



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

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, JUNE 23, 2026 6:00 P.M.**

**Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting**  
*Meetings are available for viewing on YouTube*

**CALL TO ORDER** – Pledge of Allegiance Followed by Silent Meditation

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**PROCLAMATIONS:**

1. Parks & Recreation Month (pg. 02)

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

2. Minutes from June 9, 2026 Regular Meeting **Action:** Motion (pg. 03)

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**NEW BUSINESS:**

**Public Comment:** *Public comments are limited to 3 minutes per speaker. In the interest of time, we ask that groups wishing to speak limit their public comment to one presenter. This is an opportunity for the City Commission to hear the thoughts of the public prior to conducting official City business. The Mayor, City Commission, and City staff have been asked not to respond to those giving public comment, and action may not be taken by the Commission on public comment items. The Mayor may direct staff to follow-up with specific individuals after the meeting. When speaking, please state your name and address. A sign-up sheet will be provided in the commission chambers for anyone wishing to speak.*

**General Items:**

3. Impact Funds Discussion **Action:** Consensus (pg. 05)  
4. Presentation of Proposed 2027 Operating Budget **Action:** None (pg. 12)

**Resolutions:**

5. Resolution B-2424 Moonlight Market Summer Concert Series Possession & Consumption of Alcohol **Action:** Motion (pg. 13)

**First Consideration Ordinances:**

6. First Consideration Ordinance for Text Amendments to the Development Regulations **Action:** Consensus (pg. 16)  
7. First Consideration Ordinance for Special Use Permit for Two-Family Dwelling at 1119 & 1121 Sherman Avenue **Action:** Consensus (pg. 43)  
8. First Consideration Ordinance for Special Use Permit for Two-Family Dwelling at 1125 & 1127 Sherman Avenue **Action:** Consensus (pg. 48)

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**Consent Agenda:**

Claims for June 5, 2026 through June 17, 2026, in the amount of \$1,641,127.09; Net amount for Payroll #12 effective June 12, 2026 in the amount of \$466,093.78 (No Police & Fire Pension). **Action:** Motion

**Other:**

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

**WHEREAS,** *our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the mental and emotional health of all citizens, and contributing to the economic and environmental well-being of a community and region; they build active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled; and*

**WHEREAS,** *parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and*

**WHEREAS,** *parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and*

**WHEREAS,** *our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature; and*

**WHEREAS,** *the U.S. House of Representatives has designated July as Parks and Recreation Month; and*

**WHEREAS,** *the City of Leavenworth recognizes the benefits derived from parks and recreation resources.*

**NOW, THEREFORE,** I, Nancy D. Bauder, Mayor of the City of Leavenworth, Kansas do hereby proclaim the month of July 2026 as:

## Parks & Recreation Month

*in the City of Leavenworth and I call upon all citizens and civic organizations of Leavenworth to observe this month, as sanctioned by the U.S. Congress, with appropriate ceremonies and activities.*

**IN WITNESS WHEREOF,** I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-third day of June in the year of two thousand and twenty-six.

\_\_\_\_\_  
Nancy D. Bauder, Mayor

ATTEST:

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



**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Nancy Bauder, Mayor Pro Tem Rebecca Hollister, Commissioners Sam Maxwell, Holly Pittman and Joe Wilson.

**Staff members present:** City Manager Scott Peterson, Assistant City Manager Penny Holler, Planning & Community Development Director Kim Portillo, Assistant to the City Manager Trevor Cook, Public Information Officer Melissa Bower, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**AWARDS AND PROCLAMATIONS:**

**Mayor's Award** – Mayor Bauder presented the Mayor's Award for Community Service to Tom Gray for his contributions throughout our community.

**Celebration of Juneteenth** - Mayor Bauder read the proclamation recognizing the celebration of Juneteenth. The proclamation was accepted by Rev. Joesph Clark with the NAACP Leavenworth Chapter.

**Pride Month** - Mayor Bauder read the proclamation recognizing the month of June as Pride Month. The proclamation was accepted by Logan Pinedo with the Leavenworth Family Pride group.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Maxwell moved to accept the minutes from the May 26, 2026, regular meeting. Commissioner Hollister seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8283 Rezoning 2812 Home Place and 00000 Limit Street from Medium Density Single Family Residential District (R1-9) to High Density Single Family Residential District (R1-6)** – Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the May 26, 2026 meeting.

Mayor Bauder called the roll and Ordinance No. 8283 was unanimously approved.

**NEW BUSINESS:**

**Public Comment:** *(Public comment is limited to 3 minutes)*

Daniel McIntosh, 1013 S 21<sup>st</sup> Ter.:

- Requesting increased oversight from the City and Advisory Board regarding CoreCivic
- Requests more short-notice tours
- Requests more verifiable data

**Consent Agenda:**

Commissioner Wilson moved to approve claims for May 22, 2026 through June 4, 2026, in the amount of \$1,565,758.96; Net amount for Payroll #11 effective May 29, 2026 in the amount of \$443,690.74 (No Police & Fire Pension). Commissioner Hollister seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Other:**

Commissioner Maxwell:

- Expressed desire to look at the by-right housing act and the possibility of grandfathering in existing two-family dwellings in the R1-6 zoning district

City Commissioner Scott Peterson:

- Neighborhood Revitalization Agreement passed the School Board and County Commission level, so this will be coming to the City in July
- June 23<sup>rd</sup> meeting will include discussion of how to best use the funds from the CoreCivic impact fees

Commissioner Hollister:

- Thanked CVB for getting FIFA scarves
- Provided an update on the Youth Advisory Committee and Employee Preparation Committee
- Excited for Juneteenth celebration

Commissioner Wilson:

- Would like more competition for technology within the city; Clearwave Fiber could be an option
- Can see a benefit and there are still community members who can't get service from other providers

Commissioner Pittman:

- Excited for the weekend and all the activities going on

Mayor Bauder:

- Appreciated everyone coming to the meeting tonight

**Adjournment:**

Commissioner Maxwell moved to adjourn the meeting. Commissioner Hollister seconded the motion and the motion was unanimously approved and the meeting was adjourned.

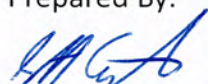
Time Meeting Adjourned 6:31 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT**  
**Impact Funds Discussion**

**June 23, 2026**

Prepared By:



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Scott Peterson  
City Manager

**SUBJECT:**

Staff will present an overview of the CoreCivic-related impact fees and seek Commission direction on proposed uses of the funds.

**BACKGROUND:**

As part of the Special Use Permit approval for CoreCivic, Inc., the City approved a Performance Agreement establishing certain fees intended to compensate the City for impacts associated with the operation of the facility.

The agreement includes a one-time payment of \$1,500,000, which was received in 2026. A large portion of the one-time revenue helped offset legal expenses incurred throughout 2025. The agreement also provides for ongoing monthly payments while the facility is housing inmates or detainees. These payments include:

<b>Revenue Source</b>	<b>Monthly Amount</b>	<b>Annual Amount</b>
Police Department Services	\$12,500.00	\$150,000.00
City Administrative Services	\$20,833.33	\$250,000.00
<b>Total Revenue:</b>	<b>\$33,333.33</b>	<b>\$400,000.00</b>

Because the ongoing payments are tied to whether CoreCivic is housing inmates or detainees, staff does not recommend using these revenues for recurring operating expenses or permanent staffing obligations. Instead, staff recommends using the funds for one-time or limited-use projects that support City goals. Further, because the facility did not begin housing detainees until March, the City does not anticipate receiving this full annual amount in 2026. Current 2026 estimates will like be closer to approximately \$125,000 for Police Department services and approximately \$208,000 for City Administrative Services.

**DISCUSSION:**

Staff believes it is important to establish a framework that will determine which projects and expenditures will be eligible for use of the CoreCivic impact fees. As such, we have put together the following rules which, if the Commission approves, we will apply to any potential uses of the impact fees:

1. Impact fees may not be spent until the City has collected enough impact fees to cover the cost of the purchase. Projects may not use fees from another fund to cover the cost of the project until impact fees are collected to “pay back” the borrowed funds.
2. Must only be used on one-time expenditures and projects. There is no guarantee that CoreCivic will remain open indefinitely; therefore, any projects or costs that would require ongoing expenses, including personnel costs, will not be considered.
3. All expenditures must provide some sort of benefit to the community or improve upon a city-provided service. This requirement may be interpreted broadly, but the expenditure must be public facing in some way.
4. For the police department expenditures, specifically, the funds may not be used to purchase lethal weaponry, firearms, or other equipment that could be used in an offensive capacity. Defensive and protective equipment, for example ballistic vests, are applicable.

Based upon the above guidelines, staff has identified several preliminary uses for the CoreCivic-related revenues. The Police Department’s dedicated annual allocation of \$150,000 is to be spent exclusively within the police department, per the performance agreement with CoreCivic. Proposed Police Department uses include:

- **A second Police K-9**, estimated at approximately \$35,000- Our Police K-9 unit and his handler recently returned from training and entered service in the community. The PD could use a second K-9 unit to have continuous coverage for the services they provide. The funds would be used only for purchase of the dog; personnel and ongoing costs would be paid for out of the Police Department’s operating budget each year.
- **Mobile Data Terminals**, estimated at approximately \$70,000- Every police officer is equipped with a Mobile Data Terminal (MDT) that they use while in service in their patrol vehicles. MDT’s are computers that are equipped with a protective case that is designed to prevent damage to the computer. MDTs provide valuable information to officers while they are in the field, on a call for service, writing reports, etc. We were recently informed that our MDTs are operating on an outdated form of Windows that will no longer be supported, and they can’t be upfitted with the newest Windows operating system. As such, we will have to replace every MDT in the police department.

The City also receives approximately \$250,000 annually for general City administration. There aren’t any conditions tied to this annual impact fee. However, staff proposed that the first round of projects out of these funds be used for the fire department, as they are the department that would be the next-most impacted by CoreCivic’s operations, after the police department. There are also a number of items that the fire department has been requesting the past few years that would make for good uses of the CoreCivic impact fees. Staff is proposing the purchase of the following items using the second annual impact fee:

- **A Live-Burn Training Simulator for the Fire Department**, estimated at approximately \$20,000- This was an item that the fire department originally requested to be put in CIP. This portable module can be used for live-fire training scenarios for the fire department in a controlled environment.
- **Second set of bunker gear for Fire Department personnel**, estimated at approximately \$135,000- This has been a request from the fire department for several years. If firefighters respond to a fire, their first set of bunker gear is often wet and smoke-

covered, requiring it to be cleaned and dried. A second set will allow them to be prepared for another fire while the first set is cleaning and drying.

