



Welcome To Your City Commission Meeting - Please turn off all cell phones during the commission meeting.
Meetings are televised everyday on Channel 2 at 7 p.m. and midnight

Call to Order – Pledge of Allegiance Followed by Silent Meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from February 12, 2019 Regular Meeting **Action: Motion** (pg. 2)

Second Consideration Ordinance:

2. Second Consideration Ordinance 8096 to Vacate a Portion of Meadow Lane **Action: Roll Call Vote** (pg. 6)

NEW BUSINESS:

Citizen Participation: *(i.e. Items not listed on the agenda or receipt of petitions- Please state your name and address)*

General Items:

3. Consider Veterans Day Parade Committee Funding Request **Action: Motion** (pg. 10)
4. Consider Cereal Malt Beverage License for CVS **Action: Motion** (pg. 12)

Resolutions:

5. Resolution B-2215 Annual Report for Stormwater **Action: Motion** (pg. 13)
6. Resolution B-2216 Stormwater Management Plan **Action: Motion** (pg. 24)
7. Resolution B-2217 Thornton Street Bonds **Action: Motion** (pg. 27)

Bids, Contracts and Agreements:

8. Consider Bids for Parks & Recreation Department Truck **Action: Motion** (pg. 30)
9. Consider Bids for Municipal Service Center Fuel Canopy Rebid **Action: Motion** (pg. 34)
10. Consider Bids for City Hall HVAC Upgrade & Repair Project **Action: Motion** (pg. 36)
11. Consider Amendment No 1 to Design Contract with Water Resources Solutions LLC
16th Terrace & Thornton Phase 2 Stormwater Project **Action: Motion** (pg. 39)

First Consideration Ordinance:

12. First Consideration Ordinance Amending the 2016 Development Regulations **Action: Consensus** (pg. 42)

Consent Agenda:

Consent Agenda: Claims for February 9, 2019 through February 22, 2019 in the amount of \$773,931.74; Net amount for Payroll #4 effective February 15, 2019 in the amount of \$328,614.71; (Includes Police & Fire Pension in the amount of \$11,572.36). **Action: Motion**

Other Items:

Adjourn: **Action: Motion**



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Jermaine Wilson, Commissioners Nancy Bauder, Larry Dedeke and Mark Preisinger. Mayor Pro-Tem Myron J. (Mike) Griswold was present via phone call.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Section 8 Manager Pat Tooley, Parks and Recreation Director Steve Grant, RFCC Manager Tammy Metzgar, Katie Logan in for City Attorney David E. Waters and City Clerk Carla K. Williamson.

Mayor Jermaine Wilson opened the meeting with the pledge of allegiance followed by silent meditation.

PROCLAMATION:

Military/America Saves Week – Kathy Rizzo from Armed Forces Bank was present to accept the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to approve the minutes from the January 22, 2019 Regular Meeting as presented. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No 8095 Rezoning 600 Shawnee & 621 Seneca – City Manager Paul Kramer reviewed the Rezoning request and presented for second consideration.

Mayor Wilson called the roll and the Ordinance passed 5-0.

NEW BUSINESS:

Citizen Participation: None

General Items:

Waiver of Distance Requirement for Temporary Liquor License – City Clerk Carla Williamson presented for consideration a waiver of the code requirement that prohibits alcoholic liquor from being sold or served from a location within three hundred (300) feet of any church, school, nursing home, library or hospital; to allow the following temporary liquor permits to be issued for use at:

- Immaculate Conception Church, located at 711 N. 5th St on Sunday, March 10, 2019 for the St. Patrick's Corned Beef and Cabbage Dinner
- St. Joseph Church, located at 306 N. Broadway St on Saturday, June 15, 2019 for the Annual Germanfest, Dinner and Dance

The City of Leavenworth Code of Ordinances, Chapter 10, Article III, Section 10-83 (b) allows the governing body to grant such a waiver, if they find that the proximity of the establishment is not adverse to the public welfare or safety. Leo Fink was present to answer any questions of the Commission.

Commissioner Preisinger moved to waive the 300-foot requirement from any church, school, nursing home, library or hospital for the events as presented. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Sale of City Owned Property 6th and Dakota Street – Assistant City Manager Taylour Tedder presented for consideration the sale of the City owned property located on the northeast corner of 6th and Dakota commonly referred to as 528 Dakota Street. Ashley and Alex Eisiminger owns of the adjacent property at 522 Dakota Street approached the City and inquired about purchasing the property from the City. The property is primarily an unbuildable lot and the sale of the lot would no longer require city resources to maintain the lot. The sales contract prepared would allow the Seller (the City) to transfer to the Buyer by Quit Claim deed with the property accepted by the buyer “as is”.

Commissioner Preisinger moved to approve the sales contract to sell 528 Dakota to Ashley and Alex Eisiminger as presented. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Public Hearing:

Public Hearing to Vacate a Portion of Meadow Lane

Open Public Hearing:

Commissioner Preisinger moved to open the public hearing. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Comments from Staff and Public:

Public Works Director Mike McDonald presented the petition filed by Unified School District (USD) 453 Board of Education to request the vacation of a portion of Meadow Lane and surrounding Right-of-Way (ROW). The Street ROW for Meadow Lane is owned by the City and was acquired through the subdivision process from the developer. The vacation is requested in connection with the construction of the new Intermediate Center on the property owned by USD 453. If action is approved the road/ROW reverts back to adjoining property owners. All utility companies have been notified. There were no objections with the exception of Leavenworth Waterworks. An agreement has been worked out between Leavenworth Waterworks and USD 453 to accommodate the needs of Waterworks by providing an easement for an existing hydrant.

Close Public Hearing:

Commissioner Preisinger moved to close the public hearing. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinance to vacate a portion of Meadow Lane:

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

Mayor's Appointments:

Mayor Wilson moved to recommend the following appointments:

Airport Advisory Board:

- Reappoint John Carrol and William Kidder to terms ending December 31, 2021

Convention and Tourism Committee:

- Reappoint Tony Baker, Scotty Brezgiel, George Marcec, Michael Watson and Dick Wright to terms ending January 31, 2022

Deer Management Advisory Committee:

- Reappoint Dan Nicodemus, Tom Wells, Carla Williamson and Lloyd Yonts to terms ending December 31, 2021

Grow Leavenworth County:

- Appoint Alejandro Amaya to an unexpired term ending May 31, 2020

Parks & Community Activities Advisory Board:

- Reappoint Michelle (Shelly) Cannon, Kara McDaniel and John Reichley to terms ending January 15, 2022

Sister City Advisory Board:

- Reappoint John Reichley to a term ending December 31, 2021

Commissioner Dedeker seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Appointment to the Leavenworth County Port Authority – City Manager Kramer presented for consideration the appointment of Rick Schneider to the Leavenworth Port Authority with a term expiring January 1, 2023. The appointment requires the approval of both the City of Leavenworth and the Leavenworth County Board of Commissioners.

Commissioner Preisinger moved to approve the appointment of Rick Schneider to the Leavenworth Authority with a term expiring January 1, 2023. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Resolutions:

Resolution B-2213 Section Eight Management Assessment Program (SEMAP) – Section 8 Manager Pat Tooley presented for consideration a resolution submitting the SEMAP certification to the U.S. Department of Housing and Urban Development (HUD) for the operation of the Housing Choice Voucher (Section 8) program.

Commissioner Bauder moved to adopt Resolution B-2213 submitting the SEMAP certification to HUD. Commissioner Dedeker seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2214 Setting Maximum Amount for 2019 Asphalt Overlay Project General Improvement Bonds – City Clerk Carla Williamson presented for consideration a resolution setting the maximum amount of \$1,887,985.00 for the 2019 Asphalt Overlay General Improvement Project Bonds. The amount is set by Charter Ordinance 56, which authorizes the City to issue and sell general obligation bonds in an amount equal to 28% of the amount of revenue produced for the tax year one year preceding the year of the bond issuance by the City of Leavenworth’s tax mill levies certified by the Leavenworth County Clerk.

Commissioner Preisinger moved to adopt Resolution B-2214. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Riverfront Community Center Flooring – Parks & Recreation Director Steve Grant presented for consideration the bids for flooring replacement for the Riverview Room and elevator lobby area at the Riverfront Community Center. Bids were opened on February 5, 2019 and only a single bid from Image Flooring of Lenexa Kansas in the amount of \$33,639.84 was received.

Commissioner Bauder moved to approve the bid from Image Flooring of Lenexa Kansas in the amount not to exceed \$33,639.84 for the Riverview Room flooring replacement project at the Riverfront Community Center. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Consider 2019 Sanitary Sewer Inflow and Infiltration (I & I) Design Contract - Public Works Director Mike McDonald presented for consideration the approval of a design services agreement with George Butler Associates, Inc. in an amount not to exceed \$40,085.00 for the 2019 Sanitary Sewer I & I Project.

Commissioner Preisinger moved to approve the design services agreement with George Butler Associates for the 2019 Sanitary Sewer I & I project in an amount not exceed \$40,085.00. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Bauder moved to approve claims for January 19, 2019 through February 8, 2019 in the amount of \$1,758,335.84; Net amount for Payroll #3 effective February 1, 2019 in the amount of \$328,299.87; (No Police & Fire Pension). Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Other: None

Adjourn:

Commissioner Dedeke moved to adjourn the meeting. Commissioner Bauder seconded the motion and was unanimously approved.

Time Meeting Adjourned 7:42 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC


**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8096
VACATING A PORTION OF MEADOW LANE**

FEBRUARY 26, 2019

Prepared by:


Carla K. Williamson, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

BACKGROUND:

At the February 12, 2019 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE VACATING A PORTION OF MEADOW LANE RUNNING ALONG THE SOUTH SIDE OF LOTS 12-9 OF COUNTRY ACRES ADDITION, A SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, AMENDING APPENDIX B, ARTICLE I, STREET VACATIONS OF THE CITY OF LEAVENWORTH CODE OF ORDINANCES.

A minor change was made to the final ordinance from the draft submitted for first consideration. Under **Section 1.** *"Subject to Section 2 hereof, the following right-of-way is hereby vacated"* was added.

Documents have been provided to the City by USD 453 showing that agreements are in place with Leavenworth Waterworks regarding easements and with one of the property owners regarding land purchase after the vacation process is complete.

ACTION:

Ordinance No. 8096 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8096

(Summary Published in the Leavenworth Times on March 1, 2019)

ORDINANCE NO. 8096

AN ORDINANCE VACATING A PORTION OF MEADOW LANE RUNNING ALONG THE SOUTH SIDE OF LOTS 12-9 OF COUNTRY ACRES ADDITION, A SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, AMENDING APPENDIX B, ARTICLE I, STREET VACATIONS OF THE CITY OF LEAVENWORTH CODE OF ORDINANCES.

