARY COA	4.00	
					WARRANT TOTAL		200.00
118060	AP	01/08/2026	865	WEST HAVEN BAPTIST CHURCH			
			138182	6-145-5-00-246	JANUARY CAO	146.00	
			138182	6-145-5-05-202	JANUARY CAO	50.00	
			138182	6-145-5-07-202	JANUARY CAO	4.00	
					WARRANT TOTAL		200.00
118061	AP	01/08/2026	478	QUADIENT LEASING USA			
			138157	6-001-5-14-234	LEASE PAYMENTS QUARTERLY	806.67	
					WARRANT TOTAL		806.67
118062	AP	01/08/2026	17209	REDDI SERVICES			
			138204	6-160-5-00-263	1500 GALS MONTH SEPTIC TANK PU	375.00	
					WARRANT TOTAL		375.00
118063	AP	01/08/2026	128	REECE CONSTRUCTION CO INC			
			138215	6-220-5-02-400	CONSTRUCTION ON SH 54 SH 61 GO	67,628.68	
					WARRANT TOTAL		67,628.68
118064	AP	01/08/2026	226	STRYKER SALES CORPORATION			
			138190	6-001-5-05-281	PROCARE PREVENTATIVE MAINT AGR	21,807.00	
					WARRANT TOTAL		21,807.00
118065	AP	01/08/2026	113	SUMNERONE INC			
			138186	6-001-5-19-204	COPIER CLICKS	77.63	
			138192	6-001-5-42-301	CANON COPIER SN4M608975	16.72	
			138177	6-126-5-00-321	CANON COPIER COPIES	102.33	
			138179	6-136-5-00-203	COPIES	17.91	
			138179	6-136-5-00-243	COPIES	17.90	
					WARRANT TOTAL		232.49
118066	AP	01/08/2026	10703	TIRE TOWN			
			138203	6-160-5-00-207	SCRAP AND RECYCLE	500.00	
					WARRANT TOTAL		500.00

START DATE: 01/01/2026 END DATE: 01/08/2026

TYPES OF CHECKS SELECTED: * ALL TYPES

CHECK RANGE SELECTED: * No Check Range Selected

WARRANT <u>NUMBER</u>	CHK <u>TYPE</u>	WARRANT <u>DATE</u>	VEND #/ <u>PCH</u> <u>DOC</u> #	VENDOR NAME/ <u>ACCOUNT</u> <u>NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTAL</u>	
118067	AP	01/08/2026	433 138167	TONGANOXIE CITY 6-001-5-14-220	725 LAMING RD		52.48	
						WARRANT TOTAL		52.48
118068	AP	01/08/2026	651 138160	USIC HOLDING INC 6-001-5-18-213	LOCATE SERIVCES		565.79	
						WARRANT TOTAL		565.79
118069	AP	01/08/2026	2 138212	WATER DEPT 6-001-5-05-215	WATER SERVICE FOR DEC		88.49	
						WARRANT TOTAL		88.49
						GRAND TOTAL		854,388.76

START DATE: 01/01/2026 END DATE: 01/08/2026

TYPES OF CHECKS SELECTED: * ALL TYPES

CHECK RANGE SELECTED: * No Check Range Selected

FUND SUMMARY

001	GENERAL	51,663.07
108	COUNTY HEALTH	6,660.21
126	COMM CORR ADULT	144.33
127	COMM CORR ADULT NON GRANT	2,352.30
133	ROAD & BRIDGE	2,474.25
136	COMM CORR JUVENILE	142.61
137	LOCAL SERVICE ROAD & BRIDGE	300.00
145	COUNCIL ON AGING	1,149.25
146	COUNTY TREASURER SPECIAL	300.00
160	SOLID WASTE MANAGEMENT	2,959.82
212	SEWER DISTRICT 2: TIMBERLAKES	2,124.00
218	SEWER DIST #5	531.00
220	CAP IMPR: RD & BRIDGE	311,258.08
510	PAYROLL CLEARING	472,329.84
	TOTAL ALL FUNDS	854,388.76

Resolution 2026-1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS DESIGNATING A BANK DEPOSITORY.

WHEREAS, the Board of County Commissioners of Leavenworth County, Kansas wishes to designate an official bank depository for County funds in calendar and authorize certain representatives of the County in regard to the bank depository.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, SITTING IN REGULAR SESSION, DOES HEREBY RESOLVE:

1. Commerce Bank of Leavenworth County, Kansas is designated as the legal depository of all monies of Leavenworth County, Kansas, and all monies belonging to Leavenworth County shall be deposited in Commerce Bank from time to time in the name of said County; and
2. The County Treasurer, County Clerk and County Administrator are hereby designated as depositors to those accounts, and all checks, drafts, or orders drawn against said accounts shall require signature from at least two of the designated depositors, and
3. The County Administrator, and Leavenworth County's other officers, agents and employees are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.
4. This Resolution shall be in full force and effect from and after the date of its adoption. To the extent any provisions of prior Resolutions contradict with this Resolution, those provisions are hereby repealed and rescinded as it is the intent of Board of County Commissioners that the provisions of this Resolution supersede those Resolutions and replace them in their entirety.

Adopted this 14th Day of January, 2026

**BOARD OF COUNTY COMMISSIONERS
OF LEAVENWORTH COUNTY, KANSAS**

Chairman

Member

Member

Member

Member

Attest: Fran Keppler, County Clerk

**STATE OF KANSAS
MUNICIPAL INVESTMENT POOL**

Resolution 2026-2

WHEREAS, the undersigned is a municipality (the "Depositor"), as defined in K.S.A. 12-1675, as amended, and from time to time has funds on hand in excess of current needs, and

WHEREAS, it is the best interest of the Depositor and its inhabitants to invest funds in investments that yield a favorable rate of return while providing the necessary liquidity and protection of the principal; and

WHEREAS, the Pooled Money Investment Board (the "PMIB"), operates the Municipal Investment Pool (MIP), a public funds investment pool, pursuant to Chapter 254 of the *1996 Session Laws of Kansas*, and amendments thereto

NOW THEREFORE, be it resolved as follows:

1. The municipality designated below approves the establishment of an account in its name in the MIP for the purpose of transmitting funds for investment, subject to the MIP Participation Policy adopted by the Pooled Money Investment Board, and municipality acknowledges it has received a current copy of such Participation Policy. The Depositor's taxpayer identification number assigned by the Internal Revenue Service is 48-6034067.

2. The following individuals, whose signatures appear directly below, are officers or employees of the Depositor and are each hereby authorized to transfer funds for investment in the MIP and are each authorized to withdraw funds, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of funds:

Name (print or type) Mark Loughry	Name (print or type) Fran Keppler
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Signature	Signature
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Title County Administrator	Title County Clerk
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Name (print or type) Tammy Tavano	Name (print or type) Jennifer Schermbeck
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Signature	Signature
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Title Accountant	Title Budget/Finance
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3. Depositor Contact:

Name (print or type) Stacy Driscoll	Email sdriscoll@leavenworthcounty.gov
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Title County Treasurer	Phone 913-684-0432
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Street Address 300 Walnut	Fax
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City Leavenworth	State Kansas	ZIP 66048
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4. This Resolution and its authorization shall continue in full force and effect until amended or revoked by the Depositor and until the PMIB receives a copy of any such amendment or revocation, the PMIB is entitled to rely on same.

This resolution is hereby introduced and adopted by the Depositor at its regular/special meeting held on

January 14,2026 _____ (date).

Municipality Name (print or type) Leavenworth County

Name (print or type)

Signature

Title Chairperson

Date 01-14-2026

Attest:

Name (print or type) Fran Keppler

Signature

Title Clerk

Date 01-14-2026

Note: Original signatures are required.