- **Fire apparatus iPads**, approximately \$13,400- The iPads on the fire department's engines need to be replaced. These are used for inspections, reports, and fire investigations.
- **Fire station 2 countertop replacement**, approximately \$10,000- This project would likely be considered an exception to the rules provided above, if approved. The countertops at station #2 be replaced where the firefighters do most of their office-based work, like writing reports. The fire department requested this purchase through the CIP, and it is currently slated for purchase in a couple of years in the CIP program. However, they could instead be purchased using the CoreCivic impact fees, but with the understanding that the public would have little to no interaction with the counter-tops; but they do serve a purpose of providing an effective workspace for the firefighters.

**Other Possible Projects:** These projects are for items that are not for either the police or fire department but could still be beneficial purchases for the City.

The probation-related projects would support the City's municipal court system by improving the City's ability to monitor probation and diversion clients. These services provide accountability while also supporting alternatives to incarceration, allowing individuals to maintain employment and family responsibilities while completing court-ordered requirements.

- **Probation tracking software**, estimated at approximately \$5,000- The probation department's current software is not meeting the needs of the service. This would allow the probation officers to better track their clients and address their various needs and probation programs.
- **Probation Office security remodel**, estimated at approximately \$10,000- This project would convert the current break room in the probation office into a client meeting office, where the probation officer would meet directly with clients. Currently, the probation officer meets with clients in an office space that is shielded from view. This has caused safety concerns for our probation officers, who feel that they do not have any witnesses to their interactions with clients. Having the break room converted into a client meeting space would allow the probation officer to meet with clients in view of other employees and staff, allowing for additional security.

A City branding initiative is also being considered as a potential use of the general City funds. The Convention and Visitors Bureau previously budgeted \$57,000 in 2026 for branding-related work, which has been delayed following the departure of the CVB Manager. Staff is evaluating whether approximately \$50,000 in CoreCivic-related general City funds could be used to broaden that effort as a full City rebranding initiative. This would be a one-time project intended to support community identity, economic development, tourism, resident engagement, and consistent public-facing communication across City departments.

- **City rebranding**, estimated at approximately \$50,000.

Staff is seeking Commission feedback on whether these proposed uses align with the Commission's priorities and whether any additional categories should be considered for future use of CoreCivic-related impact fees.

The City spent \$868,549.88 in legal fees on the various CoreCivic lawsuits, hearings, etc. The \$1.5 million dollar one-time impact fee from CoreCivic covered those costs, leaving \$631,450.12 remaining from the one-time impact fee. Most of the projects above could be paid for with those remaining funds. Alternatively, those funds could be reserved for other items, such as bolstering the City's reserve or going towards grant matching funds, and the above projects could be paid for once the City has collected the necessary revenue from the monthly CoreCivic impact fees. To date, the City has collected four months' worth of payments for each of the two monthly impact fees, so it may be close to a year before some of these projects could be purchased if the Commission chooses to solely fund them from those impact fees.

The projects listed in this report that have a related CIP request have that request attached with this staff report. However, not all items are a CIP request, and as such the costs are just estimates. Should the Commission choose to proceed with any/all of them, we will absolutely follow the City's purchasing policy, and get exact quotes for all projects.

**RECOMMENDATION:**

Staff recommends the City Commission provide direction or support on the proposed use of CoreCivic-related impact fees.

Staff further recommends that ongoing CoreCivic revenues be used for one-time or limited-use expenditures, rather than recurring operating expenses, due to the occupancy-dependent nature of the revenue source.

## CAPITAL PROJECT REQUEST AND INFORMATION FORM

### Instructions:

This form is to be used to submit Department requests for Capital Projects. It must be filled out as completely as possible in order to provide sufficient details to City Leadership and Commissioners during the budget process.

\* This completed form should be accompanied by a visual (photos, pictures, graphics, plans, etc.)

\* If replacing an asset, provide photo of the asset to be retired

\* Construction projects will include plans/details

### SECTION I

**1. PROJECT/REQUIREMENT TITLE**

Live Burn Training Prop

**2. REQUESTING DEPARTMENT**

Fire

**3. PERSON SUBMITTING REQUEST**

Justin Lacey

**5. DESCRIPTION OF REQUIREMENT**

Purchase of a portable live-fire training system for controlled fire behavior, ventilation, and thermal imaging training.

### SECTION II

**6. EXPLANATION AND JUSTIFICATION FOR REQUEST**

This request supports the acquisition of a portable, modular live-fire training system that provides a controlled and repeatable environment to demonstrate critical fire dynamics including heat movement, thermal layering, flow-path control, ventilation coordination, and tactical thermal imaging application. The system allows instructors to safely demonstrate the immediate effects of water application and decision-making during one and two -story residential fire scenarios.

The system aligns with the intent of NFPA 1403 (Live Fire Training), NFPA 1700 (Fireground Operations), and NFPA 1801 (Thermal Imaging) by supporting realistic, repeatable training while reducing risk associated with acquired structures and fixed training props.

The ability to conduct frequent, consistent hand-on training at department facilities enhances firefighter safety, improves operational readiness, and reduces reliance on outside training locations. The system also supports controlled public education demonstrations that reinforce fire behavior and life-safety concepts for the community.

### SECTION III

**7. EXPECTED COST**

\$20,000.00 (not including cost of shipping)

**8. GRANTS OR OTHER FUNDING AVAILABLE? (explain and provide amount)**

No

**9. ANTICIPATED COST TO OPERATING BUDGET**

N/A

**10. EXPECTED DELIVERY OR START DATE**

FY 2027

### SECTION IV

**11. IS THIS PROJECT/REQUIREMENT A REPLACEMENT TO A CURRENT ASSET?**

YES

NO

**\*\*DEPARTMENT PRIORITY / RANK\*\***

NUMBER

3

OUT OF

7

**12. IF YES, LIST NAME AND LOCATION OF REPLACED ASSET**

**13. DATE REPLACED ASSET ACQUIRED**

**14. DESCRIPTION OR CONDITION OF REPLACED ASSET**

## CAPITAL PROJECT REQUEST AND INFORMATION FORM

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### SECTION I

**1. PROJECT/REQUIREMENT TITLE**

Station 1 & 2 counter tops

**2. REQUESTING DEPARTMENT**

Fire

**3. PERSON SUBMITTING REQUEST**

Mike Shore

**5. DESCRIPTION OF REQUIREMENT**

The "counter tops" in the watch desk / report writing areas at both station 1 & 2 are in need of repair/replacement.

### SECTION II

**6. EXPLANATION AND JUSTIFICATION FOR REQUEST**

Station 1 has approximately 132 square feet and Station 2 has around 65 square feet. These counter tops are the original (25 years old) and have deteriorated.

Cost per station:

Station 1 \$6600

Station 2 \$3200

### SECTION III

**7. EXPECTED COST**

\$10,000

**8. GRANTS OR OTHER FUNDING AVAILABLE? (explain and provide amount)**

N/A

**9. ANTICIPATED COST TO OPERATING BUDGET**

\$0.00

**10. EXPECTED DELIVERY OR START DATE**

2027

### SECTION IV

**11. IS THIS PROJECT/REQUIREMENT A REPLACEMENT TO A CURRENT ASSET?**

YES

NO

\*\*DEPARTMENT PRIORITY / RANK\*\*

NUMBER

2

OUT OF

7

**12. IF YES, LIST NAME AND LOCATION OF REPLACED ASSET**

**13. DATE REPLACED ASSET ACQUIRED**

**14. DESCRIPTION OR CONDITION OF REPLACED ASSET**

## CAPITAL PROJECT REQUEST AND INFORMATION FORM

### Instructions:

This form is to be used to submit Department requests for Capital Projects. It must be filled out as completely as possible in order to provide sufficient details to City Leadership and Commissioners during the budget process.

\* This completed form should be accompanied by a visual (photos, pictures, graphics, plans, etc.)

\* If replacing an asset, provide photo of the asset to be retired

\* Construction projects will include plans/details

### SECTION I

1. PROJECT/REQUIREMENT TITLE

Firefighting Bunker gear / PPE

2. REQUESTING DEPARTMENT

Fire

3. PERSON SUBMITTING REQUEST

Gary Birch

5. DESCRIPTION OF REQUIREMENT

We are requesting a second set of fire bunker gear (coat and pants) for our fire fighters who engage in fire suppression activities.

### SECTION II

6. EXPLANATION AND JUSTIFICATION FOR REQUEST

Bunker gear is worn by each firefighter who fights fire and / or enters a toxic atmosphere. Smoke from fires burning produces known carcinogens. Carbon products from this smoke attaches to the bunker gear.

We have PPE gear washers / extractors to clean this gear, however, they do not have gear to wear while washing the dirty gear.

### SECTION III

7. EXPECTED COST

\$135,000

8. GRANTS OR OTHER FUNDING AVAILABLE? (explain and provide amount)

Grants possibly

9. ANTICIPATED COST TO OPERATING BUDGET

\$3,000 per new hire

10. EXPECTED DELIVERY OR START DATE

### SECTION IV

11. IS THIS PROJECT/REQUIREMENT A REPLACEMENT TO A CURRENT ASSET?

YES

NO

\*\*DEPARTMENT PRIORITY / RANK\*\*

NUMBER

1

OUT OF

7

12. IF YES, LIST NAME AND LOCATION OF REPLACED ASSET

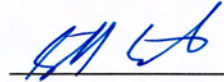
13. DATE REPLACED ASSET ACQUIRED

14. DESCRIPTION OR CONDITION OF REPLACED ASSET

**POLICY REPORT**  
**Presentation of Proposed 2027 Operating Budget**

**June 23, 2026**

Prepared By:



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Scott Peterson  
City Manager

**SUBJECT:**

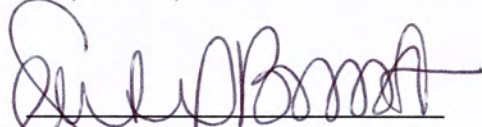
I will present an overview of the proposed operating budget for fiscal year 2027 (January 1, 2027 to December 31, 2027). A copy of the presentation will be handed out at this meeting.

As a reminder, budget work sessions are scheduled for Monday, July 13, from 8:30 a.m. until complete at City Hall.


**POLICY REPORT**  
**MOONLIGHT MARKET SUMMER CONCERT SERIES SPECIAL EVENT**  
**CONSIDER ADOPTION AND APPROVAL OF RESOLUTION B-2424 – ALCOHOLIC LIQUOR**

**JUNE 23, 2026**

Prepared by:

  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:

  
Scott Peterson  
City Manager

**ISSUES:**

Consider approval of Resolution B-2424 designating the Moonlight Market Summer Concert Series as a Special Event and authorizing the possession and consumption of alcoholic liquor within the designated event area pursuant to K.S.A. 41-719.

