

RESOLUTION 2022-08

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

Article 22– Special Use Permits and Temporary Use Permits

(See Attachment A)

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 9th day of March, 2022; 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 30th day of March, 2022, 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 30th day of March, 2022 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 30th day of March, 2022
Board of County Commission
Leavenworth, County, Kansas



Mike Smith, Chairman



Jeff Culbertson, Member



Vicky Kaaz, Member

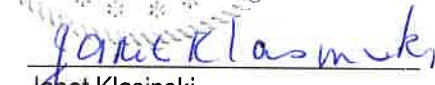


Doug Smith, Member



Mike Stieben, Member





Janet Klasinski

ARTICLE 22 – SPECIAL USE PERMITS AND TEMPORARY USE PERMITS

Section 1. GENERAL

Certain uses, specified in this Article or other Articles, are of a type or nature which may be desirable or necessary to be located in the County, but, due to their nature, may be incompatible with the surrounding area without a thorough review and possibly the placing of conditions on the use to protect the health, safety and welfare. As specified in these regulations, these specific uses may be permitted only after the approval of a Special Use Permit or a Temporary Use Permit by the Board of County Commissioners. A maximum of two special use permits shall be allowed per parcel. All valid Special Use Permits which remain in compliance with the approved conditions of the permit or have no substantiated complaints shall be approved without expiration upon approval of this amendment.

(BOCC Resolution 2009-41; August 27, 2009)

Section 2. SPECIAL USE PERMITS – APPLICATIONS

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.

(BOCC Resolution 2011-45, December 1, 2011)

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 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.

Section 7. PUBLICATION AND REVIEW

The Administrative Official shall create a list of all active Special Use Permits annually. Upon receipt of a substantiated complaint or evidence that a Special Use Permit has been modified or expanded, the Planning Department may request submittal of documentation or an inspection to be held to verify that conditions of a Special Use Permit have not been violated. If a Special Use Permit has been found to not be in compliance with the conditions of approval, the Planning Department shall proceed with code enforcement until the time that all violations have been remedied or the person(s) responsible for the Special Use Permit has applied and been approved for a modification to the application.

Section 11. TEMPORARY USES REQUIRING BOARD OF COUNTY COMMISSION REVIEW

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 specified period of time.