Resolution 2026-3

WHEREAS the County of Leavenworth, Kansas, has determined that the financial statements and financial reports for the year ended 2025 to be prepared in conformity with requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and of no significant value to the Board of County Commissioners or the members of the general public of the County of Leavenworth and

WHEREAS there are no revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended 2025.

NOW, THEREFORE BE IT RESOLVED, by the board of County Commissioners of Leavenworth County, Kansas, in regular meeting duly assemble this 14th day of January, 2026 that the Board of County Commissioners waives the requirements of K.S.A. 75-1120a(a) as they apply to the County of Leavenworth for year ending 2025.

BE IT FURTHER RESOLVED that the Board of County Commissioners shall cause the financial statements and financial reports of the County of Leavenworth to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of the state of Kansas.

Chairman

Member

Member

Member

Member

Dated: January 14, 2026

Attest: Fran Keppler, County Clerk

RESOLUTION 2026 - 4
A RESOLUTION SETTING THE SALARIES OF ELECTED OFFICIALS

WHEREAS, it is the duty of the Board of County Commissioners of Leavenworth County, Kansas, to set the annual salaries of the Elected Officials of Leavenworth County, Kansas:

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that the following salaries be set for the elected officials for the year 2026, effective January 14, 2026, as approved in the 2026 budget:

2026 Elected Official Pay	Annual Salary	Phone	Mileage	Election/MV Stipend	Per Position Totals
County Commissioner	55,247.79	1,236.00	2,600.00	-	59,083.79
County Clerk	112,746.07	1,236.00	-	11,859.10	125,841.17
County Treasurer	112,746.07	1,236.00	-	11,859.10	125,841.17
Register of Deeds	111,079.82	1,236.00	-	-	112,315.82
County Attorney	160,375.99	1,236.00	-	-	161,611.99
Sheriff	145,249.78	-	-	-	145,249.78
Cumulative Totals	697,445.52	6,180.00	2,600.00	23,718.20	729,943.72

Adopted this 14th day of January 2026.

CHAIRPERSON

BOARD OF COUNTY COMMISSIONERS
LEAVENWORTH COUNTY, KANSAS

MEMBER

MEMBER

MEMBER

MEMBER

ATTEST: _____
FRAN KEPPLER, COUNTY CLERK

RETAIL
DEALER'S 2026 LICENSE
TO ALL WHOM IT MAY CONCERN:
LICENSE IS HEREBY GRANTED TO LAKESTOP LLC TO SELL AT RETAIL
CEREAL MALT BEVERAGES

At 15621 158th Street, Bonner Springs, KS 66012
in the Township of Fairmount in Leavenworth County, Kansas

Application therefore, on file in the office of the County Clerk of said County, having been approved by
the Governing body of said Township, as provided by the Laws of Kansas, and the regulations of the Board of
County Commissioners.

This License will expire December 31, 2026, unless sooner revoked, is not transferable.

Jan Kippeler

Attest: Clerk

Chairman

Done by the Board of County Commissioners of Leavenworth County, Kansas
this 14 Day of January 2026



**Leavenworth County
Request for Board Action**

**Case No. DEV-25-132 Proposed Amendment to the 2006 Leavenworth County
Zoning and Subdivision Regulations – Multiple Articles**

Date: December 31, 2025
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: John Jacobson, Reviewed

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested:

Chairman, I move to adopt the proposed amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations as outlined in Case DEV-25-132 based on the recommendation of the Planning Commission and findings of fact.

Analysis: This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. The proposed amendment is for the following:

Article 4 – Growth Management Communities, Zoning Districts and Boundaries
Article 5 – “R” Rural District Regulations
Article 7 – “R-1” One-Family Dwelling District Regulations
Article 8 – “R-2” One-Family Dwelling District Regulations
Article 9 – “R-3” Two-Family Dwelling District Regulations
Article 10 – “R-4” Apartment District Regulations
Article 11 – “B-1” Neighborhood Business District Regulations
Article 12 – “B-2” Limited Business District Regulations
Article 13 – “B-3” General Business District Regulations
Article 14 – “I-1” Limited Industrial District Regulations
Article 15 – “I-2” Light Industrial District Regulations
Article 16 – “I-3” Heavy Industrial District Regulations
Article 20 – Additional Height and Area Regulations
Article 22 – Special Use Permit and Temporary Use Permit
Article 42 – Family Homestead Exemption
Article 50 – Minimum Subdivision Design Standards and General Requirements
Article 85 – Lot Splits, Tract Splits & Boundary Line Adjustments

The proposed amendments reflect the text changes discussed during multiple study reviews conducted throughout 2025.

Recommendation: The Planning Commission voted 5-0 to recommend approval of Case No. DEV-25-132 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations as outlined above with modifications, outlined as follows:

1. Article 22, Section 5 – correct the proposed language of “place don” to ‘placed on”
2. Article 22, Section 11.f. - correct the proposed language of “place don” to ‘placed on”
3. Article 50, Section40.3.a. – amend the percentage of minimum width as measured at the property line for cul-de-sac lots from 50% to 20% AND amend the percentage of minimum width as measured at the property line for curved road lots from 20% to 50%.

Alternatives:

1. Approve Case No. DEV-25-132 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-25-132 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-25-132 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

Budgetary Impact:

Not Applicable
 Budgeted item with available funds
 Non-Budgeted item with available funds through prioritization
 Non-Budgeted item with additional funds requested

Total Amount Requested:

\$0.00

Additional Attachments: Staff Report, Planning Commission Minutes

Case No. DEV-25-132

Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations

*****Public Hearing Required*****

Staff Report – Planning Commission

December 10, 2025

GENERAL INFORMATION:

Applicant: Leavenworth County Planning and Zoning Department

Planner: Amy Allison, Deputy Director

REQUEST:

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the following Articles:

Article 4 – Growth Management Communities, Zoning Districts and Boundaries

Article 5 – “R” Rural District Regulations

Article 7 – “R-1” One-Family Dwelling District Regulations

Article 8 – “R-2” One-Family Dwelling District Regulations

Article 9 – “R-3” Two-Family Dwelling District Regulations

Article 10 – “R-4” Apartment District Regulations

Article 11 – “B-1” Neighborhood Business District Regulations

Article 12 – “B-2” Limited Business District Regulations

Article 13 – “B-3” General Business District Regulations

Article 14 – “I-1” Limited Industrial District Regulations

Article 15 – “I-2” Light Industrial District Regulations

Article 16 – “I-3” Heavy Industrial District Regulations

Article 20 – Additional Height and Area Regulations

Article 22 – Special Use Permit and Temporary Use Permit

Article 42 – Family Homestead Exemption

Article 50 – Minimum Subdivision Design Standards and General Requirements

Article 85 – Lot Splits, Tract Splits & Boundary Line Adjustments

STAFF RECOMMENDATION:

The staff recommends approval of Case No. DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or

2. Recommend denial of Case No. DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

Proposed Language Amendment Redline

ARTICLE 4 – GROWTH MANAGEMENT COMMUNITIES, ZONING DISTRICTS AND BOUNDARIES

Section 3. Establishment of Districts

The Zoning Districts established in these Zoning Regulations are designed to promote and protect the public health, safety, comfort, convenience, prosperity and other aspects of moral and general welfare, thus encouraging the highest and best use of land and resources in accordance with the Comprehensive Plan as provided by the laws of the State of Kansas.