WHEREAS, a petition was filed with the City Clerk of the City of Leavenworth, Kansas for a vacation of a portion of Meadow Lane running along the South side of lots 12-9, of Country Acres Addition, a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas; and

WHEREAS, the City Clerk of the City of Leavenworth, Kansas gave public notice of the same by publication in the official City newspaper stating that a petition has been filed in the office of the City Clerk praying for such vacation, describing the property fully and setting February 12, 2019 as the hearing date on which the petition shall be presented to the Governing Body of the City for hearing and that at such time and place all persons interested can appear and be heard under the petition; and

WHEREAS, the petition did proceed to hearing as published and no objections were filed with the City Clerk or received at the time of the hearing; and

WHEREAS, all utility companies were notified and agreed to such vacation with the stipulations noted in Section 2 by Leavenworth Waterworks; and

WHEREAS, all the requirements of K.S.A. 12-504 *et seq* have been complied with; and

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

Section 1. Subject to Section 2 hereof, the following right-of-way is hereby vacated.

Beginning at the Northeast corner of "Tract A, Southwest Leavenworth Park Subdivision" as recorded at Book 13, Page 69 in the Leavenworth County Register of Deeds Office; thence along the North line thereof N88°35'32"W a distance of 489.03' to the Northwest corner of said tract; thence N21°17'32"E a distance of 63.80' to the Southwest corner of Lot 12, "Country Acres" as recorded at Book 7, Page 89 in said Register of Deeds office; thence along the South side of said Lot and its prolongation along Lots 11-9, S88°35'32"E a distance of 461.82' to the Southwest corner of Lot 9; thence S3°49'52"E a distance of 60.25' to the Point of Beginning, containing 28,525 square feet, more or less. (See attached Exhibit A).

Section 2. Leavenworth Waterworks is permitted to leave its existing facilities in the corridor under prescriptive rights, and shall retain its right to access and maintain those facilities.

Section 3. That this Ordinance shall take effect upon passage and publication as provided by law.

Passed by the Leavenworth City Commission on this 26th day of February, 2019.

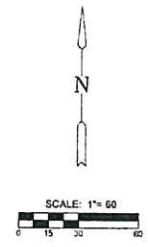
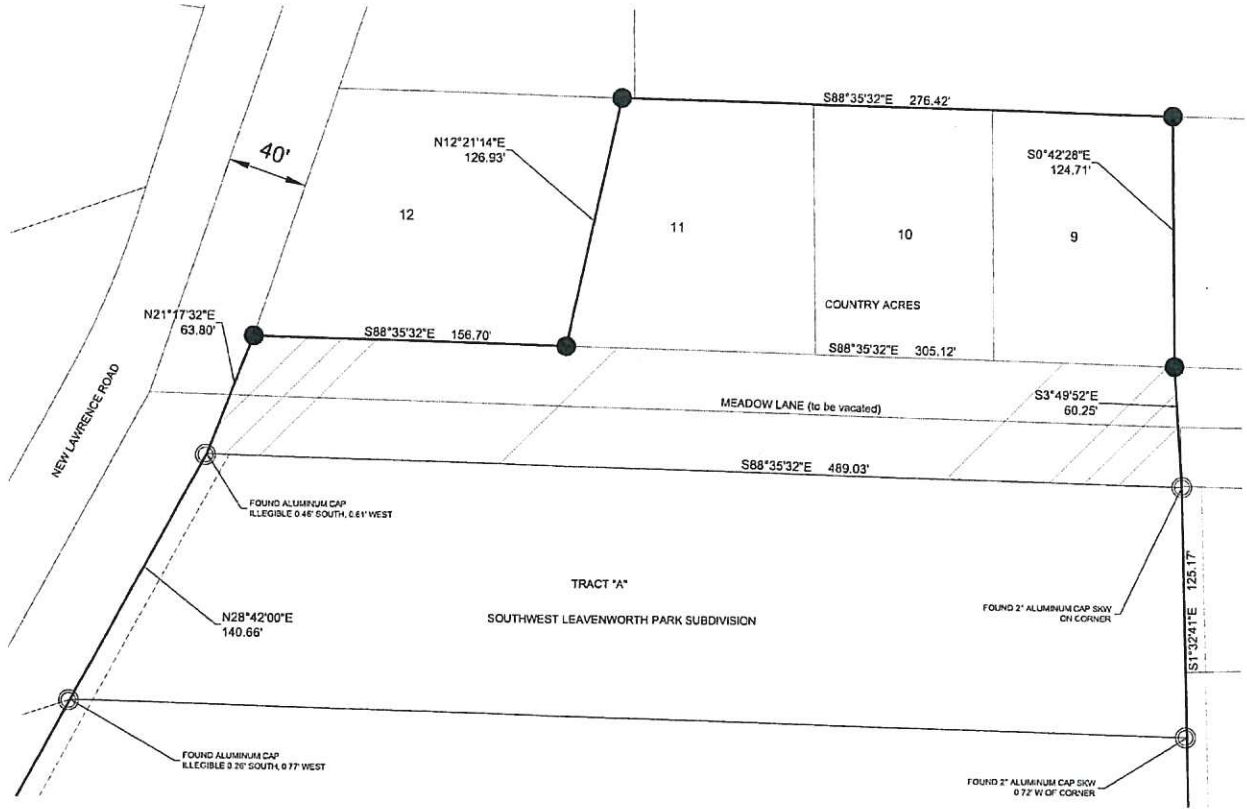
Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Carla K. Williamson, CMC, City Clerk

Attachment A Ordinance No 8096



VACATION
MEADOW LANE VACATION
3501 NEW LAWRENCE RD

6218
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EXHIBIT		
PROJECT NO.	1802010839	
DATE	1-03-16	
SCALE	1"=30'	
DESIGNED	JWS	
DRAWN	BJS	
CHECKED	BJS	
NO.	REVISION	DATE
SHEET NO.		
1 OF 1		

Policy Report
Veterans Day Parade Committee funding request
February 26, 2019

Prepared by:



Paul Kramer
City Manager

Issue:

2019 will mark the 100th anniversary of the Veterans Day parade in Leavenworth. The Veterans Day Parade Committee has targeted this event for a few years and has plans to enhance the parade in many ways.

In service of the larger scope of this parade, the Committee submitted for a Tourism Grant request through the Convention and Visitors Bureau. However, that grant is highly competitive and the likely award would be well below \$5,000.

In meeting with representatives from the Parade Committee, we discussed a request to the City Commission for a one-time donation/grant, outside of the Tourism Grant, for the special occasion of the 100th Anniversary Parade.

Attached is the letter of request for consideration from the Committee, including information about some potential uses of City support for the event.



*Leavenworth County
Veterans Day Parade Committee
Leavenworth, KS 66048*



"Lest We Forget / All Gave Some, Some Gave All"

*Byron H. Mehl American Legion Post No. 23
Andrew Newton American Legion Post No. 94
Fraternal Order of Eagles No. 55
Lansing American Legion Post No. 411
Voiture 1163 (48&8)*

*Veterans of Foreign Wars George E. White Post No. 56
Knights of Columbus Council No. 900
Vietnam Veterans of America Chapter No. 75
Disabled American Veterans Chapter No. 7*

*Veterans of Foreign Wars Bernard Lee Deghand Memorial Post No. 12073
Veterans of Foreign Wars James Taylor Memorial Lansing Post No. 12003*

February 12, 2019

Leavenworth City Manager
Leavenworth City Mayor/Commissioners
City Hall
100 N. 5th Street
Leavenworth, KS 66048

Dear Manager/Commissioners:

The Leavenworth County Veterans Day Parade Committee, Inc., will be observing its 100th anniversary parade observance on November 11, 2019. As you know, Leavenworth is the regional site for the Veterans Day observance for the states Kansas, Missouri, Nebraska, Colorado, Oklahoma and Iowa and draws 12-15,000 spectators annually.

The parade committee is going to make this one of biggest and best Veterans Day observances to date. Below are just a few of the items we are working on for this momentous, outstanding and awesome event:

- To partnership with area businesses/organizations
- Advertising throughout the six regional states.
- T-shirts/sweatshirts/hats with 100th anniversary logo.
- Three possibly four-day event concluding with the parade

The Leavenworth County Veterans Day Parade Committee, Inc., would like to request a donation from the city of Leavenworth to assist us in making this a great occasion. Thank you for any support you can give this committee. For further info, please contact parade secretary Diana Smith, dsmith8325@kc.rr.com, 913 651-0410.

Sincerely,

Charley Shoemaker, Executive Chairman
Leavenworth County Veterans Day Parade Committee, Inc.
vietcharley@kc.rr.com, 913 683-3237

**POLICY REPORT
2019 CEREAL MALT BEVERAGE LICENSE**

February 26, 2019

Prepared by:



Mariah Lietzen
Receivable/License Coordinator

Reviewed by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

Request for 2019 Cereal Malt Beverage License by Kansas CVS Pharmacy, LLC.

BACKGROUND:

The application has been approved by the Police Department for the following applicant:

CVS/Pharmacy #5268, LLC

390 Limit St.

Off Premise

ACTION:

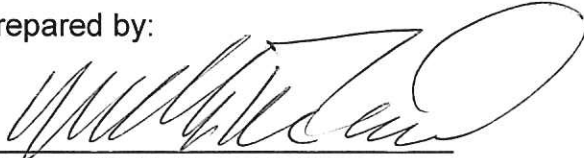
Motion to approve the 2019 off premise Cereal Malt Beverage License for CVS/Pharmacy #5268, LLC, 390 Limit St., Leavenworth, Kansas.

POLICY REPORT PWD NO. 19-15

REVIEW DRAFT 2018 KDHE ANNUAL REPORT
FOR STORMWATER

February 26, 2019

Prepared by:



Michael G. McDonald, P.E.,
Director of Public Works

Submitted by:



Paul Kramer,
City Manager

ISSUE:

Adopt a resolution approving the annual KDHE report for 2018 stormwater activities.

BACKGROUND:

The City of Leavenworth is regulated by the Kansas Department of Health and Environment (KDHE) and US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes. The City has been required to submit an annual report on stormwater activities every year since 2003. The report is to summarize the actions the City has taken the previous year to protect and enhance stormwater quality. The guidelines for the activities to be reported on are set by the Stormwater Management Program (SMP) which was adopted by the City Commission in 2016.