Leavenworth Main Street will be hosting a Special Event on Saturday, July 25, 2026 from 7:00 p.m. to 10:00 p.m. to hold the Moonlight Market Summer Concert Series. The event will take place at Haymarket Square located at 649 Cherokee Street and will also include a portion of Cherokee Street from 7<sup>th</sup> Street to the entrance of the Water Department to have the Midnight Market vendor event.

Pursuant to K.S.A. 41-719, approval of a Resolution by the Governing Body is required to allow the possession and consumption of beer and/or alcoholic beverages within the designated festival street closure area.

The following Streets will be closed during the event times and dates identified in the Resolution:

- A portion of Cherokee Street from 7<sup>th</sup> Street to the entrance of the Water Department

The designated “alcohol-friendly” area will be clearly marked within the festival boundaries in accordance with State Statute.

**ACTIONS:**

Adopting and approving Resolution B-2424 as presented.

**ATTACHMENTS:**

Resolution B-2424

**RESOLUTION B-2424**

**A RESOLUTION APPROVING SPECIAL EVENT KNOWN  
AS MOONLIGHT MARKET SUMMER CONCERT SERIES  
SPONSORED BY LEAVENWORTH MAIN STREET.**

**WHEREAS**, the City of Leavenworth, Kansas (the “City”) is approving the Special Event sponsored by Leavenworth Main Street known as Moonlight Market Summer Concert Series.

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

**Section 1.** Pursuant to state law, alcoholic liquor may be consumed at a special event to be held on designated public streets, alleys, and sidewalks when a temporary permit has been issued by the Kansas Division of Alcoholic Beverage Control (ABC) and the governing body has approved the event as required by K.S.A 41-719 and amendments thereto.

**Section 2.** Having considered the request to allow the possession and consumption of alcoholic liquor, the governing body hereby approves the Moonlight Market Summer Concert Series event to be held beginning at 7:00 p.m. through 10:00 p.m. on Saturday, July 25, 2026, provided Leavenworth Main Street secures appropriate permitting from ABC and complies with all state laws and ordinances regulating alcoholic liquor.

**Section 3.** A portion or all of the following street(s) shall be closed to motor vehicle traffic at appropriate times in order to accommodate the events being held during the date(s) and time(s) identified in section 2:

- A portion of Cherokee Street from 7<sup>th</sup> Street to the entrance of the Water Department

Pursuant to K.S.A. 41-719, the sponsor shall ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map or other means (“Designated Barricaded Area”).

**Section 4.** Event attendees may purchase, possess and consume alcoholic beverages within the Designated Barricaded Area. Pursuant to K.S.A 41-719 no alcoholic liquor may be removed from the Designated Barricaded Area or consumed inside vehicles while on public streets or alleys at the event.

**Section 5.** This Resolution shall take effect and be in force after its approval by the governing body.

**ADOPTED AND APPROVED** by the Governing Body on this 23rd day of June, 2026.

(SEAL)

\_\_\_\_\_  
Nancy D. Bauder, Mayor

ATTEST:

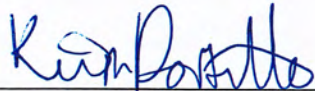
\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

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

**JUNE 23, 2026**

**SUBJECT:**

Place on first consideration an ordinance to amend the Development Regulations



**Prepared By:**  
Kim Portillo,  
Director of Planning and  
Community Development



**Reviewed By:**  
Scott Peterson,  
City Manager

**DISCUSSION:**

The Development Regulations were adopted by the City Commission in June 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be conducted in order to ensure that they remain up to date and comprehensive. Many of the proposed amendments consist of clarifying existing language, with no substantial policy change.

The anticipated timeline is as follows:

- May 4<sup>th</sup> Planning Commission initial review and public hearing - Completed
- June 1<sup>st</sup> Planning Commission second review and recommendation vote – Recommended Approval
- **June 23<sup>rd</sup> City Commission First Consideration**
- July 14<sup>th</sup> City Commission Second Consideration

The following modifications have been drafted by staff and are now presented for public hearing.

- **Article 1; General Provisions**
  - 1.01 Correct spelling of “Statues” to “Statutes”.
- **Article 2; Applications & Procedures**
  - 2.05 Correct reference to Section II.F (nonexistent code section, should be 2.06).
- **Article 4; Zoning Districts & Standards**
  - 4.03 Clarify language, correct “no closer to the property than” to “no closer to the property *line* than”.
  - 4.03 Update 4.03.E to allow for the accessory use of shipping containers as storage in industrial districts.

- **Article 6; Landscape & Site Design**

- 6.05 Update Table 6-04: Buffer Planting Requirements to include requirements for a 20-foot-wide buffer, as referenced in Section 6.04.A

- **Article 8; Signs**

- 8.10 Remove restriction that window signs cannot contain message or identification (i.e. name of establishment) more than once within the permitted total sign surface area per each front, side or rear wall.
- 8.11 Revise the "Attached Signs" section to exclude awning signs from the total wall sign count and limit them to one sign per awning with a size cap of 15% of the awning area.
- 8.13 Revise EMC sign regulations to allow placement within 100 feet of a residence when an intervening building blocks the line of sight and clarify that the required distance is measured from the sign to the residential structure, not the property line.

- **Article 12; Definitions**

- Add a definition for the use "Heavy Vehicle/Equipment Sales, Rentals and Service" as follows:

*Heavy Vehicle/Equipment Sales, Rentals and Service: The sale, rental, leasing, maintenance, and repair of vehicles and equipment designed for commercial or industrial use that exceed a gross vehicle weight rating (GVWR) over 10,000 pounds, such as large trucks and buses or construction, industrial, or agricultural machinery. There may be incidental outdoor storage, display and part sales.*

This use is currently listed in the use table but is not defined.

**ACTION/OPTIONS:**

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

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## ARTICLE 1. GENERAL PROVISIONS

### 1.01 Overview

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- A. **Title.** These regulations, shall be known, as the "Development Regulations of the City of Leavenworth, Kansas." These regulations are adopted pursuant to Kansas Statutes 12-747 *et. seq.* and 12-757 *et. seq.*
- B. **Purpose.** These regulations serve the following purposes:
1. To promote the health, safety, comfort and economic development of the city;
  2. To preserve and protect property values throughout the city;
  3. To regulate the height, number of stories and size of buildings; the percentage of lot coverage; the size of yards, courts, and other open spaces; and density of population;
  4. To divide the jurisdictional area into zones and districts;
  5. To regulate the location and use of buildings and land within each district or zone.
- C. **Jurisdiction.** These regulations apply to all land and structures within the incorporated area of the City of Leavenworth, Kansas. Fort Leavenworth, the U.S. Penitentiary, and the Veterans Administration Reservations are excluded from the jurisdiction of these regulations.
- D. **Exemptions.** The following structures and uses shall be exempt from the provisions of these regulations:
1. **Utilities.** Poles, wires, cables, conduits, vaults, laterals, pipes, street lighting, mains, valves, or other similar equipment or improvements for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility.
  2. **Railroads.** Railroad track, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
- E. **Annexation.**
1. All territory annexed into the City of Leavenworth, voluntarily or involuntarily, shall be zoned after annexation in accordance with the zoning district most closely matching the Comprehensive Land Use Plan for that area, determined by Table 1-01 below.
  2. The landowner may propose a different zoning classification through an application for rezoning, as provided elsewhere in this code. The rezoning must be completed at or before the time the annexation petition is presented to the City Commission for consideration.

- D. **Amendment to Site Plan:** No approved Site Plan may be modified, or expanded in ground or structural area more than 10% of the gross floor area unless the Site Plan is amended and approved in accordance with the procedures applicable to initial approval, or as otherwise approved through Minor Modifications in Section 2.06. Such changes will require the applicant to resubmit the Site Plan as outlined in the preceding sections.
- E. **Effect of Decision.** All elements of the approved site plan must be executed in association with a building permit or certificate of occupancy, except that installation of landscape may be delayed for up to six months to allow optimal planting, and provided other adequate assurances of implementation are provided by applicant.

## 2.06 Minor Modifications

- A. **General.** This section sets forth the required review and approval procedures for “minor modifications,” that are minor deviations from otherwise applicable standards that may be approved by the Director. Minor modifications are to be used when the small size of the modification requested and the unlikelihood of any adverse effects on nearby properties or the neighborhood make it infeasible to seek a formal variance. Minor modifications to development standards may only be requested where no additional permit, such as conditional use or special use, is required prior to construction.
- B. **Applicability.** Requests for minor modifications must be made in writing to the Director who shall have 21 days from receipt to respond in writing. If the Director does not act on the request within 21 calendar days, the application shall be deemed denied. The Director may approve a single minor modification per development of up to a maximum of 10% from the following general development and zoning district standards:
1. Minimum lot area requirements,
  2. Setback requirements, and
  3. Quantitative development standards generally applicable throughout the Development Regulations of the City of Leavenworth, Kansas.

The Director shall have sole decision-making authority for a minor modification.

- C. **Limitations.** In no circumstance shall the Director approve a minor modification that results in:
1. Any change in required floodplain elevations;
  2. An increase in overall project density;
  3. A change in permitted uses or mix of uses;
  4. A deviation from the use-specific standards in Article 4, Zoning Districts & Standards;
  5. A change in conditions attached to the approval of any site plan or special use permit;

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

<b>Table 4-02: Dimensions for the Residential Mixed-Use District</b>								
Dwelling/ Building Type	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Lot Width	Max. Lot Cov.	Front	Interior Side	Corner Side	Rear	
SF detached and duplex	2,400 sf	40'	80%	10'	0' [1]	10 [1]	10' [2]	35'
Townhouse/ multi-family, mixed-use	[3]	48'	80%	10'	0' [1]	10 [1]	10' [2]	38'
Commercial, mixed-use	[3]	n/a	80%	0'	0' [1]	10 [1]	5' [2]	38'

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

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

[3] Must meet setback requirements.

C. **Yard Regulations.**

1. **Front Yards.** In areas where parcels were created previous to the adoption of Subdivision Regulations in July 1966, where structures have been built observing a setback other than the setback required by the applicable Zoning District, new structures shall observe the following setback:
  - a. Front setbacks may be the average setback of all lots within 150 feet of either side of the lot, but along the same block.
  - b. If only two buildings exist within 100 feet of either side of the lot, the front setback may be the average of those buildings.
  
