

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

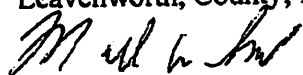
WHEREAS, the Board of County Commission considered, in session on 31st day of December, 2025, the recommendation of the Leavenworth County Planning Commission.

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;
14th January 6

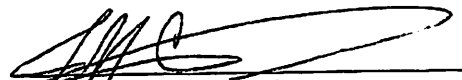
That the amendments listed herein be approved:

Adopted this *14th January 2026* day of ~~December, 2025~~
Board of County Commission
Leavenworth, County, Kansas



Mike Smith, Chairman

ATTEST



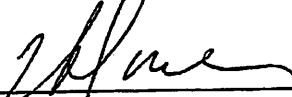
Jeff Culbertson, Member



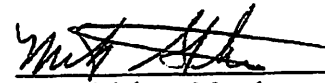
Fran Keppler



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</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.