The City has submitted reports in accordance with KDHE requirements in previous years. Interaction with KDHE and EPA suggest that the report be reviewed in a public forum rather than simply submitted by staff. KDHE has modified the report format for 2018 from previous years. It is intended that the City take a "look back" over the last five years of stormwater management. The attached documents are a draft of the key portions of the annual report for 2018 and reflect this change in focus. There is considerable additional information in the appendices that will be included when the report is submitted.

The draft report was reviewed at the Commission Meeting on February 19th, 2019. Minor adjustments have been made to the Executive Summary and Final Report. Staff continues to compile the detailed information to complete the report.

RECOMMENDATION:

The report is due at KDHE on February 28th via digital delivery. It is recommended the City Commission adopt the resolution supporting the final report at the February 26th Commission meeting.

ATTACHMENT:

Final Draft Report (partial)

- Executive Summary
- Final Report

KDHE Annual Report for 2017; link is:

- https://www.lvks.org/egov/documents/1519914757_341.pdf

EPA MS4 Consent Agreement –

- [https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Filings/13C0CF4BB965252585257F2A002147CE/\\$File/CWA-07-2015-0023.pdf](https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Filings/13C0CF4BB965252585257F2A002147CE/$File/CWA-07-2015-0023.pdf)

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2018 – December 31, 2018

Kansas Permit No: M-MO12-SN01

SECTION 1: EXECUTIVE SUMMARY

To satisfy the requirements of the NPDES permit, this annual report summarizes the City of Leavenworth's plans and actions to reduce the discharge of pollutants from the municipal separate storm sewer system (MS4) to the maximum extent practicable, to protect water quality, and to meet the appropriate water quality requirements of the Clean Water Act. The information contained within this report was obtained through interviews with City staff, review of permits and projects from 2018, and examining communications and publications made available to the citizens of Leavenworth.

City staff communicated the awareness of water quality with efforts in several areas during 2018. These activities continue efforts from previous years including review of the annual report, stormwater guidelines and the "Land Disturbance Permit" (LDP) process.

A critical addition to the work effort in 2018 was the City Commission approval of the implementation of a stormwater fee to fund stormwater construction projects. This legislation created a dedicated funding source from a fee that is billed on the property tax statements. There were 6 Commission meetings (study sessions and regular meetings) open to the public that occurred during this process in 2018, and many more in previous years. Replacement of old metal pipe at 3118 Iowa Street in December 2018 is considered the first project of the new utility.

The importance of construction site runoff control was communicated to developers and contractors through issuing of "Land Disturbance Permits" for nearly all construction activities. City staff also contacted developers, contractors and others for enforcement of the regulations.

The City saw overall reductions in Sanitary Sewer Overflow (SSO) events during 2018 and continued with improved the clean up of SSO situations on both public and private property. The aggressive commercial grease trap inspection program by the building inspectors continued with on-site inspections and review of maintenance records.

The City water quality sampling program for Three-Mile and Five-Mile Creeks continued. Six storms were sampled in 2018. Staff has been able to sample effectively during rainfall events; however, the response of local streams to rainfall creates some timing issues to meet KDHE guidelines. In a broad non-scientific overview of five years of testing data, it appears that water quality is usually diminished as it passes through Leavenworth. Three-Mile Creek generally shows a greater decrease in quality than Five-Mile Creek; however, 2018 data indicates substantially greater degradation in Five-Mile Creek than in Three-Mile Creek.

Stormwater quality and runoff control from construction projects continues to be addressed during the planning phase of projects. The Development Review Committee (DRC) provides an informal forum as well as advice and guidance to applicants prior to the detailed design process. Stormwater quantity and quality issues are discussed. The creation of the Land Disturbance Permit process includes standard drawings and acknowledgements by owners and/or contractors related to their responsibilities for managing water quality from their site. Requirements related to providing an "Operations and Maintenance Manual" to the owner of any water quality features have been added.

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2018 – December 31, 2018

Kansas Permit No: M-MO12-SN01

City staff have inspected erosion-control installations and notified contractors and owners regarding necessary follow-up repairs with generally positive results.

The EPA "Special Environmental Project" (SEP) was completed in 2017. This project near Ottawa Street between 7th Street and Broadway contains several water quality features in addition to the basic design to address neighborhood flooding issues. Key project features have been included in other City and development projects at 2nd/Cherokee and 6th/Cherokee.

One of the least effective parts of the stormwater management program lies with managing existing BMPs on private residential developments. Lack of maintenance to detention ponds by Home Owner Associations (HOAs) continues to be a concern by both the HOAs and the City. City staff and City attorney have been working on an approach to improve responses from HOA although no action has been taken. BMPs installed on commercial and industrial properties have generally been maintained in accordance with expectations.

City staff continued outreach to owners/operators of current detention ponds in the City during 2018 with a mailing containing basic information on maintenance of ponds, and held a meeting on March 22nd 2018. This informational meeting reviewed owner responsibilities (especially keeping records of their maintenance activities) and City expectations. City staff also indicated that a fee/fine structure was likely to be installed created for BMP maintenance in 2018 or 2019. The meeting was well received with over 9 attendees and an additional 12 contacts via email/telephone contact.

The inspection and enforcement of the LDP and grease trap regulations continues. As noted in the previous year and while initial compliance is very good, the on-going maintenance and self-inspection of these facilities is lacking. Compliance with City expectations improved in 2018 as the programs became better understood by both staff and citizens.

Efforts to reach out, educate and inform the citizens of Leavenworth through media such as the newspaper, City website, the local cable television station (Channel 2), YouTube, Facebook, and Twitter have increased public awareness of environmental issues in general. The meetings regarding the implementation of a stormwater fee generated additional public interest.

City Staff have not identified any recommended changes to the SMP for consideration by the Commission. KDHE is expected to issue a new five-year MS4 permit in 2019 which will have requirements for a new Stormwater Management Program, and several new initiatives will be considered at that time.

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems
January 1, 2018 – December 31, 2018

G: Final Report

1. Effectiveness of pollutant source controls, e.g. public education, identification and elimination of illicit discharges, and the construction site stormwater runoff control program.

- a. **Public Education, outreach, participation and Involvement.** City opinion on overall effectiveness in these areas is rated as "Very Effective". The following paragraphs highlight activities that contribute to this assessment. Substantial public involvement occurred as the stormwater utility fee was adopted in 2018.
- Stormwater information is disseminated to the public through numerous channels such as the City newsletter, press releases, posting documents on the City website, placing reference material at the public library and several social media platforms. Social media platforms used by the Public Information Officer (PIO) include Facebook, Twitter, and YouTube in the effort to reach a larger population in a timely manner.
 - City at Leavenworth High School on Earth Day with sewer cleaning and TV equipment and information.
 - The City engages the public by calling for volunteers to work on local initiatives through the several lines of communication discussed earlier. The Annual Spring Clean Up has been a long-term ongoing effective program (42 groups, over 1000 participants) that reduces pollution as well increases the public awareness of stormwater BMPs and other City programs.
 - Free drop off of large items on Free Saturdays continues to be a popular program.
 - Calls for civic organizations to clean and make improvements to City parks throughout the year are being made through an established Adopt-a-Park program with 15 parks currently adopted.
 - Arbor Day is observed yearly and the City continues to be part of the Tree City USA program.
 - Brochures and newsletters are published throughout the year that include code enforcement information and more information about any discarded debris and the proper place to discard it.
 - City receives occasional calls from groups such as Boy Scouts related to public service projects. There were no known inquiries in 2018.
- b. **Illicit Discharge Detection and Elimination.** City opinion on overall effectiveness in these areas is rated as "Generally Effective". The following paragraphs highlight activities that contribute to this assessment.
- Contact from citizens with City staff regarding water quality issues or concerns are referred to Public Works Department for follow up. Typically an engineer or building inspector will coordinate with Water Pollution Control personnel (with the camera if needed) to assess and address the situation.

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2018 – December 31, 2018

- City employees are reminded at staff meetings and safety meetings to report any activity that is questionable to their supervisor and/or the City Engineering Office.
 - In order to control improper disposal of waste to the storm sewer system, the City of Leavenworth makes material available through flyers and online regarding household hazardous waste and its proper disposal. Parks Department promotes a “Pick up Your Dog Doo” plan.
 - City operates a leaf collection program as well as provides free disposal of leaves and grass site to reduce impact on stormwater system and stream channels.
 - Storm sewers are examined with the City’s camera truck that allows for sewer lines to be videotaped and searched for improper connections or line failures. The use of a “Pole Cam” continues to facilitate a much quicker inspection time.
 - The City has completed the storm sewer map and it is available to staff and the public on the GIS system, both online and as a paper map (upon request). Technical information on the map continues to be verified through use of physical inspection and hand-held GPS, particularly to correctly note diameters and locations of storm sewer structures. The final GIS database will include size, horizontal location as well as invert and top elevations for all storm structures and outfalls.
 - The City has an ongoing cleaning and CCTV program for the sanitary sewer lines. This work has identified several locations that that were repaired as part of the current effort to reduce Inflow and infiltration.
 - Staff inspects 33 sewer lines at creek crossings at least three times each year. This includes regularly scheduled inspections as well as after heavy rainfall events. There are an additional 200 crossing locations that are inspected periodically.
 - The City has enforced requirements that all exterior clean-out caps on sanitary sewer lines be “screw caps” rather than “press-on caps” this has contributed to the reduced number of Sanitary Sewer Overflow (SSO) events that that release sewer water to the environment.
 - The City continues inspection of commercial facilities with grease traps. This program is a combination of inspection and education to ensure that the grease traps are properly maintained which prevents sanitary sewer water from entering the environment. To improve compliance the City is planning to implement a permit/fee/fine structure.
- c. **Construction Site Stormwater Runoff Control.** City opinion on overall effectiveness in these areas is rated as “Very Effective”. The following paragraphs highlight activities that contribute to this assessment.
- City implemented a “Land Disturbance Permit” (LDP) in early 2015 and strengthened it in 2016 with the adoption of a fee and fine structure for LDPs and erosion. No changes were made in 2018. The LDP has been very successful in

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems
January 1, 2018 – December 31, 2018

- ensuring owners and contractors know their responsibilities. It has dramatically reduced erosion and sedimentation from construction sites.
- Construction site runoff is generally inspected as follows:
 - Work within the right-of-way and/or City-bid projects is inspected by Engineering Staff Technicians on a regular basis.
 - Work on private property is inspected by Building Inspections Staff.
 - Plan review and construction site inspection are the City's first line of defense in protecting water quality in developing areas. The initial planning process for large and small developments includes a formal focus on stormwater quantity, quality and control measures as part of the Development Review Committee meeting with project sponsors and developers. Staff comments on plans reviewed are submitted in writing.
 - Weekly staff meetings are held in the Public Works office. Review of stormwater issues on current City and developer projects both in the design and construction phase is discussed.
 - The City guidelines related to stormwater quantity and quality were approved by the City Commission in early 2015. They rely upon the technical work completed in other documents – particularly the MARC BMP Manual, APWA Section 5600 and City of Leavenworth Stormwater Master Plan 1995. These documents are generally accepted by professional engineers and developers as part of the development process. There were no changes in 2018.
 - City staff has attended a variety of training and educational events to become more effective in addressing the construction site runoff situation. It includes attendance at regional classes, venter demonstrations, and focused training on installation/inspection of erosion control systems.