2. **Structural Projections.** Every part of a required yard shall be open to the sky unobstructed, except:
  - a. The ordinary projection of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed 12 inches
  - b. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five feet
  - c. The ordinary projection of chimneys and flues
  - d. The projection of roof overhangs up to four feet into any front or rear yard and two feet into any side yard. In no case may an overhang project into an easement.
  - e. An open unenclosed deck or paved terrace may project into a required rear yard for a distance not exceeding 10 feet, but no closer to the property line than 15

3. All accessory buildings in the rear yard shall maintain a three-foot setback from the side and rear property lines as measured from the nearest part of the structure, including any overhangs.
4. If the accessory structure has a vehicular alley entrance the sum of the right-of-way width and the setback of the structure shall not be less than 20 feet.
5. Accessory structures located elsewhere on the lot shall maintain setbacks applicable to the principal structure.
6. All accessory buildings in residential districts shall be five feet from any primary building on the site. In all other zoning districts accessory structures and uses shall not occupy required setbacks and are not subject to size restrictions except that all other requirements of the Development Regulations must be met.
7. All accessory structures shall be constructed from material customary to detached structures.
8. In no case shall an accessory structure be constructed from materials or equipment originally designed for another use such as but not limited to packing crates or a part of a motor vehicle truck or trailer regardless if wheels, axles, etc., have been removed and the structures are placed on more permanent foundations.
9. No shipping containers may be used as accessory buildings except within I-1 and I-2 Industrial zoning districts, where they may be permitted for storage purposes only subject to the following standards:
  - a. Containers shall be used solely for storage associated with a permitted principal use.
  - b. Containers shall be maintained in good condition, free from rust, peeling paint, or other visible deterioration.
  - c. Containers shall not be used for habitation, office space, or retail activity.
  - d. Containers shall comply with applicable setback, height, screening and lot coverage requirements.
  - e. Containers must be placed on a hard surface.
10. Accessory structures which are equal to or more than 15% of the footprint of the main structure shall be architecturally compatible or complementary to the architectural style of the principal building, with similar materials, color, arrangement of massing, roof forms and other details and ornamentation.

#### 4.04. Use Standards

- A. **Permitted and Special Uses.** Permitted and special uses for each zoning district are identified in Appendix A Use Table.
- B. **Accessory Uses.**
  1. *Principal Use Required.* Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

- ornamental metal fence or masonry wall of materials compatible with the primary structure. In the place of shrubs, deciduous shade trees may be planted a minimum of 10 feet on-center along the common boundary line; or
- b. A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern.
  - c. As applicable, landscaping materials shall be planted on the side of the fence/wall closest to the street, alley, or residential property.
  - d. The interior landscaping requirements shall apply to all parking areas that meet the applicability standards of that section.

## 6.05 Buffers

The following regulations apply to properties where a multi-family, mixed-use, or non-residential district or use abuts a single-family residential district or use without an intervening public right-of-way and/or where these uses are not separated by a perimeter landscaping requirement.

- A. **Buffer Required.** Minimum buffer spaces as described in Table 6-03 shall be provided between adjacent or abutting dissimilar structures.

Dwelling Unit Height	Dwelling Unit Height			
	1 story	2 stories	3 stories	+3 stories
1 story	--	10	15	20
2 stories	10	--	15	20
3 stories	15	10	--	10
+3 stories	20	15	10	--

- B. **Buffer Design.** The buffer shall be landscaped in accordance with Table 6-04;

Requirement (per lineal foot of property line)	Buffer Width (feet)			
	0	5	10	20
Total Landscaping Units	.5	.75	1.0	1.5
Minimum Tree Units	0	.25	.50	.75
Minimum Shrub Units	.05	.10	.15	.25

1. New trees and shrubs shall be evenly spaced at planting.
2. Where a natural buffer exists, as determined by the Director, it shall remain undisturbed.
3. If used in addition to a landscape screen, fences shall have additional evergreen shrubs planted on the residential side of the fence.

DEVELOPMENT REGULATIONS  
ARTICLE 8. SIGNS

8.10 Neighborhood Business District

3. Window signs constructed of neon, stained glass, gold leaf, cut vinyl, and etched glass are allowed.
4. Painted signs shall display the highest level of quality and permanence, as determined by the Director.
5. The listing of an establishment's hours of operation shall be exempt from these regulations, provided that the area of the sign containing hours of operation shall be no greater than two square feet.
6. The listing of directional information (i.e., "parking in rear" or "use other door") shall be exempt from these regulations; provided that the area of the sign containing directional information is no greater than three square feet.
7. The use of window framing (i.e., a continuous light source illuminating the perimeter of an individual windowpane or a group of windowpanes) is prohibited.
8. Accessible doors to a business establishment shall be limited to the following types of window signage:
  - (a) Business name;
  - (b) Hours of operation;
  - (c) Phone number;
  - (d) Building or tenant address;
  - (e) Website; and
  - (f) The use of dark, opaque background panels for internally illuminated signs or letter faces is required to reduce the glare or glow of such signs.

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

Table 8-03: OBD, CBD, GBD, I-1 & I-2 Signage Standards									
	Maximum Number			Maximum Size			Maximum Height		
	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2
Attached Signs [1] [2]	1 per side	1 per side	1 per side	150 s.f.	96 s.f.	500 s.f.	N/A	N/A	N/A
Freestanding Signs [3] [4]	1	1	1	50 s.f.	50 s.f.	100 s.f.	15	15	15
Window Signs	N/A	N/A	N/A	150 s.f. or 33% of window area	150 s.f. or 33% of window area	150 s.f. or 33% of window area	N/A	N/A	N/A

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

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

DEVELOPMENT REGULATIONS  
ARTICLE 8. SIGNS

8.11 Commercial & Industrial

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

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

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.
- B. Signs as regulated and permitted in the NBD.
- C. Signs attached to a building shall be allowed as follows:
  - 1. One sign shall be allowed for each side of a structure or part of a structure clearly defined as an individual storefront. An individual storefront shall have an exterior wall clearly related to the interior space of that storefront and may or may not have windows or an entrance door to the inside of the building.
  - 2. The sign surface area shall not exceed ninety-six (96) square feet in Office Business District (OBD), 150 square feet in Central Business District (CBD) and 500 square feet in General Business District (GBD) and Light and Heavy Industrial Districts (I-1 & I-2) or 10% of the wall surface to which the sign(s) are attached, whichever is less.
  - 3. The permitted signs may be wall signs, projecting signs, mansard signs, roof signs, or marquee signs. A roof sign shall not exceed the highest point of the roof of the structure. A marquee sign may be an electronic changeable message sign.
  - 4. The signage permitted herein may be an electronic changeable message sign, provided it complies with all applicable standards.
  - 5. Projecting signs shall not project from the wall greater than a distance of six feet or encroach in a public right-of-way in OBD, GBD, I-1 or I-2 and shall maintain eight feet of clearance from grade. Projecting signs in the CBD may encroach in the right-of-way, but shall be constructed of approved nonflammable, safety material, shall maintain eight feet of clearance to grade, and shall not be closer than five feet to a curb line.
  - 6. Projecting signs shall not exceed 24 square feet, unless a variance is approved by the Board of Zoning Appeals, provided that no projecting sign shall exceed 48 square feet under any conditions. Projecting signs shall not reduce the number of signs allowed per wall as otherwise allowed by this code.
  - 7. Awning signs shall not count toward the total permitted wall signs. One sign shall be permitted per awning. The area of the awning sign shall not exceed 15% of the total awning area.
  - 8. For any business or tenant that does not adjoin an exterior wall of the building in which they are located, or does not adjoin an exterior wall that directly fronts a public street, one wall sign shall be allowed on another exterior wall of the same building.
- D. One freestanding sign shall be permitted per parcel and regulated as follows:

- C. **Right-of-Way:** No EMC shall overhang into a public right-of-way and shall not be included in a portable or temporary sign.
- D. **Audio Messages:** An EMC shall not include any audio message, tones or music.
- E. **Transitions:** All EMCs shall transition instantaneous between message without the use of frame effects.
- F. **Size and Placement:** The maximum size of any EMC shall be 25% of allowed square footage of any monument or wall sign or 32 square feet, whichever is less. No EMCs shall be located adjacent to residential property.
- G. **Compliance Assurance:** No permit shall be granted unless the applicant provides sufficient proof from the manufacturer that the sign has the technical capacity to comply with all applicable regulations governing EMCs in this code and that the sign owner and/or operator has reviewed and understands the applicable regulations pertaining to the EMC and agrees not to violate the regulations.
- H. **Proximity to Residential Uses:** No EMC shall be located closer than 100 feet to any existing residence unless separated by an intervening building. Distance shall be measured from the EMC to the nearest portion of the residential structure.

#### 8.14. Billboards

- A. Billboards are declared to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. All existing billboards, in any zoning district, are declared nonconforming.
- B. This section supersedes and controls over any conflicting provision in this Chapter.
- C. Billboards now in existence in any zoning district are declared legal nonconforming uses and may remain, subject to the following restrictions:
  - 1. A legal nonconforming billboard may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces, the addition of digital faces, adding additional illumination or the addition of rotating faces with movable panels designed to create additional advertising space.
  - 2. Structural alterations, including replacement of either the billboard face or the supporting structure, are prohibited. Advertising content may be changed, except as prohibited above.
  - 3. All legal nonconforming billboards shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Routine repairs and maintenance of nonconforming billboards necessary to maintain health and safety may be permitted. Such repairs and maintenance shall include activities such as painting and the replacement of a damaged or deteriorated sign face.

DEVELOPMENT REGULATIONS  
ARTICLE 12. DEFINITIONS

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**Health Resort/Spa:** A business establishment which people visit for professionally administered personal care treatments such as dietary counseling, various therapies, massages, and facials in a hotel setting where people reside for a day or more.

**Heavy Industrial:** The production of products, which are either heavy in weight or heavy in the scale of the processes leading to their production. Products are often produced with by the use of smelters, furnaces, and high energy or raw material inputs. Often heavy industrial processes involve the use of large machines, smokestacks, hazardous products, and waste chemicals. Typical Heavy Industrial processes have some negative effects on the surrounding property through the emission of noise, large vehicle traffic, particulate matter emissions, mechanical vibration, unpleasant smells, and or deleterious environmental impacts. Heavy industrial projects can be generalized as more capital intensive or as requiring greater or more advanced resources, facilities or management. These industries are often the most heavily regulated by the federal or state governments.

**Heavy Vehicle/Equipment Sales, Rentals, and Service:** The sale, rental, leasing, maintenance, and repair of vehicles and equipment designed for commercial or industrial use that exceed a gross vehicle weight rating (GVWR) over 10,000 pounds, such as large trucks and buses or construction, industrial, or agricultural machinery. There may be incidental outdoor storage, display, and part sales.

**Heliport:** Any location where one or more heavier than air rotor-wing craft capable of containing a human, takeoff or land, and for which ground facilities necessary to these operations are constructed.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic and Monument Sites:** Any site so designated by the local, state, or federal Government.

**Historic District:** An area designated as an historic district and which may contain within definable geographic boundaries one or more significant sites, structures or objects and which may have such other structures which contribute to the overall visual characteristics of the significant structures or objects located within the designated area, and are free from non-contributing structures which detract from the historic properties.