The unincorporated area of the County is hereby divided into the following zoning districts:

R Rural - Agricultural and Residential

RR – 2.5 (2.5-acre minimum lots)

RR – 5 (5-acre minimum lots)

RR – 40 (40-acre minimum lots)

R-1 Single-Family Residential

R-1(10) (10,000 sq. ft. minimum lots)

R-1(15) (15,000 sq. ft. minimum lots)

R-1(43) (43,560 sq. ft. minimum lots)

R-2 Single-Family Residential

R-3 Two-Family Residential

R-4 Apartment Residential

B-1 Neighborhood Business

B-2 Limited Business

B-3 General Business

I-1 Limited Industrial

I-2 Light Industrial

I-3 Heavy Industrial

PUD Planned Unit Development

PR-1 Planned Low Density Residential

PR-2 Planned Medium Density Residential

PR-3 Planned High Density Residential

PC Planned Commercial

PI Planned Industrial

MXD Planned Mixed Use

ARTICLE 5 – “R” RURAL DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard.
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75~~105~~ feet from ~~the centerline of all State or County roads, and at least forty (40) feet from~~ the front property line along all State or County roads. Provided, that the 105 foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of fifteen (15) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
 - a. There shall be a minimum rear yard of forty feet (40'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.

The following zoning district classifications, minimum lot areas and minimum lot widths shall be allowed in the “R” Rural District

Zoning Classification: RR-2.5
Minimum Lot Area: 2.5 Acres
Minimum Road Frontage: 200 feet

Zoning Classification: RR-5
Minimum Lot Area: 5 Acres
Minimum Road Frontage: 300 feet

Zoning Classification: RR-40
Minimum Lot Area: 40 Acres
Minimum Road Frontage: 630 feet

(BOCC Resolution 2011-36; August 25, 2011)
5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.
- 6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

ARTICLE 7 – “R-1” ONE-FAMILY DWELLING DISTRICT REGULATIONS

Section 1. “R-1” ONE-FAMILY DWELLING DISTRICT

The regulations set forth in this article or set forth elsewhere in this resolution, are the district regulations in the “R-1” One-Family Dwelling District. The intent of this district is to support moderate level single-family subdivisions which requires the use of public utilities. As such, the presences of these zoning district should be within close proximity public utility systems that can support the level of development within these zoning districts, or within an area where the future expansion of services is viable. R-1 One Family Dwelling Districts shall be located within 1,500 linear feet of an incorporated city or public sewer system.

Section 4. AREA REGULATIONS

- 1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75~~105~~ feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from~~ the front property line along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, where the minimum front yard setback shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
- 2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty feet (30'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 4. Intensity of Use.
 - a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

For District R-1 (10)

- 1) Minimum lot size – 10,000 square feet
- 2) Minimum road frontage – 72 feet

For District R-1 (15)

- 1) Minimum lot size – 15,000 square feet
- 2) Minimum road frontage – 100 feet

For District R-1 (43)

- 1) Minimum lot size – 43,560 square feet
- 2) Minimum road frontage – 150 feet

5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

ARTICLE 8 – “R-2” ONE-FAMILY DWELLING DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75105 feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from~~ the front property line ~~along all State or County roads. Provided, that the 105 foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

4. Intensity of Use.
 - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size – 6,000 square feet
 - 2) Minimum road frontage – 48 feet
5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

ARTICLE 9 – “R-3” TWO-FAMILY DWELLING DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard.
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75105 feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from~~ the front property line ~~along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.

- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 4. Intensity of Use.
 - a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size – 6,000 square feet
 - 2) Minimum road frontage – 48 feet
- 5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.
- 6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

ARTICLE 10 – “R-4” APARTMENT DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

- 1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75105 feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from~~ the front property line along all State or County roads. ~~Provided, that the 105 foot setback from the centerline of the road shall not apply to The minimum front yard setback for~~ internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
- 2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
 - a. For tracts which do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000 square feet for one, two, three or four-family dwelling units, plus an additional 1500 square feet for each dwelling unit over four.
 - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 11 – “B-1” NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75105 feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from~~ the front property line ~~along all State or County roads. Provided, that the 105 foot setback from the centerline of the road shall not apply to The minimum front yard setback for~~ internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.

- a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
- b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
 - 2) Minimum road frontage - 48 feet

5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 12 – “B-2” LIMITED BUSINESS DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75~~105~~ feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from~~ the front property line along all State or County roads. ~~Provided, that the 105 foot setback from the centerline of the road shall not apply to The minimum front yard setback for~~ internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no side yard is required.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no rear yard is required.
4. Intensity of Use.

- a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
- b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
 - 2) Minimum road frontage - 48 feet

5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 13 – “B-3” GENERAL BUSINESS DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75~~105~~ feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from~~ the front property line along all State or County roads. ~~Provided, that the 105 foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no side yard is required.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no rear yard is required.

4. Intensity of Use.
 - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
 - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 14 – “I-1” LIMITED INDUSTRIAL DISTRICT REGULATIONS

Section 5. AREA REGULATIONS

1. Front Yard.
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75105 feet from ~~the centerline of all State or County roads, and at least forty (40) feet from~~ the front property line ~~along all State or County roads. Provided, that the 105 foot setback from the centerline of the road shall not apply to The minimum front yard setback for~~ internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot rear yard is required.

4. Intensity of Use.
 - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000
 - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 15 – “I-2” LIGHT INDUSTRIAL DISTRICT REGULATIONS

Section 5. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75105 feet from ~~the centerline of all State or County roads, and at least forty (40) feet from~~ the front property line ~~along all State or County roads. Provided, that the 105 foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.

- a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
- b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000
 - 2) Minimum road frontage - 48 feet

5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 16 – “I-3” HEAVY INDUSTRIAL DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75~~105~~ feet from ~~the centerline of all State or County roads, and at least forty (40) feet from~~ the front property line ~~along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.

- a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
- b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000
 - 2) Minimum road frontage - 48 feet

5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.

ARTICLE 20 – ADDITIONAL HEIGHT AND AREA REGULATIONS

Section 13. The minimum setback requirements for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75105 feet from the ~~centerline of all State or County roads front property line~~. Provided, that this section shall not apply to the internal road systems within subdivisions.

Section 16. The lot width shall be measured as road frontage on all lots except curved street and cul-de-sac lots. On curved street and cul-de-sac lots, the lot width shall be measured at the setback line.

ARTICLE 22 – SPECIAL USE PERMITS AND TEMPORARY USE PERMITS

Section 2. SPECIAL USE PERMITS – APPLICATIONS

Applications for a Special Use Permit may be made by any person(s) who own(s) the land for which a Special Use Permit is sought, or an agent of the land owner(s) as defined below. In the case where approval of the permit is a contingency on the sale of the property, the Permit may be approved for the specific purchaser. If such application is made by the owner's agent, the agent must attach a letter signed (and notarized) by the owner(s) or some other appropriate legal documentation authorizing the person as the owner's agent. A Special Use Permit, when approved, is granted to the specific property on which approval is sought, and is nontransferable to another property. **If ownership of the property is transferred, the new owner(s) must notify the Leavenworth County Planning & Zoning Department within 60 days, showing proof of ownership in the form of a deed or notarized affidavit. If no such notification is made, the Permit shall automatically become void.**

All applications for Special Use Permits shall be made to the Administrative Officer on such forms as are provided. All applications for a Special Use Permit shall include a Site Plan. Site

Plans shall meet the requirements of *Article 27 – Site Plan Approval; Section 4. Site Plan Contents*. The exceptions to this requirement are as follows:

- a. Site Plans may not require the seal of a licensed professional unless specifically requested by the Director of the Planning and Zoning Department,
- b. any other listed requirement in *Article 27; Section 4* may be waived based on the determination of the Director of the Planning and Zoning Department.