2. Address all other BMPs implemented (generally the structural BMPs) under the stormwater management program and address their effectiveness. City opinion on overall effectiveness in these areas is rated as "Generally Effective." The following paragraphs highlight activities that contribute to this assessment.

a. The City of Leavenworth addresses structural BMPS with the following efforts:

- Created a program where all BMPs created as part of a city project or a development project must submit an annual report on maintenance, and are subject to city inspection. An annual meeting is also conducted to discuss these issues (and others) with BMP owners.
- Require all project plans with BMPs
 - a. Have the maintenance activities and schedule included in the plan, and a signature by the owner that they have been reviewed.
 - b. Require a two year maintenance period on all vegetation
- Focused BMP selection for public and private projects on more passive than active

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2018 – December 31, 2018

BMP measures. Typical projects are bio-swales, reduced capacity inlets (allowing pollutants to settle), stream health improvement, and increased use of a textured/rough concrete.

- Created a monitoring plan to determine if detention/retention facilities meet their design goals for water quantity, and seek methods to improve performance if necessary.

b. Other BMPs implemented by the City as part of Pollution Prevention/Good Housekeeping for Municipal Operations.

- Operate a leaf collection program each fall (curbside pick-up is one-half of the City each year),
- Efficient application of salt and sand to the roadways through better equipment (ground speed control), street sweeping operations, and extended sweeping season are all effective in decreasing pollutants from entering the storm sewer system. GPS was added to most snow plow equipment in 2018
- Implement an extended street sweeping program, exceeding the goals of at least once per month on Collector and Arterial Streets, and three times per year in residential areas.
- City has two full-time employees dedicated to the inspecting and cleaning of storm inlet structures with a vacuum truck (and occasional augmentation from other workers
- Water Pollution Control dye tests 33 creek crossing three times a year for an annual total of 132. WPC is working with our GIS department and have identified over 200 creek crossings that are inspected annually.
- City staff reviewed the general state of water quality management at selected City facilities throughout the permit period. Some specific actions that came from this effort.
 - Grading was improved around portions of the salt/sand storage areas
 - Snow storage area berm was installed
 - Issues with the grease/oil/sand separator and internal processes at the Municipal Service Center were identified and necessary changes and repairs made.
 - Two municipal parking lots were constructed with bio-swales and reduced capacity inlets. A third parking lot is under design with similar elements.
 - Roadway improvements adjacent to the Service Center will include construction of a larger water quality feature related to the entire site.

c. Further Discussion of BMPs in general. City opinion is that the BMP approach to the current level of stormwater activity in Leavenworth is "entirely appropriate and generally effective".

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems
January 1, 2018 – December 31, 2018

They address the main concerns of the city: water quantity, water quality and construction site run-off. The implementation of the LDP has improved erosion and runoff during and after construction on many projects. The aggressive street sweeping program catches much of the salt and sand from winter operations before the spring rains. Grease trap and detention basin inspection are important programs. Staff is aware of the significance of the stormwater issues reviewed by KDHE and seeks to ensure compliance by having an empowered staff and opportunities for the public to comment or become involved.

- d. **An assessment of the effectiveness of the BMPs towards achieving the statutory goal of reducing the discharge of pollutants to the Maximum Extent Practicable (MEP).** Current BMP installations are seen as “generally effective” for water quality. Pond performance is seen as less than expected when reviewing water quantity issues.

The City of Leavenworth has evaluated the functionality of various types of BMPs in Leavenworth while preparing this document and consideration of an updated stormwater design manual. BMP overall effectiveness, economy, and general upkeep needs will drive BMP selection on future developments in Leavenworth. For instance, most in-situ soils in Leavenworth have low permeability which has led the Public Works staff to favor BMPs focused more on pollutant removal rather than stormwater infiltration. Recently constructed detention basins and bank stabilization projects have proven stable in normal rains.

The increased numbers of programs and greater inspection efforts have surely improved water quality in at least the local area of implementation. It is clear that without additional enforcement options there is minimal effort or interest on the part of owners and contractors on complying with record keeping and maintenance for all BMPs.

3. ***Summarize water quality test results, if such testing has been conducted, and address any trends or outliers, i.e., unusually high or low pollutant concentrations. As the data is somewhat limited (perhaps only data over the last five years), definitive conclusions may not be possible; however, if trends are observed, some adjustment in the Stormwater Management Program (SMP) may be justified.*** A summary of the results for the five years of sampling is included in this narrative along with several graphs and charts in Appendix A and C. The City's opinion is it met all the program requirements. In general the City observed the following during this water quality sampling process:

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2018 – December 31, 2018

- a. **The stream stage is extremely sensitive to rainfall intensity and duration.** It was difficult to have all of the samples taken during a “rising stream” stage. Details on this have been reported in previous annual reports.
- b. **Measuring stream volume is difficult.** City has used manual methods and “stage-discharge” charts to estimate volume while sampling. Ultimately, it was found most effective to use the manual methods to calculate volume.
- c. **Differences in water quality data are difficult to interpret.** A very simplistic analysis shows that in 2014 water quality was improved by flowing through the City of Leavenworth. This was NOT TRUE in 2015, 2016, 2017 or 2018. Data does show that water generally degraded as it passed through Leavenworth although 3-Mile Creek was not degraded in 2018, and 5-Mile Creek was not degraded in 2015.

Staff opinion is that the tables show generally better water quality in 5-Mile Creek from 2014 to 2017. In 2018 water quality was much better in 3-Mile Creek than 5-Mile Creek. Speculation is that 3-Mile Creek generally suffers from receiving urban runoff and residential housing on smaller lots, and 5-Mile Creek is larger sized properties with more vegetation. The 2018 degradation in 5-Mile Creek is suspected as being a by-product of an increasing residential and commercial construction activity although no single set of test results can identify specific issues.

4. Address any SMP modifications which will be considered and possibly implemented in the next few years (up to five years). The City expects that the following issues will be evaluated in the next five years as part of the SMP.

- a. Improve interactions with defunct HOAs related to BMP management.
- b. Improve citizen contact and reduce ineffective methods such as tracking use of information at the library.
- c. Consider adopting revised APWA 5600 specifications.
- d. Require monitoring to ensure ponds meet design criteria.
- e. Consider revisions to the current “Stormwater Guidelines” especially related to effective implementation, and consider revisions to the fee and fine schedules.
- f. Expand awareness of BMP maintenance expectations and requirements with a fee and fine structure, especially for ponds and grease traps.
- g. Increase staff training related to construction site inspection and post construction inspection activities throughout the year.
- h. Increase exposure of staff members from building inspection and code enforcement to stormwater issues, especially with illicit discharge issues.
- i. See opportunities with community groups to improve awareness of stormwater issues.
- j. Construct stormwater quality and quantity improvements on City facilities.
- k. Consider how and when BMPs can be added to existing facilities as they are modified or upgraded.

RESOLUTION NO. B-2215

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF LEAVENWORTH, KANSAS, AS FOLLOWS:**

SECTION 1: The 2018 Annual Report for Stormwater reflects the direction, efforts and accomplishments by City of Leavenworth for calendar year 2018. It shall be an official record of these actions to meet the requirements of Kansas Department of Health and Environment (KDHE) for an Annual Report until or unless changed by official action.

PASSED AND APPROVED This 26th Day of February 2019.

Jermaine Wilson, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

**POLICY REPORT PWD NO. 19-16
REVIEW STORMWATER MANAGEMENT PROGRAM**

February 26, 2019

Prepared by:



Michael G. McDonald, P.E.,
Director of Public Works

Submitted by:



Paul Kramer,
City Manager

ISSUE:

Adopt a resolution in support of the Stormwater Management Program

BACKGROUND:

The City of Leavenworth is a Phase II City for stormwater matters and is regulated by KDHE. A permit was issued to the City in 2014 for a five-year period. A requirement of the permit is completion of a Stormwater Management Program (SMP) and an annual review of the program. The current Stormwater Management Program was adopted by the City Commission on February 23, 2016 and is attached to this report. The report outlines how the City intends to implement programs to protect water quality in the creeks and streams within the City; ultimately contributing to improved water quality of the Missouri and Mississippi Rivers.

The goals of the program are to:

- Protect people and property from water quantity issues (flooding).
- Protect and improve water quality in the creeks and streams of Leavenworth.

The EPA and KDHE dictate the form of the SMP, particularly how the "Six Minimum Control Measures" should be addressed by the City (attached). These six measures are:

1. Public Education and Outreach
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff and Control
5. Post-Construction Stormwater Management in New Development and Redevelopment Projects
6. Pollution Prevention/Good Housekeeping for Municipal Operations

These control measures are addressed by "Best Management Practices" (BMP). This is a broad term that generally relates to an expectation by regulatory agencies that the City will be following good practices for a municipality of our size such as design standards, permit requirements, record keeping, inspection staff and more.

A series of goals formulated as BMPs has been incorporated into the SMP. City staff has sought to meet the goals through a variety of programs over the last year. It is important to note that these activities need to be tracked and are expected to be reported each year in the annual report submitted to KDHE.

Staff reviewed the contents and status of the Stormwater Management Program at the Commission Meeting on February 19, 2019. There were no substantive changes to the program proposed at the meeting and none have been identified otherwise at this time.

KDHE has informed the City that a new permit will be issued later in 2019. A new SMP will be required as part of that permit, probably in 2020. Until then the City is required to use the 2016 SMP. The new permit and SMP are expected to be more complex than the current permit and may take as long as a year for a new Stormwater Management Program to be developed.

Some changes that can be incorporated into a new program are expected to be along the following lines:

- Clarify and resolve issues and concerns regarding Home Owners Associations and BMP status.
- Revise and clarify public notification and public involvement procedures and the use of social media.
- Establishment of a more formal approach to Land Disturbance Permits, Grease Traps, construction site runoff and other programs.
- Improved tracking of concerns about water quality generated by staff or the public.
- Increased training of staff related to operation and maintenance of stormwater BMPs.
- Additional monitoring requirements by owner of BMP installations to ensure functionality (particularly ponds and water quality).