**Historic Preservation:** The study, identification, protection, restoration and rehabilitation of buildings, sites, structures, objects, districts, and areas significant to the history, architecture, archaeology or culture of the city, state or nation. Preservation may include work to halt the process of decay, normal maintenance, and other measures to retain and sustain the nature, form, material, and integrity of historically or architecturally important properties, structures or districts.

**Historic reconstruction:** The reproduction of the exact form and detail of a vanished building, site, structure or object or a part thereof, as it appeared at a pertinent time using materials based on precise historical documentation and specification, including construction method.

**Historic replication:** the reconstruction of structural elements, which match the shape and size but may be made of different materials or methods than those used in the original construction.

**ORDINANCE NO. XXXX**

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

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

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

**Section 1.** That the following amendments to sections 1.01, 2.05, 4.03, 6.05, 8.10, 8.11, 8.13, and Article 12 of the Development Regulations; Appendix A of the City Code of Ordinances, City of Leavenworth, Kansas be and are hereby repealed and amended to read as follows:

**ARTICLE 1. GENERAL PROVISIONS**

**1.01 Overview**

- A. **Title.** These regulations, shall be known, as the "Development Regulations of the City of Leavenworth, Kansas." These regulations are adopted pursuant to Kansas Statutes 12-747 *et. seq.* and 12-757 *et. seq.*
- B. **Purpose.** These regulations serve the following purposes:
  - 1. To promote the health, safety, comfort and economic development of the city;
  - 2. To preserve and protect property values throughout the city;
  - 3. To regulate the height, number of stories and size of buildings; the percentage of lot coverage; the size of yards, courts, and other open spaces; and density of population;
  - 4. To divide the jurisdictional area into zones and districts;
  - 5. To regulate the location and use of buildings and land within each district or zone.
- C. **Jurisdiction.** These regulations apply to all land and structures within the incorporated area of the City of Leavenworth, Kansas. Fort Leavenworth, the U.S. Penitentiary, and the Veterans Administration Reservations are excluded from the jurisdiction of these regulations.
- D. **Exemptions.** The following structures and uses shall be exempt from the provisions of these regulations:
  - 1. **Utilities.** Poles, wires, cables, conduits, vaults, laterals, pipes, street lighting, mains, valves, or other similar equipment or improvements for the distribution to consumers of telephone or other communications, electricity, gas, or water,

or the collection of sewage or surface water operated or maintained by a public utility.

2. *Railroads.* Railroad track, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.

**E. Annexation.**

1. All territory annexed into the City of Leavenworth, voluntarily or involuntarily, shall be zoned after annexation in accordance with the zoning district most closely matching the Comprehensive Land Use Plan for that area, determined by Table 1-01 below.
2. The landowner may propose a different zoning classification through an application for rezoning, as provided elsewhere in this code. The rezoning must be completed at or before the time the annexation petition is presented to the City Commission for consideration.

<b>Table 1-01: Zoning District &amp; Direct Future Land Use Map Associations</b>	
<b>Zoning District</b>	<b>Future Land Use Map Designation</b>
<b>R1-25</b> Low Density Single-Family Residential District	Low Density Residential
<b>R1-9</b> Medium Density Single-Family Residential District	Low or Medium Density Residential
<b>R1-7.5</b> Medium Single-Family Residential District	High Density Residential
<b>R1-6</b> High Density Single-Family Residential District	High Density Residential
<b>R4-16</b> Medium Density Multiple Family Residential District	High Density Residential
<b>R-MF</b> Multiple-Family Residential District	Multi Family
<b>RMX</b> -Residential Mixed Use	Urban Residential
<b>MP</b> Mobile/Manufactured Home Park District	Multi Family
<b>NBD</b> Neighborhood Business District	Commercial
<b>OBD</b> Office Business District	Commercial
<b>CBD</b> Central Business District	Commercial
<b>GBD</b> General Business District	Commercial
<b>I-1</b> Light Industrial District	Industrial
<b>I-2</b> Heavy Industrial District	Industrial
<b>PUD</b> Planned Unit Development District	Not Applicable
<b>FP</b> Flood Plain District	Not Applicable

- F. Severability.** It is intended that each and every provision of these regulations, to the extent they may reasonably be interpreted and applied independently from any other provision, shall stand alone as an independent and separate regulation of the city. If any section, subsection, clause, phrase, or portion of these regulations is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining or any other portions of these regulations.

## 2.05 Site Plan

- A. **Applicability:** All applications for multi-family, commercial, industrial, SUPs, PUDs and rezoning shall be accompanied by a site plan and all submissions for a building permit for any permitted use therein must be accompanied by a Site Development Plan. Single family dwellings are exempt from this requirement.
- B. **Site Plan Procedures:** Applications for a site plan shall be proposed on forms established by the Director of the Planning Department and filed with the Planning Department. Except for site plans that accompany other required approval processes, applications shall be processed according to the following specific procedures:
1. The City Planner shall determine if submitted site plans are in accordance with these regulations and then forward all site plan submissions to the Development Review Committee along with a written opinion on the plan's merits.
  2. The Development Review Committee is responsible for final review and approval of site plans for multi-family residential, mixed-use, mobile home parks, planned unit developments, commercial or industrial developments which are in accordance with these regulations.
  3. In its review, the Development Review Committee will consult and consider the recommendation of the various departments and agencies affected by the proposed site plan.
  4. If the Development Review Committee rejects or withholds approval of the site plan the applicant may appeal the decision to the Planning Commission at its next regular meeting. The Planning Commission may recommend approval, disapproval or approval with conditions to the City Commission.
- C. **Criteria:** Site design shall ensure that all provisions of these Development Regulations and all other ordinances, Comprehensive Land Use Plan, and general plans and standards of the City of Leavenworth shall be complied with, where applicable. In determining the applicability of a site plan to the standards, and in interpreting the standards, the following criteria shall be used:
1. The proposed development shall not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood; and shall not be detrimental or injurious to the neighborhood.
  2. The proposed development shall promote a desirable relationship of structures: to one another; to open spaces; and to the topography on the site and in the surrounding area.
  3. The height, area, setbacks, and overall mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be adequate and appropriate to the development, the neighborhood, and the community.

4. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas, and pedestrian walkways shall be so designed as to promote safety and convenience.
  5. The architectural character of the proposed structure shall meet the requirements of Article 7, Design Standards.
- D. **Amendment to Site Plan:** No approved Site Plan may be modified, or expanded in ground or structural area more than 10% of the gross floor area unless the Site Plan is amended and approved in accordance with the procedures applicable to initial approval, or as otherwise approved through Minor Modifications in Section 2.06. Such changes will require the applicant to resubmit the Site Plan as outlined in the preceding sections.
- E. **Effect of Decision.** All elements of the approved site plan must be executed in association with a building permit or certificate of occupancy, except that installation of landscape may be delayed for up

### 4.03. Property Development Standards

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

Table 4-01: Zoning District Dimension Standards								
	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Width [9]	Max. Coverage	Front	Interior Side	Corner Side	Rear	
R1-25	25,000 s.f.[1]	160'	50%	25'	10'	25'	25'	35'
R1-9	9,000 s.f.	75'	50%	25'	6'	25'	25'	35'
R1-7.5	7,500 s.f.	75'	50%	25'	6'	15'	10'	35'
R1-6	6,000 s.f.	48'	50%	25'	6'	25'	25'	35'
R-MF	6,000 s.f. [2]	48' (1 to 2 units) 72' (3 units) 96' (4+ units)	50%	25'	6' (1-story) 10' (2-story) 15' (3-story)	25'	25'	40'
R4-16	6,000 s.f. [3]	48' (1 to 2 units) 96' (3 -4+ units)	50%	25'	6' (1-story) 10' (2-story) 15' (3-story)	25'	25'	40'
RMX	See table 4-2							
MP	10 acres	300'	50%	25'	6'	25'	25'	35'
NBD	6,000 s.f.	48'	50%	25'	6' (1-story) 10' (2-story) 15' (3-story)	25'	25'	45'
OBD	6,000 s.f.	48'	80% [8]	25'	6' (1-story) 10' (2-story) 15' (3-story)	25'	25'	45'
CBD	2,000 s.f.	48'	100%	0' [4]	0' [4]	0' [4]	0' [4]	none
GBD	6,000 s.f.	48'	80% [8]	25'	0' [5]	25'	25'	45'
ROD	See Section 4.05							
I-1	15,000 s.f.	160'	80% [8]	30'	10' [6]	20' [6]	25'	50' or 4 stories
I-2	15,000 s.f.	160'	80% [8]	30'	10' [7]	20 [7]	25'	none

[1] only with public water and sewer. See KDHE 4-2 and Leavenworth County Sanitary Code: minimum lot size is 2 acre without public water or sewer.

[2] lots in the R-MF district shall have 3,000 square feet per dwelling unit.

[3] lots in the R-4-16 district shall have 4,000 square feet per dwelling unit.

- [4] There are no yard requirements in the CBD except that a 25' setback shall be provided on any side of a lot which abuts a residential district
- [5] There are no interior side yard requirements in the GBD except that a 25' setback shall be provided on any side of a lot which abuts a residential district
- [6] In the I-1 district a 25' setback shall be provided abutting any dedicated street or residential district.
- [7] In the I-2 district a 100' setback shall be provided abutting residential district, unless the use was located and platted prior to adoption of these regulations in which case a 25' setback shall be provided. Setbacks abutting any dedicated street shall be 25'.
- [8] Maximum lot coverage requirements shall be subject to stormwater quality and quantity requirements as determined by the Public Works Department for individual projects.
- [9] Any adjacent right-of-way width may not be counted towards the minimum lot width requirement.

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

Table 4-02: Dimensions for the Residential Mixed-Use District								
Dwelling/ Building Type	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Lot Width	Max. Lot Cov.	Front	Interior Side	Corner Side	Rear	
SF detached and duplex	2,400 sf	40'	80%	10'	0' [1]	10 [1]	10' [2]	35'
Townhouse/ multi-family, mixed-use	[3]	48'	80%	10'	0' [1]	10 [1]	10' [2]	38'
Commercial, mixed-use	[3]	n/a	80%	0'	0' [1]	10 [1]	5' [2]	38'

- [1] An RMX use abutting a residential district shall match the side yard setback standards of that district.
- [2] When abutting a public street, alley, or public right-of-way. The rear setback for RMX abutting a residential district shall be 20 feet, regardless of the location of any street, alley, or ROW.
- [3] Must meet setback requirements.

C. **Yard Regulations.**

1. **Front Yards.** In areas where parcels were created previous to the adoption of Subdivision Regulations in July 1966, where structures have been built observing a setback other than the setback required by the applicable Zoning District, new structures shall observe the following setback:
  - a. Front setbacks may be the average setback of all lots within 150 feet of either side of the lot, but along the same block.
  - b. If only two buildings exist within 100 feet of either side of the lot, the front setback may be the average of those buildings.