Immediately upon receipt of a complete application, with the fee required by the Leavenworth County Fee Schedule as adopted by the Board of County Commissioners, the Administrative Officer shall note the date and make a permanent record thereof. All such hearings shall be set for hearing before the Planning Commission within sixty (60) days of submission of a complete application. Notice of hearing shall be published in the official county newspaper not less than twenty (20) days prior to the date of the hearing. In addition, notices shall be sent by mail to the owners of all property located within the unincorporated area of the county within one-thousand (1,000) feet of the area proposed for a Special Use Permit (the notice area shall extend two hundred (200) feet in those areas where the notification area extends within the corporate limits of a city) at least twenty (20) days prior to the date of the hearing.

An application for a Special Use Permit, a site plan, and any other supporting documents must be filed with the Planning Office at least forty-five (45) days prior to the Planning Commission meeting at which a public hearing on the proposed Special Use Permit is to be held.

If a person(s) have been found to be in violation of operating a business or use without a Special Use Permit, the application fee shall be doubled at the time of submittal.

Section 5. CONDITIONS OF APPROVAL

Every Special Use Permit issued by Leavenworth County to a non-governmental person, business or corporation shall be valid without until the permit has expired or action is taken to revoke the permit.expiration. When necessary, the Board of County Commissioners may attach conditions to the approval of a Special Use Permit. Failure to abide by the conditions of the approval by the applicant shall be cause for an action to rescind approval of the Special Use Permit.

Upon meeting the criteria determined by departmental policy, a condition may be place don a Special Use Permit that requires the applicant to provide professional security staff to attend any event(s) that necessitate the presence of law enforcement personnel.

Section 8. TERMINATION OF APPROVAL

Cessation of the activity covered by an approved Special Use Permit for a continuous period of twelve (12) months shall be considered abandonment of the Special Use Permit. Change of ownership shall also result in the termination of an approved Special Use Permit unless the new owner has submitted an affidavit that acknowledges that they will operate the Special Use Permit in conformance with the approved conditions. Either of these conditions will result

| in an immediate revocation of rights approved by the Special Use Permit. Reestablishment of the activity shall require a new application and new approval of a Special Use Permit.

Following approval of a Special Use Permit, if it is necessary for the Permit to be reevaluated because of the creation of nuisances, or hazards to the public health, safety and/or welfare, the Board of County Commissioners may initiate the process to rescind approval of the Special Use Permit, such procedure to be the same procedure that was followed in approving the original Special Use Permit.

Section 11. TEMPORARY USES REQUIRING BOARD OF COUNTY COMMISSIONER REVIEW (BOCC Resolution 2019-23; September 4, 2019)

The following temporary uses are permitted in any district upon review and finding of the Board of County Commissioners that the proposed use is in the public interest. The use shall be approved for a specific short-term duration and shall be subject to conditions.

Type 4: Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary “one-time” activities of a generally short durations, particularly such activities as “locational” work by film companies

Type 5: The temporary placement of a laydown yard, portable asphalt or concrete plant and attendant materials and equipment during construction work on any public road or public infrastructure. All other temporary uses that are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses.

Type 6: Any use which would normally require a Special Use Permit but in situations which the Board of County Commissioners determine should only be approved for a finite period of time.

Notification Requirements

Events requiring a Temporary Special Use Permit which requires review and approval by the Board of County Commissioners shall require public notification and a public hearing.

1. Events associated with a singular parcel shall require written notification to neighboring property owners within 1000 feet of the property seven (7) days prior to the public hearing.
2. Events occurring throughout the County, such as: Filming shall require public notice...via publication in the local Newspaper seven (7) days prior to the public hearing. (BOCC Resolution 2015-35; September 24, 2015)

Application Requirements

The following items shall be required for a Temporary Special Use Permit:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2010-10 and as amended.
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the anticipated event.

- c. The application shall require review and approval by the Road and Bridge Superintendent if the event is to be held on public roads or public rights-of-way.
- d. In the event that Sheriff/Deputy presence is needed to control traffic, the applicant shall coordinate payment and scheduling directly with the Sheriff's department. This documentation shall be included with the application submittal.
- e. Not more than three (3) Temporary Special Use Permits per parcel shall be granted each year. (BOCC Resolution 2015-35; September 24, 2015).
- e.f. Upon meeting the criteria determined by departmental policy, a condition may be placed on a Temporary Special Use Permit that requires the applicant to provide professional security staff to attend any event or events that necessitate the presence of law enforcement personnel.

ARTICLE 42 – FAMILY HOMESTEAD EXEMPTION [REPEAL]

Section 10. FAMILY HOMESTEAD EXEMPTION CRITERIA AND PROCEDURE (BOCC Resolution 2018-9; April 23, 2018)

A property owner may transfer ownership to other family members by the following process:

1. A property owner may divide and transfer ownership to their family members as long as it meets the definition of a family member and requirements stated in this article.
2. This method of land division shall be allowed for parcels resulting 5 Acres or greater excluding parcels within special development districts and corridor plans.
3. A plat shall be required if and when any of the parcels created by the certificate of survey gets sold or transferred to anyone other than family member as defined in this article.
4. A certificate of survey shall be filed with the Register of Deeds office along with an affidavit certifying that they meet the definition of a family member and other applicable regulations.
5. The affidavit of compliance shall be recorded prior to recording of the survey. The book and page of the affidavit shall be referenced on the survey document.
6. The certificate of survey shall meet all applicable zoning, subdivision and building requirements. The certificate of survey will be reviewed and approved by the Planning and Zoning Department and the County Surveyor.
7. The division and layout of the proposed parcels shall be subject to review and approval by the Planning & Zoning director. The decision may be appealed to the Board of Zoning Appeals via the administrative appeal process outlined in Article 28 of the zoning and subdivision regulations.
8. The division shall be limited to one parcel per family member.
9. The parent parcel is also subject to all platting requirements if and when it becomes eligible for platting.

- ~~10. Standard Road Impact Fee (RIF) and Traffic Impact Fee (TIF) shall be collected at the time of building permit. Development Impact Fee (DIF) shall not be applicable to parcels regulated by this article until the parcels are divided via plat. The Development Impact Fee (DIF) shall be collected at the rate calculated at the time of plat.~~
- ~~11. Building permits shall not be issued for parcels that become non-compliant by violation of this Article. Article 29, Section 5 shall not be applicable for this process.~~
- ~~12. An application fee shall be required similar to a tract split application.~~
- ~~13. All applicable documents shall be filed with the Register of Deeds at the expense of the applicant.~~
- ~~14. A non-compliant letter will be filed with the Register of Deeds if and when a parcel becomes non-compliant with regard to the above stated regulations.~~

~~For the purpose of this article, a family member is defined as:~~

- ~~A. Parents; and~~
- ~~B. Spouses and descendants thereof; and~~
- ~~C. Children and descendants thereof.~~

ARTICLE 50 – MINIMUM SUBDIVISION DESIGN STANDARDS AND GENERAL REQUIREMENTS

Section 40. MINIMUM DESIGN STANDARDS (Subdivisions of all classes)

- 1. Blocks:**
 - a. Length:** Intersection streets, which determine block lengths, shall be provided at such intervals as to serve cross traffic and to meet existing streets in the neighborhood. In residential districts, where no existing adjacent plats are recorded, the blocks shall not exceed one thousand two hundred (1,200) feet in length, except that in outlying Class "C" subdivisions a greater length may be permitted on review by the Planning Director where topography or other conditions justify a departure from this maximum. In blocks longer than seven hundred fifty (750) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Blocks for business uses should normally not exceed six hundred (600) feet in length.
 - b. Width:** In residential subdivisions, the block width shall normally be sufficient to allow two (2) tiers of lots of normally not less than two hundred (200) feet nor more than 350 feet in depth. Class "C" subdivisions on review by the Planning Director may, where conditions justify, depart from the maximum. Blocks intended for business use shall be of such width and depth as may be considered most suitable for the prospective use.
- 2. Streets, Alleys and Public Ways:**