RECOMMENDATION: It is recommended that a resolution supporting the program be adopted by the Commission meeting February 26, 2019.

ATTACHMENTS:

2016 City Stormwater Management Program adopted February 23, 2016; link is:

- https://www.lvks.org/egov/documents/1549641366_60574.pdf

RESOLUTION NO. B-2216

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, AS FOLLOWS:

SECTION 1: The 2018 Stormwater Management Program shall become the official guiding authority for actions by the Leavenworth City Commission and its staff until or unless changed by official action.

PASSED AND APPROVED This 26th Day of February 2019.

Jermaine Wilson, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
THORNTON STREET
AUTHORIZING RESOLUTION B-2217**

FEBRUARY 26, 2019

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider a resolution as the expression of the Governing Body's official intent to issue bonds to finance improvements to Thornton Street in an estimated maximum amount of \$5,650,800.00. This amount includes the cost of necessary land and easement acquisition, utility relocation costs, design and engineering costs, legal costs and the costs of issuing bonds.

BACKGROUND:

- On March 13, 2018, the Governing Body approved Ordinance 8071 establishing and amending certain streets as Main Trafficways. The ordinance gives the city the authority to issue bonds for projects such as this.

ATTACHMENT:

Resolution No. B-2217

ACTION REQUIRED:

Motion to approve Resolution No. B-2217.

RESOLUTION NO. 2217

WHEREAS, the Governing Body of the City of Leavenworth, Kansas, (the "City") has hereinbefore, by Ordinance No. 8071 of the City passed and approved March 13, 2018, and published as required by law, determined and established (1) Thornton Street from the west line of 4th Street to the East line of 10th Avenue and (2) 10th Avenue from the south side of Spruce Street to the north right-of-way of Eisenhower Road to be main trafficways within the City (said streets, the "Main Trafficways") under the authority of K.S.A. 12-685 et seq. (the "Act"); and

WHEREAS, the Governing Body of the City has determined it necessary and advisable to improve such Main Trafficways.

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

Section 1. That the Main Trafficways, or portions thereof, be improved by constructing and completing grading, storm drainage, concrete curb and gutter, asphaltic pavement and entrances, sidewalks, seeding, traffic control and other necessary items (including costs of necessary land and easement acquisition, utility relocation costs, design and engineering costs, legal costs, and the costs of issuing bonds to finance the total costs thereof) at an estimated maximum cost of \$5,650,800 (the "Project Costs").

Section 2. That the City finance and pay the Project Costs either in whole or in part from the proceeds of general obligation bonds of the City in the estimated maximum principal amount of \$5,650,800 the issuance of which is hereby authorized in accordance with the Act.

Section 3. That the City both reasonably expects and intends to finance the Project Costs from the proceeds of general obligation bonds of the City. The City does hereby express its official intent to reimburse any such pre-issuance original expenditures (as defined in Treas. Reg. 1.150-2(c)) made by it on or after the date which is 60 days before the date of this Resolution from the proceeds of such bonds in the estimated maximum principal amount of \$5,650,800. The City will issue such bonds for such purposes and make the reimbursements within eighteen

(18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date on which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocation within three (3) years after the date the expenditure was paid. This Resolution, as the expression of the governing body's official intent regarding the matters described herein, will be available for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 4. That the plans and specifications for such improvements are hereby approved.

IT IS SO RESOLVED.

PASSED AND APPROVED this 26th day of February, 2019.

CITY OF LEAVENWORTH, KANSAS

Jermaine Wilson, Mayor

ATTEST:

Carla Williamson, CMC, City Clerk

(SEAL)

City of Leavenworth, Kansas
Parks & Recreation Department
2019 Truck Replacement
POLICY REPORT NO. P&R 03-19

February 26, 2019

PREPARED BY:


Brian Bailey
Park Superintendent

REVIEWED BY:


Steve Grant
Parks and Recreation Director


Paul Kramer
City Manager

ISSUE:

The Parks and Recreation Department is requesting approval to purchase one 2019 Ford Super Duty F-350 XL 4x4 with a Knapheide dump body manufactured and furnished to our specifications, utilizing a cooperative purchasing program authorized by the city's purchasing policy.

BACKGROUND:

In 2005, the department bought truck #342 a Ford F-250 4x4. This truck has served the parks system very well. However, in the last few years, this truck has begun to show its age with some costly repairs. This truck is used in every fashion of the department to include pulling trailers and hauling equipment and materials. Without this truck we are unable to keep up on key components of our operation.

After reviewing available purchasing options, department staff selected the Sourcewell Cooperative Purchasing program. This program is used throughout our region for the purchase of transportation equipment. This program allows us to purchase equipment that meets our needs through a manufacturer with a proven record of customer service in the Kansas region. It ensures that we are receiving the best possible price while guaranteeing that standard governmental purchasing practices are followed.

Staff developed a set of specifications for a truck that would replace truck #342. The new truck will be equipped with the ability to perform the maintenance needs required by the department. The truck on the Sourcewell cooperative bid that meets these requirements is the 2019 Ford Super Duty F-350XL 4x4 with the Knapheide Dump Body in the amount of \$50,202.

RECOMMENDATION:

Staff recommends the purchase of one (1) 2019 Ford Super Duty F-350 XL 4x4 with the Knapheide Dump Body in the amount of \$50,202 from Sourcewell quote ID#8333 R16.

BUDGET IMPACT:

There is \$53,000 allocated for this in the 2019 CIP equipment purchase.

ATTACHMENTS:

Sourcewell (National Auto Fleet Group) Quote ID#8333 R16



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (855) BUY-NJPA • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

02/14/2019

Quote ID#8333 R16

Brain Bailey

City of Leavenworth

790 Thornton

Leavenworth, Kansas 66048

Dear Brain Bailey,

National Auto Fleet Group is pleased to quote the following vehicle(s) for your consideration. **One (1) New/Unused (2019 Ford Super Duty F-350 DRW (F3H) XL 4WD Reg Cab 169" WB 84" CA with 11' Knapheide Dump Body)**, delivered to your department yard, each for

	(1) One Unit
Contract Price	\$ 36,049.00
Knapheide Quote	\$ 13,753.00
Ford CD Service Manual	\$ 400.00
Tax (0.00%)	\$ 0.00
Total	\$ 50,202.00

-per your attached specifications:

This vehicles(s) is available under the **Sourcewell (Formerly known as NJPA) 120716-NAF.**

Please reference this Contract Number on all Purchase Orders to National Auto Fleet Group.

Payment terms are Net 20 days after receipt of vehicle.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.

Sincerely,

Jesse Cooper

National Fleet Manager

Office (855) 289-6572

Fax (831) 480-8497





The Knapheide Manufacturing Company
 1848 Westphalia Strasse | PO Box 7140
 Quincy, IL 62305-7140
 www.knapheide.com

QUOTATION

Quote Number: L0480-19

Account Manager: Josh Lawless
 jlawless@knapheide.com
 (217) 592-5364

Quote Prepared By: Lukas Hinton
 Lukas Hinton
 (217) 592-5437

Customer Information:

Customer: National Auto Fleet Group
 Customer Number: 21792

End Customer: Sourcewell (njpa)
 Contact: Neil Carroll
 Email: neil@nationalautofleetgroup.com

City Of Leavenworth
 Kansas

Quote Information:

Quote Date: 02/11/2019

Quote Expiration: 04/24/2019 Quoted Qty: 1

Quote Terms: NET 30 DAYS
 (Subject to Credit Approval)

Vehicle Information:

Year: 2019
 Axle: Dual Rear Wheel
 Engine: A 6.2-G

Make: Ford
 CA: 84 Inches
 Fuel Type: Gas

Model: F3H-F350-9
 Wheel Base: 169 inches
 Transmission: Automatic

Cab: Regular
 GVWR: 14,000
 2/4 WD: 4 Wheel Drive

Delivery Information:

Total Price Includes F.O.B.: Leavenworth, KS

Installer: Knapheide Truck Equip-kc
 7200 Northeast 45th St
 Kansas City, MO

Ship Via: INSTALLER

Base Quote Information:

Qty	Item Description	Notes/Specifications
1	11' Dump Body Black	with 16" drop down sides
1	KHA-1520SF-ED Hoist	
1	Tapered Cab Protector	
1	Class V Hitch	
1	7-Way/4-Way Combo Plug	Buyer's TC1774P
2	36" Underbody Toolbox	36.12"L x 18"D x 18.25"H with T-handle latch Painted Black Includes (1) drop down door with chain retainers One mounted on each side of the body
1	Window Shade Tarp Kit	
6	LED Amber Strobe Light	Ecco 7965A Two on the front grille, two in the rear and two on the hood. One on each side
1	Mud Flaps	with anti-sail brackets
1	Install OEM Backup Camera	
1	PDI Completed Unit	
1	Ford Drop Ship Code	88QW78
1	Deliver Unit to	Leavenworth, KS

Total \$13,753
 Freight
 Total Sell Price \$13,753

(CONTINUED)

POLICY REPORT PWD NO. 19-12

CONSIDER THE BIDS FOR THE
LEAVENWORTH SERVICE CENTER FUEL ISLAND CANOPY PROJECT (RE-BID)

Project 2015 - 833

February 26, 2019

Prepared by:



Michael G. McDonald
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Review bids received for the Leavenworth Service Center Fuel Island Canopy Project.

BACKGROUND:

The fuel islands at the service center are used by all City departments and the Leavenworth School District. During inclement weather, personnel fueling the vehicles are subjected to rain and snow, which creates some safety issues.

In April 2018, the City contracted with CEO Engineers to design a steel frame roofed structure to provide cover for the fuel pumps.

The project originally bid December 5, 2018. All bids were over the engineer's estimate and were rejected. Modifications were made to the plans and the project was re-advertised for bid at Drexel Technologies in February 2019. A pre-bid meeting was held on February 13 and bids were opened on February 20. Two (2) bids were received with both bids being over the engineer's estimate.

POLICY:

The City Commission can reject or award a project where bids are over the engineer's estimate. The low bid is more in line with the available funding.

RECOMMENDATION:

Staff recommends that the City Commission accept the low bid received from Baker Construction in the amount of \$68,000.