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

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

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

D. ***Height Regulations.***

1. In all districts, one additional foot of height above the specified height limitations shall be permitted for commercial or industrial buildings for each one foot of additional setback on all sides provided over the minimum requirements, if no such building exceeds one 100 feet in height.
2. Single family, two family, and multiple family dwellings in the residential districts may be increased in height by one foot for each one foot of additional setback on all sides, provided that no residential building may exceed 50 feet in height.
3. Chimneys, cooling towers, elevator hothouses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and

spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, may be erected to a height not to exceed 25% above the maximum height for the district in which it is located.

E. **Accessory Structures.**

1. No accessory buildings shall be erected in any required front or side yard, or at any other place forward of the main building line.
2. No accessory structure except for permitted signs, fences, and permitted off-street parking shall be permitted in any required front or side yard.
3. All accessory buildings in the rear yard shall maintain a three-foot setback from the side and rear property lines as measured from the nearest part of the structure, including any overhangs.
4. If the accessory structure has a vehicular alley entrance the sum of the right-of-way width and the setback of the structure shall not be less than 20 feet.
5. Accessory structures located elsewhere on the lot shall maintain setbacks applicable to the principal structure.
6. All accessory buildings in residential districts shall be five feet from any primary building on the site. In all other zoning districts accessory structures and uses shall not occupy required setbacks and are not subject to size restrictions except that all other requirements of the Development Regulations must be met.
7. All accessory structures shall be constructed from material customary to detached structures.
8. In no case shall an accessory structure be constructed from materials or equipment originally designed for another use such as but not limited to packing crates or a part of a motor vehicle truck or trailer regardless if wheels, axles, etc., have been removed and the structures are placed on more permanent foundations.
9. No shipping containers may be used as accessory buildings except within I-1 and I-2 Industrial zoning districts, where they may be permitted for storage purposes only subject to the following standards:
  - a. Containers shall be used solely for storage associated with a permitted principal use.
  - b. Containers shall be maintained in good condition, free from rust, peeling paint, or other visible deterioration.
  - c. Containers shall not be used for habitation, office space, or retail activity.
  - d. Containers shall comply with applicable setback, height, screening and lot coverage requirements.
  - e. Containers must be placed on a hard surface.
10. Accessory structures which are equal to or more than 15% of the footprint of the main structure shall be architecturally compatible or complementary to the architectural style of the principal building, with similar materials, color, arrangement of massing, roof forms and other details and ornamentation.

## **6.05 Buffers**

The following regulations apply to properties where a multi-family, mixed-use, or non-residential district or use abuts a single-family residential district or use without an intervening public right-of-way and/or where these uses are not separated by a perimeter landscaping requirement.

- A. **Buffer Required.** Minimum buffer spaces as described in Table 6-03 shall be provided between adjacent or abutting dissimilar structures.

Dwelling Unit Height	Dwelling Unit Height			
	1 story	2 stories	3 stories	+3 stories
1 story	–	10	15	20
2 stories	10	–	15	20
3 stories	15	10	–	10
+3 stories	20	15	10	–

- B. **Buffer Design.** The buffer shall be landscaped in accordance with Table 6-04;

Requirement (per lineal foot of property line)	Buffer Width (feet)			
	0	5	10	20
Total Landscaping Units	.5	.75	1.0	1.5
Minimum Tree Units	0	.25	.50	.75
Minimum Shrub Units	.05	.10	.15	.25

1. New trees and shrubs shall be evenly spaced at planting.
2. Where a natural buffer exists, as determined by the Director, it shall remain undisturbed.
3. If used in addition to a landscape screen, fences shall have additional evergreen shrubs planted on the residential side of the fence.
4. Mechanical equipment, permanent detention and temporary erosion and sedimentation control basins, trash containers, loading docks, service uses, and employee break areas are prohibited in the buffer area.
5. Utility easements may cross but not be placed in the long dimension of a buffer yard.
6. Wherever practical, pedestrian access shall be placed through the buffer yard.

### 8.10. Signs Permitted in the Neighborhood Business Districts (NBD) and Residential Mixed Use District (RMX)

<b>Table 8-02: NBD Signage Standards</b>			
	<b>Maximum Number</b>	<b>Maximum Size</b>	<b>Maximum Height</b>
Attached Signs	1 per side	96 s.f. or 10% of wall surface [1]	N/A
Freestanding Signs	1	32 s.f.	15
Sandwich Board (A-frame) Signs	1	6 s.f.	N/A
Window Signs	N/A	32 s.f. or 33% of window area	N/A

[1] Projecting signs are allowed as regulated by Section 8.10.B.2

The following signs shall be permitted in the Neighborhood Business District and Residential Mixed Use District:

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.
- B. Signs attached to a building shall be allowed as follows:
  - 1. One wall sign shall be allowed for each side of the structure. A structure with multiple businesses may have one sign for each separate business. Each separate business shall have clearly defined exterior wall space and the size of that wall space shall be the determining factor on sign size allowance. The sign Surface shall not exceed 96 square feet or 10% of the wall surface, whichever is less. This wall sign may be an electronic changeable message sign, provided it complies with the applicable standards for same.
  - 2. A projecting sign that does not project from a building greater than a distance of six feet, does not encroach in the public right-of-way, and maintains eight feet of clearance from grade is permitted. In computing the square foot allowance for a projecting sign, the total area of the sign surface shall be included in the total area allowed for all wall signs, but shall not be larger than 24 square feet. Projecting signs do not reduce the number of wall signs as regulated by the zoning district, however, only one projecting sign shall be allowed per business.
- C. One freestanding sign shall be allowed per parcel, regulated as follows:
  - 1. Freestanding signs shall not exceed 15 feet in height.
  - 2. No part of a freestanding sign face, frame, or base shall be closer than five feet to the public right-of-way or side or rear property line and shall not obstruct traffic vision.
  - 3. Freestanding signs may have two faces and shall not exceed 32 square feet per face, or one square foot of sign per lineal foot of lot frontage, whichever is less.
  - 4. No freestanding sign face, frame or base shall be closer than 50 feet to another freestanding sign.
  - 5. Separate and distinct street frontages shall be computed individually for allowable signage; however, signs shall be located on the street frontage that is used for computation. (No accumulation is allowed for unused street frontages.)

6. The allowed freestanding signs may be electronic changeable message signs, provided they comply with all other standards in this article addressing lighting, safety, and electronic changeable messages.
- D. One sandwich board (A-frame) sign that meets the following requirements per street frontage is allowed as follows:
1. A permit shall be required for sandwich board signs. Permits are good for the life of the sign.
  2. Sandwich boards signs shall be on-premises signs.
  3. The sign may be located on the public sidewalk or the planting strip adjacent to the edge of the street on which it fronts. Signs shall not be placed in any raised streetscape or publicly owned planters.
  4. The sign may not exceed six square feet in area per side and may have no more than two sides for the display of messages.
  5. The spread of the "A" at the open end shall be sufficient to insure stability and no wider.
  6. Signs shall be adequately weighted to resist wind gusts.
  7. Chalkboard, whiteboard, changeable letters, and any other non-electronic changeable or erasable surfaces are permitted.
  8. All signs shall be in good repair and neatly painted. No attachments to signs are permitted, other than brochure pockets.
  9. Creative shapes that reflect the theme of the business are encouraged (e.g., ice cream shops may display a sign in the shape of an ice cream cone).
  10. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable. The sign lettering should be professionally painted or applied; a "yard sales" or "graffiti" look with hand-painted or paint-stenciled letters is not acceptable.
  11. The sign shall not be an electronic changeable message sign or be an illuminated sign.
  12. The sign shall be displayed only during business hours and stored inside after hours.
  13. The placement of the sandwich board sign shall not impede pedestrian or wheelchair travel in the vicinity of the sign or otherwise create a traffic or other safety hazard by obstructing vision or otherwise, as determined by the person designated by the Director to enforce the provisions of this sign code.
  14. The owner must assume liability for damage or injury resulting from the use of a sandwich board sign and provide the city with an appropriate legal document satisfactory to the City Clerk holding the city harmless and indemnifying it for any resulting loss or injury.
  15. Except as otherwise provided in this sign code, a sandwich board sign may be posted for so long as it remains in good condition. Once a sandwich board sign is tattered or otherwise is no longer in good condition, it shall be removed or replaced.
  16. If the Director determines that a sandwich board sign is not in good condition, the property owner shall be notified of that determination and shall remove, repair or replace the sign within three days of that notification. Signs that are not removed, repaired, or replaced within three days of the notification shall be deemed a nuisance and shall be subject to abatement or removal by City staff. The Director's

determination that a sandwich board sign is not in good condition may be appealed to the City Commission under the procedures set forth in this article.

17. One temporary sign, as otherwise restricted and permitted herein this sign code, is allowed on any lot.

E. Window signs shall be allowed as follows:

1. The window sign shall not obstruct more than 33% of the window area for each front, side or rear wall; provided that, the total sign surface shall not exceed 32 square feet, per side of the building. For the purposes of this subsection, the term "window area" includes the non-opaque parts of any doors or other fenestrations.
2. The allowable window sign area as defined herein may be illuminated.
3. Window signs constructed of neon, stained glass, gold leaf, cut vinyl, and etched glass are allowed.
4. Painted signs shall display the highest level of quality and permanence, as determined by the Director.
5. The listing of an establishment's hours of operation shall be exempt from these regulations, provided that the area of the sign containing hours of operation shall be no greater than two square feet.
6. The listing of directional information (i.e., "parking in rear" or "use other door") shall be exempt from these regulations; provided that the area of the sign containing directional information is no greater than three square feet.
7. The use of window framing (i.e., a continuous light source illuminating the perimeter of an individual windowpane or a group of windowpanes) is prohibited.
8. Accessible doors to a business establishment shall be limited to the following types of window signage:
  - a) Business name;
  - b) Hours of operation;
  - c) Phone number;
  - d) Building or tenant address;
  - e) Website; and
  - f) The use of dark, opaque background panels for internally illuminated signs or letter faces is required to reduce the glare or glow of such signs.

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

Table 8-03: OBD, CBD, GBD, I-1 & I-2 Signage Standards									
Maximum Number			Maximum Size			Maximum Height			
CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2	

Attached Signs [1] [2]	1 per side	1 per side	1 per side	150 s.f.	96 s.f.	500 s.f.	N/A	N/A	N/A
Freestanding Signs [3] [4]	1	1	1	50 s.f.	50 s.f.	100 s.f.	15	15	15
Window Signs	N/A	N/A	N/A	150 s.f. or 33% of window area	150 s.f. or 33% of window area	150 s.f. or 33% of window area	N/A	N/A	N/A

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

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

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

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

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

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

### 8.13. Electronic Message Center Signs (EMCs)

When allowed by any other section of this sign code, an electronic changeable message sign shall comply with the following performance standards provided that, no individual parcel of land shall be allowed more than one animated electronic changeable message sign.