- a. Relationship to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining subdivisions (or their projection where adjoining property is not subdivided), insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys are not normally permitted, but where required, alleys and streets shall be arranged to permit owners of adjoining unsubdivided property to extend streets into the unsubdivided property. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated.
- b. Street Names: Streets that are obviously in alignment with existing streets shall bear the names of the existing streets, but in any case, are subject to the final approval of the Governing Body.
- c. Arterial Streets: Arterial or major street alignments shall conform with the Comprehensive Plan.
- d. Collector Streets: Collector streets shall be designed to carry the residential traffic to the major streets and, in general, conform to the Comprehensive Plan.
- e. Minor Streets: Minor streets shall be so designed as to discourage through or nonlocal traffic.
- f. Cul-de-sacs and Dead-end Streets: Except in cases where the unusual topographic conditions may make it advisable to modify these provisions, the following shall apply: (BOCC Resolution 2019-23; September 4, 2019)
 - 1) The radius of a cul-de-sac shall be as stated above and depends on the type of road. The minimum radius for any road for vehicular turnaround shall be forty (40) feet and the minimum radius for right-of-way shall be fifty (50) feet.
 - 2) In the case of temporary dead-end roads, which are stub streets designed to provide future connection with adjoining unsubdivided areas, the Planning Board may require a temporary easement for a turnaround of a nature indicated above.
 - 3) When a subdivision is replatted or the existing road ends and is to be extended, the existing cul-de-sac shall be eliminated and removed and the road brought up to the standards specified in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.
- g. Buffer Strips: This includes treatment of railroad right-of-way and limited access highways. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, or where lots back onto a public street, the subdivision shall provide the following treatment:

In residential districts a buffer strip at least fifty (50) feet in depth, in addition to the normal required lot depth shall be provided adjacent to the railroad right-of-way and limited access highway. This strip shall be a part of the platted lots, and the planted materials must be approved by the Planning Commission and shall have the following restriction lettered on the face of the plat:

"This strip reserved for the planting of trees or shrubs by the owner or developer; the building of structures is prohibited."

In commercial and industrial districts, provisions shall be made on each side of the railroad right-of-way or limited access highway for buffer strips approximately parallel to such right-of-way or highway at a distance suitable for the appropriate commercial or industrial use of the land. In no instance shall this be less than one hundred and fifty (150) feet.

Streets parallel to the railroad right-of-way or limited access highway shall, when intersecting a major street, highway or collector street, be located at a minimum distance of two-hundred fifty (250) feet from said right-of-way or highway. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients. Location of minor streets immediately adjacent and parallel to railroad right-of-way shall be avoided.

- h. Limited Access: Wherever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitations of access, and the separation of through and local traffic shall be provided by the reversed frontage with screen plantings, provided by the developer, contained in a non-access reservation along the rear property lines; or by provision of a frontage road.

There shall be no reserve strips for controlling the access to streets except where control of such strips is definitely placed under conditions approved by the Planning Commission.

- i. Intersections: Streets shall intersect each other at as nearly right angles as permitted by topography or other limiting factors of good design but never less than sixty (60) degrees. The number of streets converging at one intersection shall be reduced to two, with no more than four approaches to an intersection without the specific approval of the County Engineer.

Minor streets need not continue across major or collector streets; but if the center lines of such minor streets approach the major streets from the opposite sides thereof within one hundred and fifty (150) feet, they must be aligned or the separation increased to a minimum of one hundred and fifty (150) feet.

See Drawings No. 8 and 9 in Appendix.

j. Dead End Roads: Where a road does not extend to the boundary of the subdivision, and its continuation is not required by the Planning Commission for access of adjoining property, its terminus should normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A circular dead-end street shall be built in accordance with County construction standards and specifications.

See Drawings No. 8 and 9 in Appendix.

k. Half-Streets: Dedication of half-streets will be discouraged and may not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the Comprehensive Plan and other requirements of these regulations.

l. Alleys: Alleys shall be provided in commercial and industrial districts, except where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead-end alleys shall be avoided.

m. Minimum Requirements: For all streets or roads shall be prepared in accordance with design criteria specified in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.

3. Lots

a. The minimum lot width shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code. Lot widths shall meet the minimum frontage requirement, as determined by the applicable zoning district unless the lot is located on a cul-de-sac or a curved roadway. If the lot is located along a cul-de-sac or curved roadway, the width may be measured at the Building Setback Line as long as the width as measured at the property line is not less than 50% of the required road frontage for a cul-de-sac and not less than 20% of the required road frontage for a curved road lot.

b. The minimum lot depth shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.

eb. The minimum lot area shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.

cd. All side lot lines shall bear perpendicular from the center of the street or radially from a curved street. Once outside of the building setback line, side lines can include up to two bearing changes, provided they are within 45 degrees of previous line segment. Rear lot lines are encouraged to be parallel to the front lot line.

(BOCC Resolution 2023-20; August 2, 2023)

ed. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.

- ef. Every lot shall abut on a street other than an alley.
- fg. Building or setback lines shall be shown on the Preliminary Plat and the Final Plat for all lots in the subdivision and shall not be less than the setback required by these regulations.
- gh. The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of these regulations.
- hi. Within subdivisions, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1) for lots less than ten (10) acres. The lot-depth to lot-width ratios for lots above ten (10) acres and less than forty acres (40) acres shall not exceed four to one (4:1) or be less than one to one (1:1). Lots greater than forty (40) acres shall have no lot-depth to lot-width ratio.

(BOCC Resolution 2009-42, August 27, 2009)

4. Easements and Setbacks

- a. ~~Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on all front, side and rear lot lines, where necessary, for utility poles, wires and conduits, sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way dimension at least twenty (20) feet in width.~~
- b. Where a lot/tract or group of lots/tracts contain or about any portion of an existing high-pressure oil line or existing high-pressure natural gas line, a fifty (50) foot wide building setback shall be provided on each side of said oil line or gas line. No building or structure as defined by these regulations shall be located within said setback.

5. Storm Drainage

Adequate provisions shall be made for the disposal of storm water subject to the approval of the County Engineer and the Planning Commission. The construction shall be supervised by a licensed contractor, with final approval by the County Engineer.

Culverts shall be corrugated galvanized steel or aluminum meeting the following requirements:

<u>Pipe Diameter</u> (inches)	<u>Minimum Gauge of Pipe</u>	
	Steel	Aluminum
less than 36"	16	16
36"	14	14
42"	14	14
48"	14	12
54"	14	12
60"	12	10

66"	12	10
72"	10	8

6. Lagoons (BOCC Resolution 2018-24; December 4, 2018)

Shared Lagoons shall not be allowed in Subdivision

ARTICLE 85 – LOT SPLITS, TRACT SPLITS, & BOUNDARY LINE ADJUSTMENTS & LOT TIE AGREEMENTS

Section 36. Requirements For Lot Tie Agreement

An agreement whereby the property owner agrees that the described lots shall be held under single ownership and shall not be sold separately unless both lots and subsequent structures are compliant with the Zoning and Subdivision Regulations. Said agreement shall be recorded with the Register of Deeds as a restriction on the subject properties. Eligible lots shall include:

- a. Platted lots in compliance with the approved subdivision plat.
- b. Lots no greater in size than 4.99 acres.
- c. No more than two (2) platted lots shall be combined as part of a Lot Tie Agreement.
- d. Said Lot Tie Agreement shall not create or further increase a non-conformity of the platted lots or any structures within the parcels with the Zoning & Subdivision Regulations.