ATTACHMENTS:

Bid Tabs



CITY OF LEAVENWORTH
Project No. 2015-833
RE-BID MSC Fuel Island Canopy - Bid Tab Review
February 20, 2019

BASE BID				Engineer's Estimate		Baker Construction, Inc.		Gunter Construction Co.	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Drilled Piers	EA	4			\$1,500.00	\$6,000.00	\$4,056.00	\$16,224.00
2	4 - Column Canopy, Gutter, and Downspouts	LS	1			\$50,000.00	\$50,000.00	\$70,600.00	\$70,600.00
3	8" Concrete Replacement	SY	160			\$75.00	\$12,000.00	\$98.50	\$15,760.00
TOTAL: BASE BID					\$65,000.00		\$68,000.00		\$102,584.00

POLICY REPORT PWD NO. 19-14

**CONSIDER THE BID FOR THE
2019 CITY HALL HVAC SYSTEM UPGRADES & REPAIR PROJECT**

Project 2018 - 887

FEBRUARY 26, 2019

Prepared by:



Michael G. McDonald
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Review bid received for the 2019 City Hall HVAC System Upgrade & Repair Project.

BACKGROUND:

The mechanical/boiler room in City Hall has been a humid environment since the renovations in 2003/2005. The existing piping insulation has been exposed to this humidity for several years and is in need of replacement.

This project also includes adding dampers in the fresh air intake duct to reduce the humidity levels in this area. The dampers will be open when the boilers are in use to supply adequate combustion air, but will be closed at other times so that the more humid outside air is not introduced into the area. This will prove beneficial during the time that the cooling system is running and the outside air is naturally more humid.

Bid specifications were advertised in the Leavenworth Times and at Drexel Technologies in February 2019. Contact information was provided in the "Notice to Contractors" for the purpose of inspecting the site and equipment. Bids were opened on February 20th, 2019, one (1) bid was received and it was over the engineer's estimate.

D'Agostino is the maintenance contractor for the City Hall HVAC equipment and has completed numerous projects on multiple City-owned buildings with excellent results.

POLICY:

The City Commission can reject or award a project where bids are over the engineer's estimate.

RECOMMENDATION:

Staff recommends that the City Commission accept the low bid received from D'Agostino Mechanical Contractors in the amount of \$34,850.00.

ATTACHMENTS:

Bid Tabs



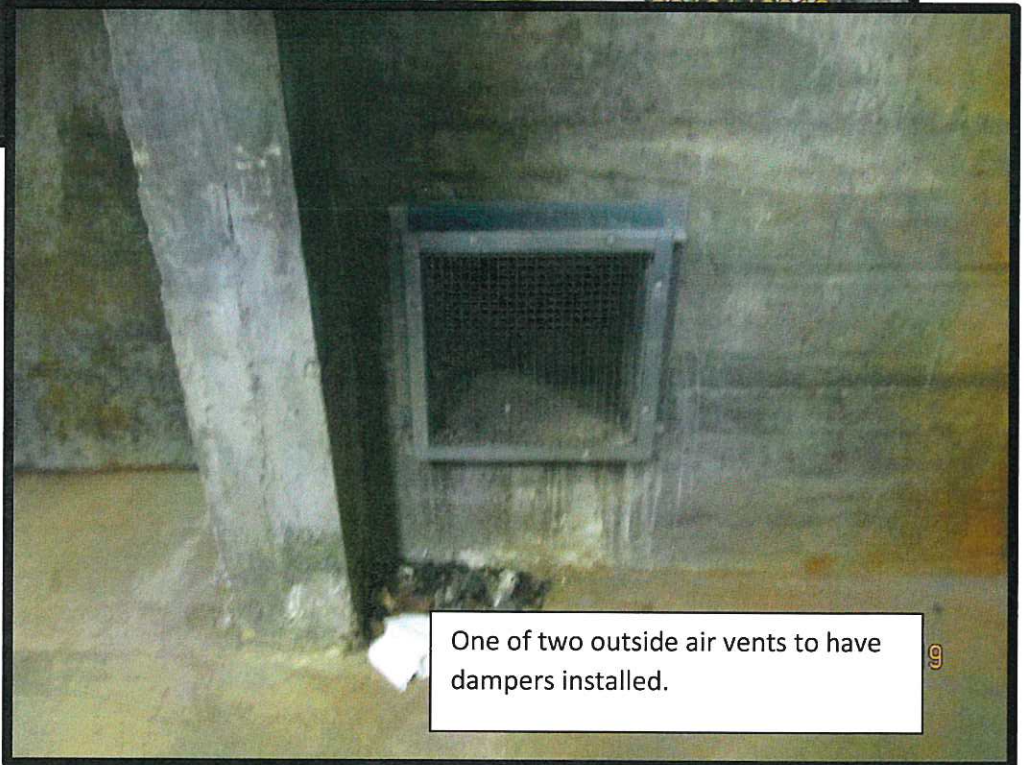
CITY OF LEAVENWORTH
Project No. 2018-887
HVAC System Upgrades - Bid Tab Review
February 20, 2019

BASE BID						D'Agostino Mechanical Contractors, Inc.	
				Engineer's Estimate			
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension
1	Total Project Scope (All Work, Materials, & Costs)	LS	1			\$34,850.00	\$34,850.00
TOTAL: BASE BID					\$32,000.00		\$34,850.00

Leavenworth City Hall – Basement HVAC Repairs

February 26, 2019

Typical Piping View in Basement



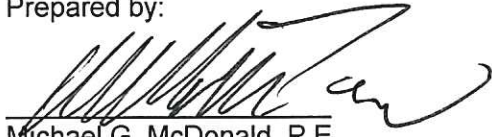
One of two outside air vents to have dampers installed.

POLICY REPORT PWD NO. 19-13
CONSIDER AMENDMENT NO. 1 TO THE SOLE SOURCE DESIGN CONTRACT
WITH WATER RESOURCES SOLUTIONS, LLC.
FOR THE 16TH TERRACE & THORNTON PHASE 2 STORMWATER PROJECT

City Project 2018-897

February 26, 2019

Prepared by:



Michael G. McDonald, P.E.,
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider Amendment No. 1 to the sole source design contract received from Water Resources Solutions, LLC. for the 16th Terrace & Thornton Phase 2 Stormwater Project.

BACKGROUND:

In 2017, Water Resources Solutions completed a study of the drainage areas flowing into the area of 16th Terrace and Thornton Street. The study focused on stormwater flows under existing and future conditions and the capacity/condition of the existing stormwater drainage system. Findings of the study resulted in recommendations for the enclosed stormwater system (piping), the open channel system (backyard stream), and detention. The complete project will involve the area between the north end of 16th Street to Vilas Street. (See attached map)

The Phase 1 construction project includes the installation of a detention basin on property currently owned by the City at the northwest end of 16th Terrace and the modification of the overland swale and inlet box between the properties at 2205 and 2209 S. 16th Street Terrace. This project is currently under construction.

The Phase 2 project includes:

- Replacement of existing underground metal piping south of the existing junction box, with new junction boxes, rear yard piping and outflow improvements.
- A swale on the property at the north end of 16th Street to divert stormwater into the detention facility constructed in Phase 1.

During the meeting to discuss Phase 2 design and construction limits, it was determined additional survey and design considerations were necessary outside the proposed Phase 2 limits to ensure future improvements are compatible with flow lines of the drainage area at Vilas Street. Work under Amendment No.1 would complete the design of the project to Vilas Street in preparation for the Phase 3 construction project.

RECOMMENDATION:

Staff recommends the City Commission approve Amendment No. 1 to the sole source design contract submitted by Water Resources Solutions, LLC. for the 16th Terrace & Thornton Phase 2 Stormwater Project in an amount not to exceed \$15,000 for a total contract of \$54,190.00.

POLICY:

Water Resources Solutions has completed the preliminary drainage study for this area, the design of the Phase 1 and is working on the design of the Phase 2 project, and numerous other stormwater projects for the City.

ATTACHMENTS:

Improvements Map
Contract Amendment No. 1

AMENDMENT NO. 1 TO AGREEMENT BETWEEN OWNER AND ENGINEER

Reason for the Amendment:

The limits of the channel design will be extended downstream to Vilas Street. Additional topographic survey will also be extended downstream to Vilas Street. Plans, specifications, and cost opinion will be added to include additional channel design.

1. Contract Information

- a. **Effective Date of the Agreement between Owner and Engineer** December 6, 2018
- b. **OWNER** City of Leavenworth, Kansas
- c. **ENGINEER** Water Resources Solutions, LLC
- d. **Project** 16th Terrace & Thornton Drainage Phase 2 Design

2. Description of Modifications


Original Contract Amount: \$39,190.00
Additional Fee Amount: \$15,000.00
New Contract Total: \$54,190.00

ENGINEER and OWNER hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is February 18, 2019.