- A. **Illumination/Lumination:** An EMC shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall an EMC exceed a brightness level of 0.3 foot-candle above ambient light, as measured using a foot-candle (lux) meter calibrated within the past 36 months.
- B. **Movement:** The following display features are prohibited- flashing, strobing, blinking, fluttering, spinning, rotating, bouncing, scrolling and chasing.
- C. **Right-of-Way:** No EMC shall overhang into a public right-of-way and shall not be included in a portable or temporary sign.
- D. **Audio Messages:** An EMC shall not include any audio message, tones or music.
- E. **Transitions:** All EMCs shall transition instantaneous between message without the use of frame effects.
- F. **Size and Placement:** The maximum size of any EMC shall be 25% of allowed square footage of any monument or wall sign or 32 square feet, whichever is less. No EMCs shall be located adjacent to residential property.
- G. **Compliance Assurance:** No permit shall be granted unless the applicant provides sufficient proof from the manufacturer that the sign has the technical capacity to comply with all applicable regulations governing EMCs in this code and that the sign owner and/or operator has reviewed and understands the applicable regulations pertaining to the EMC and agrees not to violate the regulations.
- H. **Proximity to Residential Uses:** No EMC shall be located closer than 100 feet to any existing residence unless separated by an intervening building. Distance shall be measured from the EMC to the nearest portion of the residential structure.

DEVELOPMENT REGULATIONS  
ARTICLE 12. DEFINITIONS  
LEAVENWORTH, KANSAS

**Health Resort/Spa:** A business establishment which people visit for professionally administered personal care treatments such as dietary counseling, various therapies, massages, and facials in a hotel setting where people reside for a day or more.

**Heavy Industrial:** The production of products, which are either heavy in weight or heavy in the scale of the processes leading to their production. Products are often produced with by the use of smelters, furnaces, and high energy or raw material inputs. Often heavy industrial processes involve the use of large machines, smokestacks, hazardous products, and waste chemicals. Typical Heavy Industrial processes have some negative effects on the surrounding property through the emission of noise, large vehicle traffic, particulate matter emissions, mechanical vibration, unpleasant smells, and or deleterious environmental impacts. Heavy industrial projects can be generalized as more capital intensive or as requiring greater or more advanced resources, facilities or management. These industries are often the most heavily regulated by the federal or state governments.

**Heavy Vehicle/Equipment Sales, Rentals, and Service:** The sale, rental, leasing, maintenance, and repair of vehicles and equipment designed for commercial or industrial use that exceed a gross vehicle weight rating (GVWR) over 10,000 pounds, such as large trucks and buses or construction, industrial, or agricultural machinery. There may be incidental outdoor storage, display, and part sales.

**Heliport:** Any location where one or more heavier than air rotor-wing craft capable of containing a human, takeoff or land, and for which ground facilities necessary to these operations are constructed.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic and Monument Sites:** Any site so designated by the local, state, or federal Government.

**Historic District:** An area designated as an historic district and which may contain within definable geographic boundaries one or more significant sites, structures or objects and which may have such other structures which contribute to the overall visual characteristics of the significant structures or objects located within the designated area, and are free from non-contributing structures which detract from the historic properties.

**Historic Preservation:** The study, identification, protection, restoration and rehabilitation of buildings, sites, structures, objects, districts, and areas significant to the history, architecture, archaeology or culture of the city, state or nation. Preservation may include work to halt the process of decay, normal maintenance, and other measures to retain and sustain the nature, form, material, and integrity of historically or architecturally important properties, structures or districts.

**Historic reconstruction:** The reproduction of the exact form and detail of a vanished building, site, structure or object or a part thereof, as it appeared at a pertinent time using materials based on precise historical documentation and specification, including construction method.

**Historic replication:** the reconstruction of structural elements, which match the shape and size but may be made of different materials or methods than those used in the original construction.

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

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

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

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

Passed by the Leavenworth City Commission on this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

\_\_\_\_\_  
Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

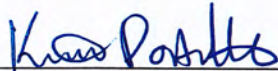
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Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2026-18 SUP  
1119-1121 SHERMAN AVE**

**JUNE 23, 2026**

**SUBJECT:**

Place on first consideration an ordinance to approve 2026-18 SUP to allow a two-family dwelling in the R1-6, High Density Single Family Residential Zoning District.



**Prepared By:**  
Kim Portillo  
Director of Planning and  
Community Development



**Reviewed By:**  
Scott Peterson,  
City Manager

**ANALYSIS:**

The owners and applicants, Chad and Sheila Vester, request approval of a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6 High Density Single Family Residential District located at 1119 & 1121 Sherman Avenue. Two-family dwellings are permitted in the R1-6 zoning district subject to issuance of a Special Use Permit.

Based on staff research, the structure was originally constructed as a duplex in 1966, prior to the adoption of Development Regulations and has continuously operated as a two-family dwelling since that time. As such, the use is considered a legal nonconforming use.

Per section 1.05.D of the adopted Development Regulations:

*Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.*

Section 1.05.D further provides:

*If a structure devoted to a nonconforming use is damaged or destroyed by more than fifty percent (50%) of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations of the zoning district in which it is located.*

The applicants are requesting approval of a Special Use Permit in order to bring the property into conformance with current zoning regulations. No structural expansions, site modifications, or changes in intensity of use are proposed.

**COMMISSION FINDINGS**

In considering this request, the Planning Commission may recommend issuance of a special use permit upon making the following findings:

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

*Based on all available information provided and staff review, the application complies with the applicable provisions of City of Leavenworth Development Regulations.*

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

*This property has functioned as a two-family dwelling since 1966 and contributes to the diversity of housing types available to Leavenworth residents.*

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

*Staff does not anticipate that the continued residential use of the property as a two-family dwelling will cause substantial injury to the value of surrounding properties.*

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

*The requested special use permit would allow the continued use of an existing duplex originally constructed in 1966 and has continuously operated as such since that time. The request does not involve exterior expansion or an increase in residential intensity. The property is 14,130 SF in size, which substantially exceeds the minimum lot size requirement of 6,000 SF for the R1-6 zoning district. Existing off-street parking is provided, and no significant increase in traffic is anticipated. In addition, several other two-family dwellings are located within a block or two of the subject property, indicating that the use is compatible with the surrounding neighborhood development pattern. Therefore, staff finds the use will not dominate the immediate neighborhood or prevent the development and use of neighboring properties in accordance with the applicable zoning regulations.*

Notification was mailed to property owners within 200 feet of the subject property in accordance with Kansas statutory requirements. After notifications were mailed, staff received no public comments regarding the request.

The Planning Commission took action on this item at their June 1, 2026 meeting and voted 6-0 to recommend approval of the special use permit subject to the following condition:

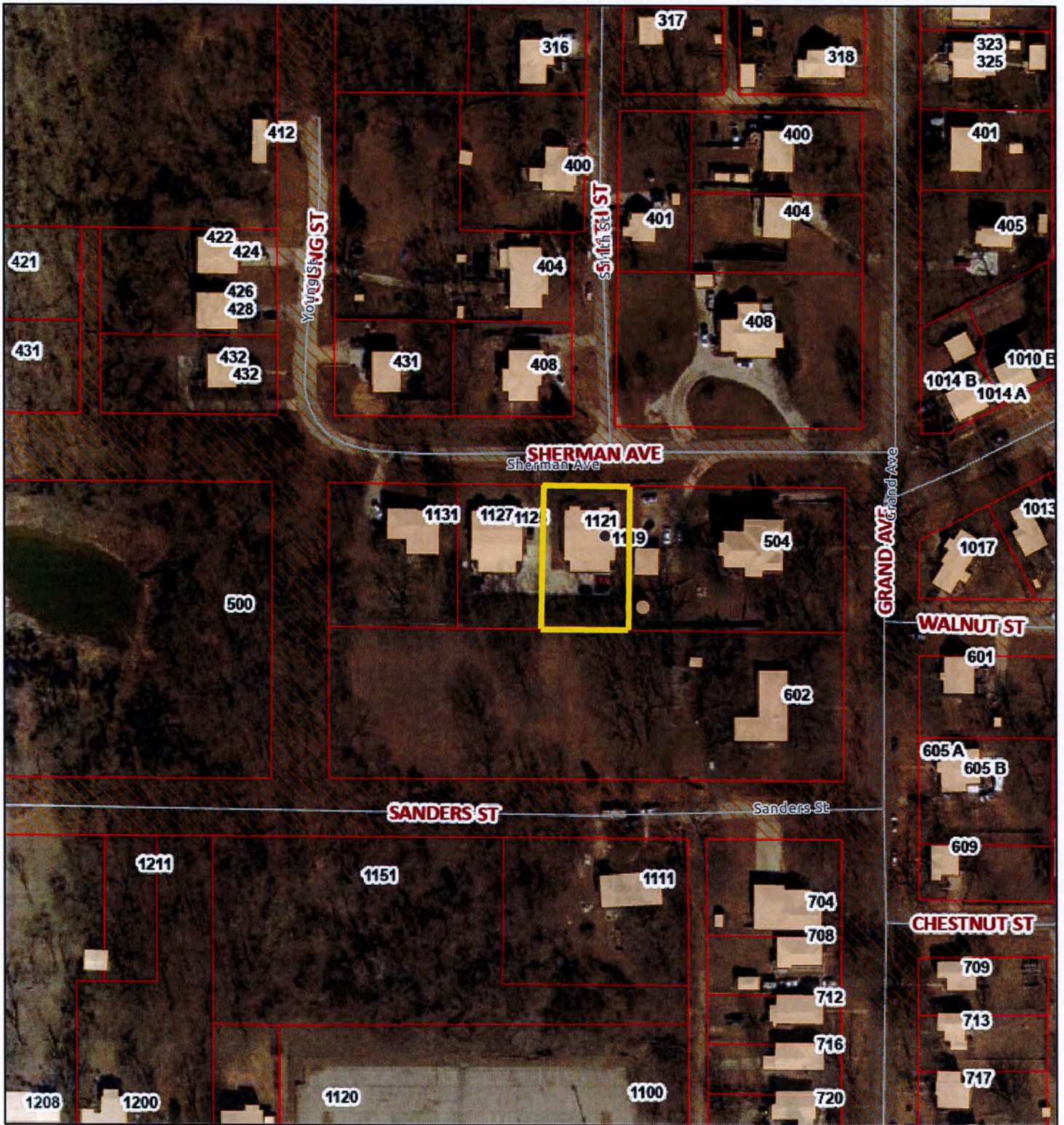
1. The property owner shall register the property with the City of Leavenworth as a two-family rental property.