Section 50. RECORDING OF TRACT/LOT SPLITS, BOUNDARY LINE ADJUSTMENTS AND LOT TIE AGREEMENTS

1. All lot/tract splits, boundary line adjustments and lot tie agreements must be filed with the Leavenworth County Register of Deeds.
2. Filing Fee. The filing fee as set forth by separate resolution shall accompany the application for all lot or tract splits.

RESOLUTION 2025-39

A Resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article 4 – Growth Management Communities, Zoning Districts and Boundaries
Article 5 – “R” Rural District Regulations
Article 7 – “R-1” One-Family Dwelling District Regulations
Article 8 – “R-2” One-Family Dwelling District Regulations
Article 9 – “R-3” Two-Family Dwelling District Regulations
Article 10 – “R-4” Apartment District Regulations
Article 11 – “B-1” Neighborhood Business District Regulations
Article 12 – “B-2” Limited Business District Regulations
Article 13 – “B-3” General Business District Regulations
Article 14 – “I-1” Limited Industrial District Regulations
Article 15 – “I-2” Light Industrial District Regulations
Article 16 – “I-3” Heavy Industrial District Regulations
Article 20 – Additional Height and Area Regulations
Article 22 – Special Use Permit and Temporary Use Permit
Article 42 – Family Homestead Exemption
Article 50 – Minimum Subdivision Design Standards and General Requirements
Article 85 – Lot Splits, Tract Splits & Boundary Line Adjustments

Refer to Exhibit A for proposed amendments.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 10th day of December, 2025; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 31st day of December, 2025, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 31st day of December, 2025 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 31st day of December, 2025
Board of County Commission
Leavenworth, County, Kansas

Mike Smith, Chairman

ATTEST

Jeff Culbertson, Member

Fran Keppler

Vanessa Reid, Member

Willie Dove, Member

Mike Stieben, Member

ARTICLE 4 – GROWTH MANAGEMENT COMMUNITIES, ZONING DISTRICTS AND BOUNDARIES

Section 3. Establishment of Districts

The Zoning Districts established in these Zoning Regulations are designed to promote and protect the public health, safety, comfort, convenience, prosperity and other aspects of moral and general welfare, thus encouraging the highest and best use of land and resources in accordance with the Comprehensive Plan as provided by the laws of the State of Kansas.

The unincorporated area of the County is hereby divided into the following zoning districts:

R Rural - Agricultural and Residential

 RR – 2.5 (2.5-acre minimum lots)

 RR – 5 (5-acre minimum lots)

 RR – 40 (40-acre minimum lots)

R-1 Single-Family Residential

 R-1(10) (10,000 sq. ft. minimum lots)

 R-1(15) (15,000 sq. ft. minimum lots)

 R-1(43) (43,560 sq. ft. minimum lots)

R-2 Single-Family Residential

R-3 Two-Family Residential

R-4 Apartment Residential

B-1 Neighborhood Business

B-2 Limited Business

B-3 General Business

I-1 Limited Industrial

I-2 Light Industrial

I-3 Heavy Industrial

PUD Planned Unit Development

PR-1 Planned Low Density Residential

PR-2 Planned Medium Density Residential

PR-3 Planned High Density Residential

PC Planned Commercial

PI Planned Industrial

MXD Planned Mixed Use

ARTICLE 5 – “R” RURAL DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard.
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be forty (40) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of fifteen (15) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
 - a. There shall be a minimum rear yard of forty feet (40'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.

The following zoning district classifications, minimum lot areas and minimum lot widths shall be allowed in the “R” Rural District

Zoning Classification: RR-2.5
Minimum Lot Area: 2.5 Acres
Minimum Road Frontage: 200 feet

Zoning Classification: RR-5
Minimum Lot Area: 5 Acres
Minimum Road Frontage: 300 feet

Zoning Classification: RR-40
Minimum Lot Area: 40 Acres
Minimum Road Frontage: 630 feet

(BOCC Resolution 2011-36; August 25, 2011)

5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

ARTICLE 7 – “R-1” ONE-FAMILY DWELLING DISTRICT REGULATIONS

Section 1. “R-1” ONE-FAMILY DWELLING DISTRICT

The regulations set forth in this article or set forth elsewhere in this resolution, are the district regulations in the “R-1” One-Family Dwelling District. The intent of this district is to support moderate level single-family subdivisions which requires the use of public utilities. As such, the presences of these zoning district should be within close proximity public utility systems that can support the level of development within these zoning districts, or within an area where the future expansion of services is viable. R-1 One Family Dwelling Districts shall be located within 1,500 linear feet of an incorporated city or public sewer system.

Section 4. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty feet (30'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
 - a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

For District R-1 (10)

 - 1) Minimum lot size – 10,000 square feet
 - 2) Minimum road frontage – 72 feet

For District R-1 (15)

- 1) Minimum lot size – 15,000 square feet
- 2) Minimum road frontage – 100 feet

For District R-1 (43)

- 1) Minimum lot size – 43,560 square feet
- 2) Minimum road frontage – 150 feet

5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

ARTICLE 8 – “R-2” ONE-FAMILY DWELLING DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
 - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.

- b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size – 6,000 square feet
 - 2) Minimum road frontage – 48 feet
- 5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.
- 6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

ARTICLE 9 – “R-3” TWO-FAMILY DWELLING DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

- 1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
- 2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 4. Intensity of Use.
 - a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.

- b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size – 6,000 square feet
 - 2) Minimum road frontage – 48 feet
- 5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.
- 6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

ARTICLE 10 – “R-4” APARTMENT DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

- 1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
- 2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
- 4. Intensity of Use.
 - a. For tracts which do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:

- 1) Minimum lot size - 6,000 square feet for one, two, three or four-family dwelling units, plus an additional 1500 square feet for each dwelling unit over four.
- 2) Minimum road frontage - 48 feet

5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.

ARTICLE 11 – “B-1” NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
 - a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
 - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.

ARTICLE 12 – “B-2” LIMITED BUSINESS DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. **Front Yard**
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. **Side Yard.**
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no side yard is required.
3. **Rear Yard.**
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no rear yard is required.
4. **Intensity of Use.**
 - a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
 - 2) Minimum road frontage - 48 feet
5. **Parking and Loading Requirements.**
 - a. As required by Article 24 of this Resolution.

ARTICLE 13 – “B-3” GENERAL BUSINESS DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard.
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be thirty (30) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no side yard is required.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no rear yard is required.
4. Intensity of Use.
 - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
 - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 14 – “I-1” LIMITED INDUSTRIAL DISTRICT REGULATIONS

Section 5. AREA REGULATIONS

1. **Front Yard**
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be forty (40) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. **Side Yard.**
 - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot side yard is required.
3. **Rear Yard.**
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. **Intensity of Use.**
 - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000
 - 2) Minimum road frontage - 48 feet
5. **Parking and Loading Requirements.**
 - a. As required by Article 24 of this Resolution.

ARTICLE 15 – “I-2” LIGHT INDUSTRIAL DISTRICT REGULATIONS

Section 5. AREA REGULATIONS

1. Front Yard
 - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be forty (40) feet from the front property line.
 - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
 - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.
 - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000
 - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 16 – “I-3” HEAVY INDUSTRIAL DISTRICT REGULATIONS

Section 4. AREA REGULATIONS

1. Front Yard

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75 feet from the front property line along all State or County roads. The minimum front yard setback for internal road systems within platted subdivisions shall be forty (40) feet from the front property line.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

2. Side Yard.
 - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
 - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.
 - a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
 - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
 - 1) Minimum lot size - 6,000
 - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
 - a. As required by Article 24 of this Resolution.