OWNER:
City of Leavenworth, Kansas

ENGINEER:
Water Resources Solutions, LLC

By: Jermaine Wilson

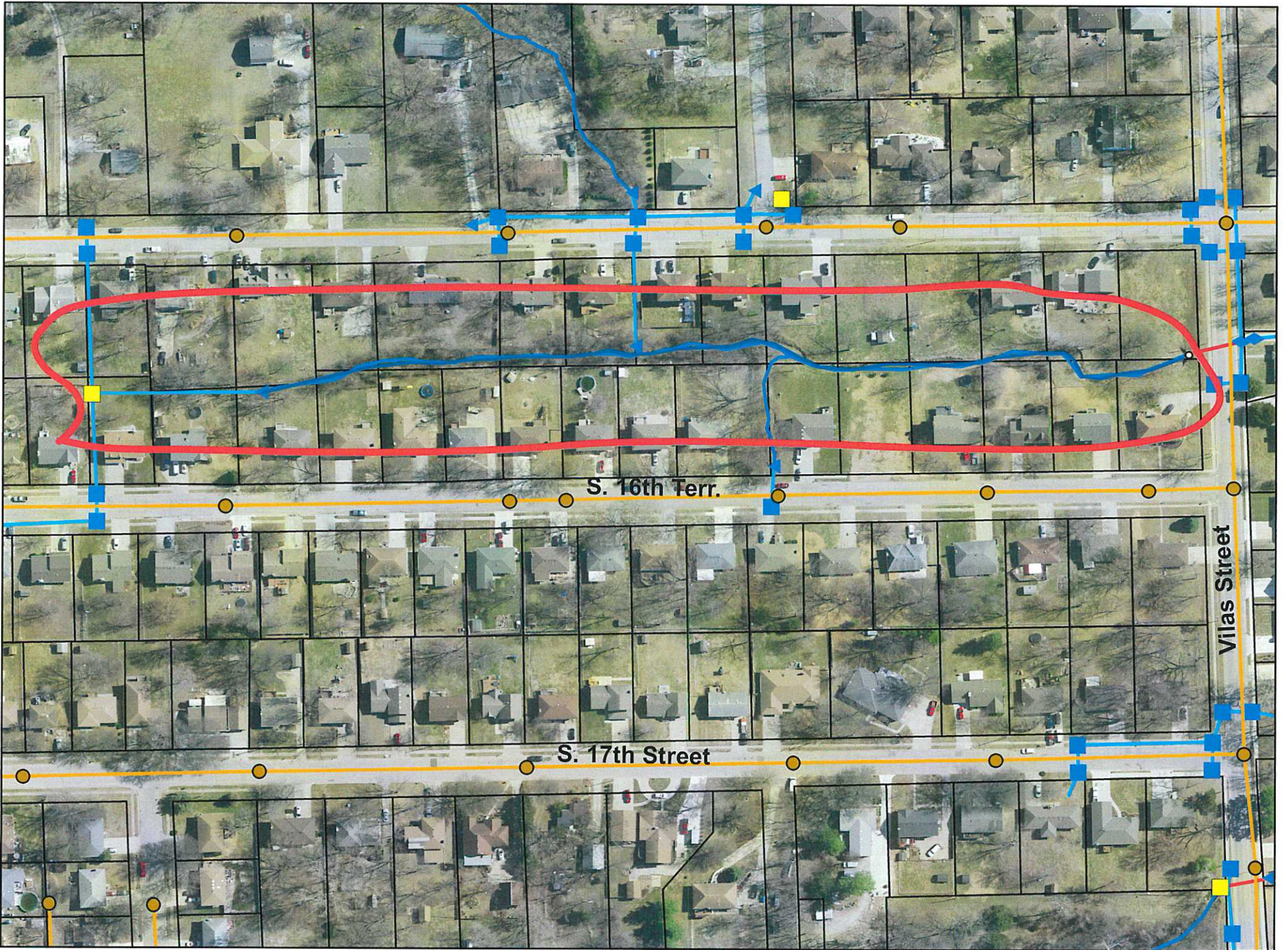
By: 
Donald W. Baker, P.E.

Title: Mayor

Title: Owner

Date Signed: _____

Date Signed: 2-18-19



S. 16th Terr.

S. 17th Street

Vilas Street

POLICY REPORT
First Consideration Ordinance
Development Regulations Text Amendments

FEBRUARY 26, 2019

SUBJECT:

Place on first consideration ordinance to adopt text amendments to Development Regulations.

Prepared By:

Julie Hurley
City Planner

Reviewed By:

Paul Kramer
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 performed in order to ensure that they remain up to date and comprehensive. On February 4, 2019 the Planning Commission held a public hearing for the proposed text amendments and voted unanimously to recommend approval of the amendments as presented.

- **Section 3.02 Applicability and Exemptions; subsection B.1**
Language should read "The division of land into parcels or tracts of NOT more than five acres and not involving any new streets or easements of access and not affecting major streets."
- **Section 4.04; Use Standards**
Add provision for Accessory Dwelling Units in residential areas.
- **Section 4.04; Use Standards**
Add provision for Massage Therapy establishments as home occupation allowed by issuance of a Special Use Permit, as adopted previously in city ordinance by the City Commission.
- **Section 4.04 Use Standards; Subsection B.3.a**
Variances in size for detached garages should be approved through Board of Zoning Appeals process, not Special Use Permit process.
- **Section 8.04 Permits; subsection C**
Add "decorative light pole banners" as a type of sign excluded from permit.
- **Article 8.08; Signs Permitted in All Residential Districts**
Add size standards for neighborhood identification monument signs in residential areas.

- **Section 10.01 Solar Energy**

Remove requirement for Special Use Permit to install solar energy system with over 500 sqft of collection surface.

- **Article 12; Definitions**

Add definition for "Indoor Commercial Recreation"

- **Appendix A; Use Table**

- "Live/Work Dwellings" allowed use in commercial zoning districts

- Add use type for "Event Venue"

- "Private Solar Collection Systems" allowed use in all districts

- "Commercial Solar Collection Systems" allowed with SUP in all districts

- "Commercial Wind Energy Systems" allowed with SUP in additional districts

- Move "Athletic Facilities" from Commercial Services subsection to Recreation and Entertainment, Outdoor subsection.

ACTION:

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

(Summary Publish in the Leavenworth Times on _____, 2019)

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF APPENDIX E OF THE CODE OF ORDINANCE, 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 E; Development Regulations of the Code of Ordinances; repealing any and all other ordinances and parts of ordinances in conflict therewith.

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

Section 1. That the following amendments to sections 3.02, 4.04, 8.04, 8.08, 10.01, Article 12 and Appendix A of the Appendix E, Development Regulations of the City of Leavenworth, Kansas be and are hereby repealed and amended to read as follows:

3.02. - Applicability and exemptions.

- A. *General applicability.* The standards in this article apply to anyone platting property, or to any application that involves or requires the construction or alteration of public improvements as a result of development.
- B. *Exemptions.* The standards in this article shall not apply in the following instances:
 - 1. The division of land into parcels or tracts of **not** more than five acres and not involving any new streets or easements of access and not affecting major streets.
 - 2. A change in the boundary between adjoining lands which does not create an additional lot or a nonconforming lot or further the nonconformance of any lot or any structure on that lot.
 - 3. Land used for street or railroad right-of-way, drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
 - 4. The re-subdivision of land to be used for industrial purposes only.
 - 5. Any transfer by operation of law.
- C. *Restrictive covenants.* The planning commission shall have the right to confer with the applicant regarding the type and character of development that will be permitted in the subdivision and may require that certain minimum regulations regarding this matter be incorporated in the restrictive covenants. Such regulations shall be intended to protect the character and value of the surrounding development of the property which is being subdivided.
- D. *Planned unit development.* In accordance with planned unit development district regulations of the development regulations, the preliminary development plan may be used as the preliminary plat. Approval of the preliminary development plan by the city commission signifies concurrent approval of the preliminary plat, subject to any requirements made as a condition of this approval.

4.04. - Use standards.

- A. *Permitted and special uses.* Permitted and special uses for each zoning district are identified in appendix A use table.
- B. *Accessory uses.*
 - 1. *Principal use required.* Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.
 - 2. *Accessory uses.* Accessory uses are a structure or use which:
 - a. Is subordinate to and serves a principal building and principal use;
 - b. Is subordinate in area, extent, or purpose of the principal use or building served;
 - c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
 - d. Is located on the same lot as the principal building or principal use served; and
 - e. The total square footage of all detached structures functioning as accessory use in residential districts shall be less than the square footage of the primary use on the parcel. In determining square footage of the primary use (residential), attached garages and unfinished space shall not be counted. No more than two detached accessory structures shall be allowed per building lot or parcel whichever is larger in area.
 - 3. *Permitted accessory uses.* Any structure or use that complies with the terms of these development regulations may be allowed as an accessory use or structure (accessory structures and uses include, but are not limited to, the following list of examples); provided that in each case such structure must fit the general definition:
 - a. *Private garages or carports.* Not to exceed the following capacity:
 - (1) *For single-family residences.* A garage not to exceed 900 square feet on parcels less than one acre, and 1,200 square feet on parcels one acre or larger. Detached garages require construction of driveways to provide access in conformance with the parking provisions of the Code.
 - (2) *For multi-family residence.* Two cars per dwelling unit. Not to exceed 600 square feet per unit.
 - (3) **Requests for gGarages in excess of 900 square feet on parcels less than one acre and in excess of 1,200 square feet on parcels one acre or larger, may be approved ~~through the special-use permit process~~ by the Board of Zoning Appeals.**
 - b. *Storage buildings.* A structure for storage incidental to a permitted use provided no such structure that is accessory to a residential building shall exceed 250 square feet in gross floor area.
 - c. *Play structures.* A child's playhouse, including tree houses.
 - d. *Pools and courts.* A private swimming pool, bathhouse, or tennis court.
 - e. *Miscellaneous yard décor.* Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges, and solar collectors.
 - f. *Shelters.* Fallout and tornado shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
 - g. *Signs.* Signs, when permitted by article 8, sign regulations.
 - h. *Parking.* Off-street parking and loading spaces as required by these regulations.
 - i. *Recreational vehicles, campers, trailers, and boats.* Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers,

provided such storage area is in accordance with all other requirements of these development regulations.

- j. *Commercial accessories.* Restaurants, drug stores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
 - k. *Supplemental employee services.* Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
 - l. *Office space.* Offices for permitted business and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
 - m. *Retail sales.* Retail sales in conjunction with permitted industrial uses when located on the same site as the industrial use.
 - n. *Indoor retail storage.* The storage of retail merchandise when located within the same building as the principal retail business.
 - o. *Auto sales.* The retail sale of automobile parts and used automobiles on a tract of land not to exceed one acre in area when located on the same site as and in conjunction with an automobile race track.
 - p. *Radio towers.* Amateur radio towers no taller than 50 feet in residential districts and no closer than 50 feet to a property line is permitted as an allowed accessory use. A tower and antennae must maintain a setback of one foot per one foot of height from all property lines and must be located in a side or rear yard of the principal structure and the owner of the tower and property maintains and shows proof of a current federal license as an amateur radio operator. The construction of the tower must follow the manufacturer's installation specifications.
 - q. *Agriculture buildings.* In residential districts an agricultural accessory building not to exceed 1,500 square feet may be permitted on parcels two acres or larger.
4. *Prohibited accessory uses.* None of the following shall be permitted as an accessory use:
- a. *Large vehicles or trailers.* Outdoor storage or overnight parking in a residential district of commercial trucks or trailers as defined herein, or other on, or off, road items exceeding 10,000 GVW (gross vehicle weight).
 - b. *Dismantled objects.* Outdoor storage, of dismantled, inoperative and/or unlicensed motor vehicles; parking and/or storage of construction machinery and equipment, tracked or wheeled; farm machinery and/or equipment except as specifically permitted in district regulations in conjunction with a permitted use.
5. *Accessory uses permitted by special use permit.* The following accessory uses shall only be permitted upon approval of a special use application by the city commission:
- a. *Commercial communication towers and antennae.* Including television and radio towers, transmitting and receiving towers, dishes, and appurtenances, subject to the provision included in article 10, supplemental standards.
 - b. Renewable energy facilities, including wind or solar energy facilities, subject to the provisions included in article 10, supplemental standards.
 - c. Child Care Centers for 7 or more children:
 - (1) Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.