Failure to maintain compliance with the condition of approval may result in revocation of the Special Use Permit.

**ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling at 1119-1121 Sherman Avenue.
- Deny the Special Use Permit request to allow a two-family dwelling at 1119-1121 Sherman Avenue.
- Remand the Special Use Permit request to allow a two-family dwelling at 1119-1121 Sherman Avenue to the Planning Commission for further consideration.

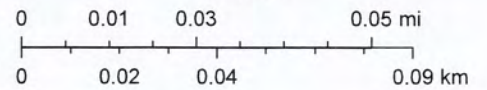
# 2026-18 SUP - 1119 & 1121 Sherman Avenue



6/1/2026, 10:04:09 AM

1:2,257

- Override 1
- Leavenworth City Limits
- Parcels\_Current
- City Right-of-Way
- Buildings
- RoadCenterline



Address (Points)

45

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

*(Summary Published in the Leavenworth Times on*

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**ORDINANCE NO. XXXX**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 1119 AND 1121 SHERMAN AVENUE IN THE CITY OF LEAVENWORTH, KANSAS.**

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

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 1st day of June 2026 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 6th day of May 2026; and

**WHEREAS**, the City Planning Commission did hear on the 1st day of June 2026 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 1119 and 1121 Sherman Avenue, Leavenworth, Kansas; and

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

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

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

The West 90 Feet of the East 315 Feet of the North ½ of Block Thirty-two (32), Central Subdivision, City of Leavenworth, Leavenworth County, Kansas; And more commonly referred to as 1119 and 1121 Sherman Avenue, Leavenworth, Kansas.

**Section 2.** That this special use permit is subject to the following:

- a) The property owner must register the property with the City of Leavenworth as a two-family rental property.

Failure to maintain compliance with the condition of approval may result in revocation of the special use permit.

**Section 3:** That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_ day of \_\_\_\_\_ 2026.

\_\_\_\_\_  
Nancy D. Bauder, Mayor

{Seal}

ATTEST:

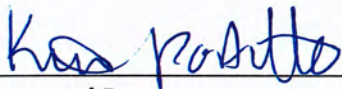
\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2026-19 SUP  
1125-1127 SHERMAN AVE**


**JUNE 23, 2026**

**SUBJECT:**

Place on first consideration an ordinance to approve 2026-19 SUP to allow a two-family dwelling in the R1-6, High Density Single Family Residential Zoning District.



**Prepared By:**  
Kim Portillo  
Director of Planning and  
Community Development



**Reviewed By:**  
Scott Peterson,  
City Manager

**ANALYSIS:**

The owners and applicants, Chad and Sheila Vester, request approval of a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6 High Density Single Family Residential District located at 1125 & 1127 Sherman Avenue. Two-family dwellings are permitted in the R1-6 zoning district subject to issuance of a Special Use Permit.

Based on staff research, the structure was originally constructed as a duplex in 1966, prior to the adoption of Development Regulations and has continuously operated as a two-family dwelling since that time. As such, the use is considered a legal nonconforming use.

Per section 1.05.D of the adopted Development Regulations:

*Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.*

Section 1.05.D further provides:

*If a structure devoted to a nonconforming use is damaged or destroyed by more than fifty percent (50%) of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations of the zoning district in which it is located.*

The applicants are requesting approval of a Special Use Permit in order to bring the property into conformance with current zoning regulations. No structural expansions, site modifications, or changes in intensity of use are proposed.

**COMMISSION FINDINGS**

In considering this request, the Planning Commission may recommend issuance of a special use permit upon making the following findings:

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

*Based on all available information provided and staff review, the application complies with the applicable provisions of City of Leavenworth Development Regulations.*

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

*This property has functioned as a two-family dwelling since 1966 and contributes to the diversity of housing types available to Leavenworth residents.*

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

*Staff does not anticipate that the continued residential use of the property as a two-family dwelling will cause substantial injury to the value of surrounding properties*

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

*The requested special use permit would allow the continued use of an existing duplex originally constructed in 1966 and has continuously operated as such since that time. The request does not involve exterior expansion or an increase in residential intensity. The property is 13,345 SF in size, which substantially exceeds the minimum lot size requirement of 6,000 SF for the R1-6 zoning district. Existing off-street parking is provided, and no significant increase in traffic is anticipated. In addition, several other two-family dwellings are located within a block or two of the subject property, indicating that the use is compatible with the surrounding neighborhood development pattern. Therefore, staff finds the use will not dominate the immediate neighborhood or prevent the development and use of neighboring properties in accordance with the applicable zoning regulations.*

Notification was mailed to property owners within 200 feet of the subject property in accordance with Kansas statutory requirements. After notifications were mailed, staff received no public comments regarding the request.

The Planning Commission took action on this item at their June 1, 2026 meeting and voted 6-0 to recommend approval of the special use permit subject to the following condition:

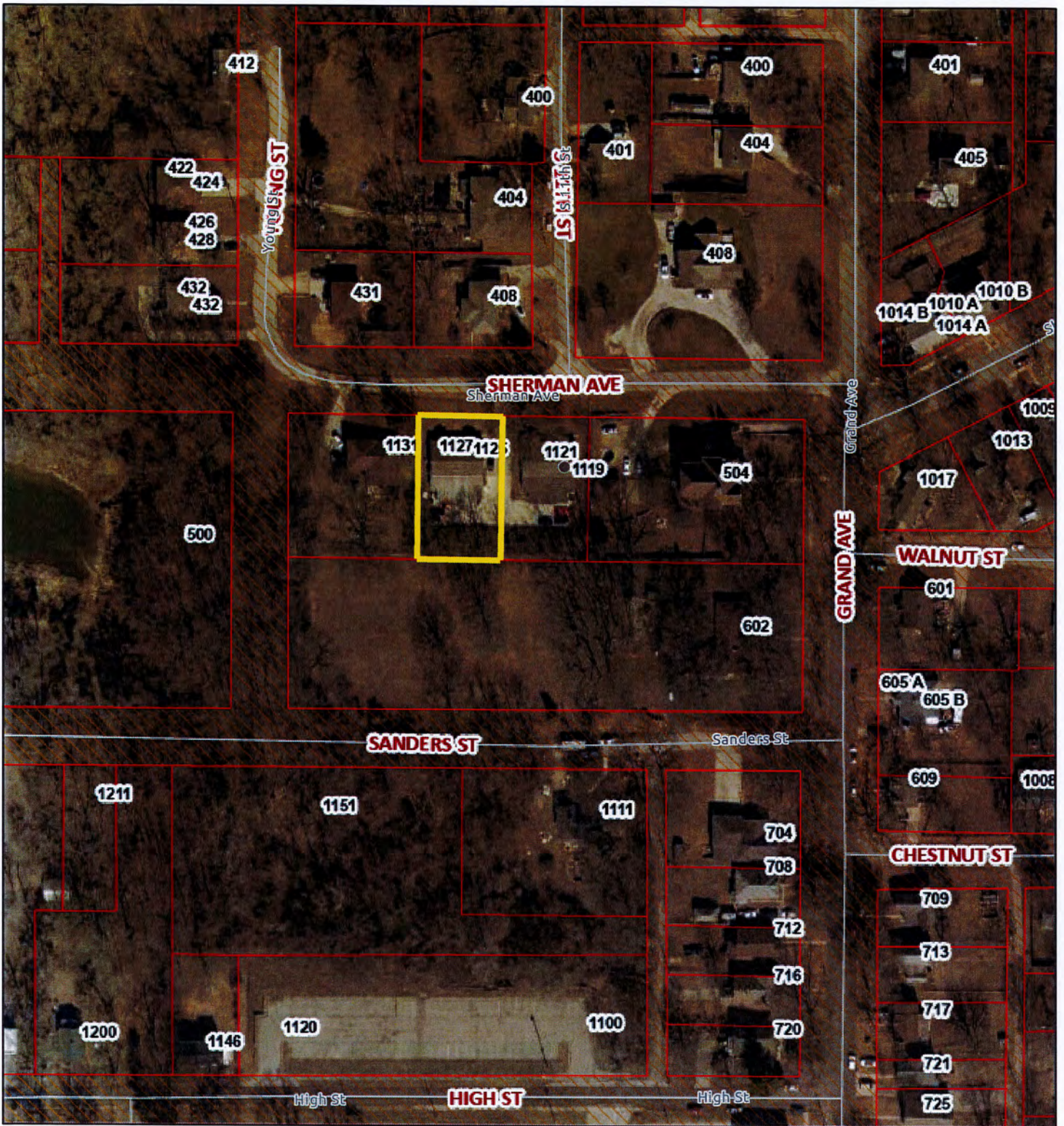
1. The property owner shall register the property with the City of Leavenworth as a two-family rental property.

Failure to maintain compliance with the condition of approval may result in revocation of the Special Use Permit.

**ACTION/OPTIONS:**

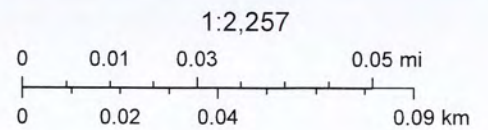
- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling at 1125-1127 Sherman Avenue.
- Deny the Special Use Permit request to allow a two-family dwelling at 1125-1127 Sherman Avenue.
- Remand the Special Use Permit request to allow a two-family dwelling at 1125-1127 Sherman Avenue to the Planning Commission for further consideration.

# 2026-19 SUP - 1125 & 1127 Sherman Avenue



5/18/2026, 1:09:15 PM

- Override 1
- Leavenworth City Limits
- Parcels\_Current
- City Right-of-Way
- Address (Points)
- RoadCenterline



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

*(Summary Published in the Leavenworth Times on*

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**ORDINANCE NO. XXXX**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 1125 AND 1127 SHERMAN AVENUE IN THE CITY OF LEAVENWORTH, KANSAS.**

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

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 1st day of June 2026 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 6th day of May 2026; and

**WHEREAS**, the City Planning Commission did hear on the 1st day of June 2026 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 1125 and 1127 Sherman Avenue, Leavenworth, Kansas; and

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

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

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

The West 85 Feet of the East 400 Feet of the North Half of Block 32, Central Subdivision, City of Leavenworth, Leavenworth County, Kansas; And more commonly referred to as 1125 and 1127 Sherman Avenue, Leavenworth, Kansas.

**Section 2.** That this special use permit is subject to the following:

- a) The property owner must register the property with the City of Leavenworth as a two-family rental property.

Failure to maintain compliance with the condition of approval may result in revocation of the special use permit.

**Section 3.** That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_ day of \_\_\_\_\_ 2026.

\_\_\_\_\_  
Nancy D. Bauder, Mayor

{Seal}

ATTEST:

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