ARTICLE 20 – ADDITIONAL HEIGHT AND AREA REGULATIONS

Section 13. The minimum setback requirements for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 75feet from the front property line. Provided, that this section shall not apply to the internal road systems within subdivisions.

Section 16. The lot width shall be measured as road frontage on all lots except curved street and cul-de-sac lots. On curved street and cul-de-sac lots, the lot width shall be measured at the setback line.

ARTICLE 22 – SPECIAL USE PERMITS AND TEMPORARY USE PERMITS

Section 2. SPECIAL USE PERMITS – APPLICATIONS

Applications for a Special Use Permit may be made by any person(s) who own(s) the land for which a Special Use Permit is sought, or an agent of the land owner(s) as defined below. In the case where approval of the permit is a contingency on the sale of the property, the Permit may be approved for the specific purchaser. If such application is made by the owner's agent, the agent must attach a letter signed (and notarized) by the owner(s) or some other appropriate legal documentation authorizing the person as the owner's agent. A Special Use Permit, when approved, is granted to the specific property on which approval is sought, and is nontransferable to another property. If ownership of the property is transferred, the new owner(s) must notify the Leavenworth County Planning & Zoning Department within 60 days, showing proof of ownership in the form of a deed or notarized affidavit. If no such notification is made, the Permit shall automatically become void.

All applications for Special Use Permits shall be made to the Administrative Officer on such forms as are provided. All applications for a Special Use Permit shall include a Site Plan. Site Plans shall meet the requirements of *Article 27 – Site Plan Approval; Section 4. Site Plan Contents*. The exceptions to this requirement are as follows:

- a. Site Plans may not require the seal of a licensed professional unless specifically requested by the Director of the Planning and Zoning Department,
- b. any other listed requirement in *Article 27; Section 4* may be waived based on the determination of the Director of the Planning and Zoning Department.

Immediately upon receipt of a complete application, with the fee required by the Leavenworth County Fee Schedule as adopted by the Board of County Commissioners, the Administrative Officer shall note the date and make a permanent record thereof. All such hearings shall be set for hearing before the Planning Commission within sixty (60) days of submission of a complete application. Notice of hearing shall be published in the official county newspaper not less than twenty (20) days prior to the date of the hearing. In addition, notices shall be sent by mail to the owners of all property located within the unincorporated area of the county within one-thousand (1,000) feet of the area proposed for a Special Use Permit (the notice area shall extend two hundred (200) feet in those areas where the notification area extends within the corporate limits of a city) at least twenty (20) days prior to the date of the hearing.

An application for a Special Use Permit, a site plan, and any other supporting documents must be filed with the Planning Office at least forty-five (45) days prior to the Planning Commission meeting at which a public hearing on the proposed Special Use Permit is to be held.

If a person(s) has been found to be in violation of operating a business or use without a Special Use Permit, the application fee shall be doubled at the time of submittal.

Section 5. CONDITIONS OF APPROVAL

Every Special Use Permit issued by Leavenworth County to a non-governmental person, business or corporation shall be valid until the permit has expired or action is taken to revoke the permit. When necessary, the Board of County Commissioners may attach conditions to the approval of a Special Use Permit. Failure to abide by the conditions of the approval by the applicant shall be cause for an action to rescind approval of the Special Use Permit.

Upon meeting the criteria determined by departmental policy, a condition may be placed on a Special Use Permit that requires the applicant to provide professional security staff to attend any event(s) that necessitate the presence of law enforcement personnel.

Section 8. TERMINATION OF APPROVAL

Cessation of the activity covered by an approved Special Use Permit for a continuous period of twelve (12) months shall be considered abandonment of the Special Use Permit. Change of ownership shall also result in the termination of an approved Special Use Permit unless the new owner has submitted an affidavit that acknowledges that they will operate the Special Use Permit in conformance with the approved conditions. Either of these conditions will result in an immediate revocation of rights approved by the Special Use Permit. Reestablishment of the activity shall require a new application and new approval of a Special Use Permit.

Following approval of a Special Use Permit, if it is necessary for the Permit to be reevaluated because of the creation of nuisances, or hazards to the public health, safety and/or welfare, the Board of County Commissioners may initiate the process to rescind approval of the Special Use Permit, such procedure to be the same procedure that was followed in approving the original Special Use Permit.

Section 11. TEMPORARY USES REQUIRING BOARD OF COUNTY COMMISSION REVIEW
(BOCC Resolution 2019-23; September 4, 2019)

The following temporary uses are permitted in any district upon review and finding of the Board of County Commissioners that the proposed use is in the public interest. The use shall be approved for a specific short-term duration and shall be subject to conditions.

Type 4: Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary “one-time” activities of a generally short durations, particularly such activities as “locational” work by film companies

Type 5: The temporary placement of a laydown yard, portable asphalt or concrete plant and attendant materials and equipment during construction work on any public road or public infrastructure. All other temporary uses that are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses.

Type 6: Any use which would normally require a Special Use Permit but in situations which the Board of County Commissioners determine should only be approved for a finite period of time.

Notification Requirements

Events requiring a Temporary Special Use Permit which requires review and approval by the Board of County Commissioners shall require public notification and a public hearing.

1. Events associated with a singular parcel shall require written notification to neighboring property owners within 1000 feet of the property seven (7) days prior to the public hearing.
2. Events occurring throughout the County, such as: Filming shall require public notice...via publication in the local newspaper seven (7) days prior to the public hearing. (BOCC Resolution 2015-35; September 24, 2015)

Application Requirements

The following items shall be required for a Temporary Special Use Permit:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2010-10 and as amended.
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the anticipated event.
- c. The application shall require review and approval by the Road and Bridge Superintendent if the event is to be held on public roads or public rights-of-way.
- d. In the event that Sheriff/Deputy presence is needed to control traffic, the applicant shall coordinate payment and scheduling directly with the Sheriff's department. This documentation shall be included with the application submittal.
- e. Not more than three (3) Temporary Special Use Permits per parcel shall be granted each year. (BOCC Resolution 2015-35; September 24, 2015).
- f. Upon meeting the criteria determined by departmental policy, a condition may be placed on a Temporary Special Use Permit that requires the applicant to provide professional security staff to attend any event or events that necessitate the presence of law enforcement personnel.

ARTICLE 42 – [REPEAL]

ARTICLE 50 – MINIMUM SUBDIVISION DESIGN STANDARDS AND GENERAL REQUIREMENTS

Section 40. MINIMUM DESIGN STANDARDS (Subdivisions of all classes)

1. Blocks:

- a. Length: Intersection streets, which determine block lengths, shall be provided at such intervals as to serve cross traffic and to meet existing streets in the neighborhood. In residential districts, where no existing adjacent plats are recorded, the blocks shall not exceed one thousand two hundred (1,200) feet in length, except that in outlying Class "C" subdivisions a greater length may be permitted on review by the Planning Director where topography or other conditions justify a departure from this maximum. In blocks longer than seven hundred fifty (750) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Blocks for business uses should normally not exceed six hundred (600) feet in length.
- b. Width: In residential subdivisions, the block width shall normally be sufficient to allow two (2) tiers of lots of normally not less than two hundred (200) feet nor more than 350 feet in depth. Class "C" subdivisions on review by the Planning Director may, where conditions justify, depart from the maximum. Blocks intended for business use shall be of such width and depth as may be considered most suitable for the prospective use.

2. Streets, Alleys and Public Ways:

- a. Relationship to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining subdivisions (or their projection where adjoining property is not subdivided), insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys are not normally permitted, but where required, alleys and streets shall be arranged to permit owners of adjoining unsubdivided property to extend streets into the unsubdivided property. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated.
- b. Street Names: Streets that are obviously in alignment with existing streets shall bear the names of the existing streets, but in any case, are subject to the final approval of the Governing Body.
- c. Arterial Streets: Arterial or major street alignments shall conform with the Comprehensive Plan.
- d. Collector Streets: Collector streets shall be designed to carry the residential traffic to the major streets and, in general, conform to the Comprehensive Plan.

- e. Minor Streets: Minor streets shall be so designed as to discourage through or nonlocal traffic.
- f. Cul-de-sacs and Dead-end Streets: Except in cases where the unusual topographic conditions may make it advisable to modify these provisions, the following shall apply: (BOCC Resolution 2019-23; September 4, 2019)
 - 1) The radius of a cul-de-sac shall be as stated above and depends on the type of road. The minimum radius for any road for vehicular turnaround shall be forty (40) feet and the minimum radius for right-of-way shall be fifty (50) feet.
 - 2) In the case of temporary dead-end roads, which are stub streets designed to provide future connection with adjoining unsubdivided areas, the Planning Board may require a temporary easement for a turnaround of a nature indicated above.
 - 3) When a subdivision is replatted or the existing road ends and is to be extended, the existing cul-de-sac shall be eliminated and removed and the road brought up to the standards specified in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.
- g. Buffer Strips: This includes treatment of railroad right-of-way and limited access highways. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, or where lots back onto a public street, the subdivision shall provide the following treatment:

In residential districts a buffer strip at least fifty (50) feet in depth, in addition to the normal required lot depth shall be provided adjacent to the railroad right-of-way and limited access highway. This strip shall be a part of the platted lots, and the planted materials must be approved by the Planning Commission and shall have the following restriction lettered on the face of the plat:

"This strip reserved for the planting of trees or shrubs by the owner or developer; the building of structures is prohibited."

In commercial and industrial districts, provisions shall be made on each side of the railroad right-of-way or limited access highway for buffer strips approximately parallel to such right-of-way or highway at a distance suitable for the appropriate commercial or industrial use of the land. In no instance shall this be less than one hundred and fifty (150) feet.

Streets parallel to the railroad right-of-way or limited access highway shall, when intersecting a major street, highway or collector street, be located at a minimum distance of two-hundred fifty (250) feet from said right-of-way or highway. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of

appropriate approach gradients. Location of minor streets immediately adjacent and parallel to railroad right-of-way shall be avoided.

- h. Limited Access: Wherever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitations of access, and the separation of through and local traffic shall be provided by the reversed frontage with screen plantings, provided by the developer, contained in a non-access reservation along the rear property lines; or by provision of a frontage road.

There shall be no reserve strips for controlling the access to streets except where control of such strips is definitely placed under conditions approved by the Planning Commission.

- i. Intersections: Streets shall intersect each other at as nearly right angles as permitted by topography or other limiting factors of good design but never less than sixty (60) degrees. The number of streets converging at one intersection shall be reduced to two, with no more than four approaches to an intersection without the specific approval of the County Engineer.

Minor streets need not continue across major or collector streets; but if the center lines of such minor streets approach the major streets from the opposite sides thereof within one hundred and fifty (150) feet, they must be aligned or the separation increased to a minimum of one hundred and fifty (150) feet.

See Drawings No. 8 and 9 in Appendix.

- j. Dead End Roads: Where a road does not extend to the boundary of the subdivision, and its continuation is not required by the Planning Commission for access of adjoining property, its terminus should normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A circular dead-end street shall be built in accordance with County construction standards and specifications.

See Drawings No. 8 and 9 in Appendix.

- k. Half-Streets: Dedication of half-streets will be discouraged and may not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the Comprehensive Plan and other requirements of these regulations.
- l. Alleys: Alleys shall be provided in commercial and industrial districts, except where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead-end alleys shall be avoided.
- m. Minimum Requirements: For all streets or roads shall be prepared in accordance with design criteria specified in Leavenworth County's Road Construction and Storm Water

Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.

3. Lots

- a. The minimum lot width shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code. Lot widths shall meet the minimum frontage requirement, as determined by the applicable zoning district unless the lot is located on a cul-de-sac or a curved roadway. If the lot is located along a cul-de-sac or curved roadway, the width may be measured at the Building Setback Line as long as the width as measured at the property line is not less than 20% of the required road frontage for a cul-de-sac and not less than 50% of the required road frontage for a curved road lot.
- b. The minimum lot area shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.
- c. All side lot lines shall bear perpendicular from the center of the street or radially from a curved street. Once outside of the building setback line, side lines can include up to two bearing changes, provided they are within 45 degrees of previous line segment. Rear lot lines are encouraged to be parallel to the front lot line.

(BOCC Resolution 2023-20; August 2, 2023)

- d. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.

- e. Every lot shall abut on a street other than an alley.
- f. Building or setback lines shall be shown on the Preliminary Plat and the Final Plat for all lots in the subdivision and shall not be less than the setback required by these regulations.
- g. The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of these regulations.
- h. Within subdivisions, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1) for lots less than ten (10) acres. The lot-depth to lot-width ratios for lots above ten (10) acres and less than forty acres (40) acres shall not exceed four to one (4:1) or be less than one to one (1:1). Lots greater than forty (40) acres shall have no lot-depth to lot-width ratio.

(BOCC Resolution 2009-42, August 27, 2009)

4. Easements and Setbacks

- a. Permanent easements of not less than ten (10) feet in width shall be provided on all front, side and rear lot lines for utility poles, wires and conduits, sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous dimension at least twenty (20) feet in width.

- b. Where a lot/tract or group of lots/tracts contain or about any portion of an existing high-pressure oil line or existing high-pressure natural gas line, a fifty (50) foot wide building setback shall be provided on each side of said oil line or gas line. No building or structure as defined by these regulations shall be located within said setback.

5. Storm Drainage

Adequate provisions shall be made for the disposal of storm water subject to the approval of the County Engineer and the Planning Commission. The construction shall be supervised by a licensed contractor, with final approval by the County Engineer.

Culverts shall be corrugated galvanized steel or aluminum meeting the following requirements:

<u>Pipe Diameter (inches)</u>	<u>Minimum Gauge of Pipe</u>	
	<u>Steel</u>	<u>Aluminum</u>
less than 36"	16	16
36"	14	14
42"	14	14
48"	14	12
54"	14	12
60"	12	10
66"	12	10
72"	10	8

6. Lagoons (BOCC Resolution 2018-24; December 4, 2018)

Shared Lagoons shall not be allowed in Subdivision

ARTICLE 85 – LOT SPLITS, TRACT SPLITS, BOUNDARY LINE ADJUSTMENTS & LOT TIE AGREEMENTS

Section 36. Requirements For Lot Tie Agreement

An agreement whereby the property owner agrees that the described lots shall be held under single ownership and shall not be sold separately unless both lots and subsequent structures are compliant with the Zoning and Subdivision Regulations. Said agreement shall be recorded with the Register of Deeds as a restriction on the subject properties. Eligible lots shall include:

- a. Platted lots in compliance with the approved subdivision plat.
- b. Lots no greater in size than 4.99 acres.
- c. No more than two (2) platted lots shall be combined as part of a Lot Tie Agreement.

d. Said Lot Tie Agreement shall not create or further increase a non-conformity of the platted lots or any structures within the parcels with the Zoning & Subdivision Regulations.

Section 50. RECORDING OF TRACT/LOT SPLITS, BOUNDARY LINE ADJUSTMENTS AND LOT TIE AGREEMENTS

1. All lot/tract splits, boundary line adjustments and lot tie agreements must be filed with the Leavenworth County Register of Deeds.