- (2) Shall provide at least 100 square feet of open space per child. This open space shall be 100% enclosed by a minimum 4' high fence or wall.
 - (3) Shall provide a loading zone capable of accommodating at least 2 automobiles for the easy picking up and discharging of passengers.
 - (4) Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.
 - (5) All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.
 - (6) Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides, or 1 non-illuminated sign affixed to the structure of 3 square feet.
- d. **Accessory Dwelling Units.** Accessory Dwelling Units (ADUs) may be approved by Special Use Permit in any residential zoning district subject to the following conditions:
- (1) Shall be compatible with the design of the principal dwelling unit.
 - (2) Shall respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.
 - (3) Shall not have a separate driveway entrance from the street(s) to which the property is adjacent.
 - (4) Shall be 900 square feet or smaller in size, not to exceed 33% of the floor area of the principal dwelling unit.
 - (5) Either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the premises.
 - (6) Shall meet all building code requirements for a single family dwelling unit.
 - (7) Lots containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.
- e. **Massage Therapy establishments as a home occupation may be allowed with issuance of a Special Use Permit.** Such establishments are subject to all requirements of Home Occupations as provided in these regulations, as well as all requirements for Massage Establishments as provided in the City of Leavenworth Code of Ordinances, Chapter 26, Article III.
6. **Home occupations.** A home occupation may be established provided:
- a. That no separate outside entrance is provided for the home occupation;
 - b. That no one, other than members of the immediate family residing on the premises, be employed;
 - c. That no use will occupy more than 25 percent of the gross floor area on one floor nor more than 400 square feet of gross floor area;
 - d. That a carport, garage, or any accessory structure may not be used for home occupations;
 - e. That there shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby use;
 - f. Home occupations are allowed to display a single non-illuminated sign affixed to the main structure no larger than ½ square foot on a vertical wall below the roof soffit.
 - g. That no offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced;
 - h. That the home occupation shall be conducted entirely within the principal residential building;
 - i. That no machinery or equipment shall be installed which interferes with radio or television reception, and which is not customarily incidental to the practice of such

occupation or profession, but in no case shall any machine exceed one rated horsepower;

- j. That only one type of profession or occupation shall be permitted within the occupied dwelling or building;
- k. That two off-street parking spaces are provided; and
- l. That there is no keeping of stock in trade for on-site retail or wholesale trade or sales.
- m. Permitted home occupations shall not in any event be deemed to include:
 - (1) Automobile and vehicular repair on any other than the property owner's personally owned and currently registered vehicle(s)
 - (2) Antique sales.
 - (3) Equipment rental business.
 - (4) Stables, kennels, veterinarian services, pet shops, and animal hospitals.
 - (5) Eating or drinking places.
 - (6) Mortuaries and embalming establishments.
 - (7) Private clubs, including fraternity and sorority houses.
 - (8) Retail sales (over the counter).
 - (9) Repair of home appliance and electronic equipment.

C. *Temporary uses permitted.*

- 1. *Sidewalk sales.* The retail sale of merchandise not within an enclosed structure shall be permitted for a period not to exceed three days and need not comply with the yard and setback requirements. Yard sales are permitted in the residential district after obtaining necessary permits from city clerk. Sidewalk sales are permitted in the commercial and industrial districts after obtaining necessary permits from the city clerk. No merchandise will be displayed in the vision clearance triangle and street right-of-way except in the central business district.
- 2. *Christmas tree sales.* Christmas tree sales shall be permitted in any commercial or industrial district for a period not to exceed 60 days. Display of these need not comply with the yard and set-back requirements of these regulations, provided that no trees shall be displayed within the vision clearance triangle or in the street right-of-way except in the central business district.
- 3. *Contractor's office.* Contractor's office and equipment sheds shall be permitted accessories to a construction project only during the duration of such project.
- 4. *Real estate offices.* Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) shall be permitted incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
- 5. *Carnivals and circuses.* A carnival or circus shall be permitted, but only in an OBD, NBD, CBD, GBD, I-1, or I-2 district, and then only for a period that does not exceed three weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the vision clearance triangle as defined by these regulations.
- 6. *Recreational vehicle storage.*
 - a. *Storage.*
 - (1) Between April 1 and October 31, the storage and parking of major recreational equipment such as boats, boat trailers, pick-up campers or coaches, camping buses or converted trucks and tent trailers shall be allowed in the front and side yard. A maximum of two such recreational vehicles may be stored in the front or side yard of a property

at any time. Any recreational vehicles stored in the front or side yard shall be located a minimum of ten feet from the curb or edge of any street, and a minimum of two feet from any interior side lot line and shall not block any sidewalk. Recreational vehicles may be stored or parked in the rear yard. All recreational vehicles must be stored or parked on a paved or aggregate block surface.

(2) Between November 1 and March 31, the storage and parking of major recreational vehicles shall be prohibited in the front and side yard for a period in excess of 72 hours per month but may be stored or parked in a rear yard on a paved or aggregate block surface.

b. *RV occupation.* No recreational equipment shall be utilized for living, sleeping, or housekeeping purposes when parked on a residential lot or in any location, not approved for such use, for a period in excess of 14 days per calendar year.

8.04. - Permits.

A. *Permits required.*

1. Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, modify, alter, or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for such sign as required by this chapter. Issuance of a permit is contingent upon the sign being in compliance with all applicable laws and regulations of the city.
2. Every sign permit issued by the director shall become null and void if installation is not commenced within 120 days from the date of approval of such permit. If work authorized by such permit is suspended or abandoned for 120 days from the date of permit approval, a new permit shall be required for such work, even if no changes have been made to the original sign plan.
3. *Required information.* Application shall be made upon forms furnished by the planning and community development department and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city.

B. *Fee increase for failure to obtain permit.* If the director discovers or is informed of a sign constructed or being constructed that requires a permit that has been constructed, installed, or erected without a permit according to this sign code, s/he shall collect three times the permit fee specified for the type of sign in question.

C. *Signs excluded from permit.* The following signs are not required to have a permit; however, these signs shall otherwise comply with this section and all other applicable provisions of the sign code.

1. Directional signs.
2. Holiday decorations.
3. Home security and neighborhood watch signs.
4. Identification signs.
5. Official signs.
6. Name plate signs. Where multiple tenants share the same rear door, the sign may display the name and address of each tenant. These signs shall not exceed four square feet.
7. Window signs, as further described in section 8.10 F. of this chapter.
8. Contractor signs: One free standing, non-illuminated contractor's sign, not to exceed eight square feet of sign surface, shall be permitted for each contractor if the property is zoned residential, or not to exceed 32 square feet if the property is zoned other than residential. The sign shall not be installed before commencing work on the project or the issuance of a building permit for the project and the sign shall be removed upon completion of the project.
9. Public interest signs that do not exceed the size limitations.

10. Address signs.
11. Commercial real estate signs not exceeding 32 square feet in area per sign face with two faces permitted. Signs shall not exceed eight feet in height. Signs are limited to one sign per street frontage, with a maximum of two signs for each project. Signs must be located at least ten feet from the edge of the curb or behind any existing public sidewalks and may not be illuminated or have an electronic changeable face.
12. Residential real estate signs not exceeding three square feet in area. Signs are limited to one on-premises sign per street frontage, and two off-premises signs permitted only with permission of property owner. Signs must be located at least ten feet from the edge of the curb or behind any existing public sidewalks and may not be illuminated or have an electronic changeable face.
13. Garage sale signs may only be placed at the site of the sale. All garage sale signs shall be removed immediately upon completion of the sale. Garage sale signs include sample and yard sale signs. Garage sale signs shall not exceed four square feet per sign, with two faces per sign permitted. A garage sale permit shall be obtained as required by ordinance number 1857.
14. Signs carried by a person.
15. Costumed people promoting a business or event.
16. Flags, pennants, emblems, memorial tablets, cornerstone etches, monuments and insignia of any governmental body, public or private school, church, synagogue or other place used primarily for worship, community centers, or other public, semi-public, or civic organizations or other similar noncommercial entity, when not displayed in connection with a commercial promotion or as an advertising device; provided that not more than three flags, pennants or insignia shall be displayed on any building, structure or premises, unless specifically herein provided. Any other provisions as applicable regarding display of the American flag as contained in Title 4, U.S. Code.
17. Integral decorative or architectural features of buildings, so long as these features do not contain letters, trademarks, moving parts or lights.
18. Decorative landscape markers, which may include logos or trademarks.
19. Signs attached to a currently licensed, operational and legally parked or legally moving vehicle.
20. Temporary signs containing non-commercial messages at churches, synagogues and other similar places of worship, community centers, public and private schools and buildings or structures owned or leased and used by other public, semi-public, or civic organizations.
21. Special event signs shall be exempt from a permit as follows: Signs of a temporary nature for campaigns, drives, seasonal events of civic or philanthropic organizations not to exceed 32 square feet. These signs must be placed on private property and must be removed within three days after the event.
22. A new sign permit shall not be required unless (a) the existing sign base, pole, or face is nonconforming to these regulations or, (b) the existing sign base or pole is going to be relocated, changed, or enlarged.
23. Political signs may be placed on private property only after permission has been granted by the owner of the property or his or her authorized agent. No political signs are permitted on public right-of-way or on public property. In commercial or industrial areas, signs shall not exceed 32 square feet in area per face. In residential areas, signs shall not exceed three square feet per face. Signs shall not be placed where they interfere with intersection sight distances, and may not be affixed to any utility poles, trees, street lights, bridges, benches or similar public structures. Signs must be removed within three days after the election.
24. Contractor signs as further defined in section 8.07 D.
25. **Decorative light pole banners, which may not include any business or advertising information.**

8.08. - Signs Permitted in all residential districts (R1-25, R1-9, R1-6, R1-7.5, R4-16, R-MF, RMX, MP).

Table 8-01: Residential Signage Standards			
	Maximum Number	Height	Area
Home-based business signs	1	N/A	1/2 s.f.
Temporary signs	1	N/A	3 s.f.
Real estate signs	1	6'	6 s.f.
For sale signs (undeveloped land over 5 acres)	2	10'	40 s.f.
Open house signs	1	6'	4 s.f.
Neighborhood identification signs	1 per entrance	N/A 8'	N/A 50 s.f.
Public and semi-public buildings	See Table 8-02		

The following types of signs are permitted in all residential districts, in accordance with the requirements set forth or referred to herein.

- A. All signs as regulated and permitted in section 8.07, signs permitted in all districts.
- B. A ½ square foot home based business sign as described in article 10, supplementary district regulations.
- C. Temporary signs, not specifically otherwise identified by sign type, conforming to the restrictions set forth herein are allowed as follows;
 - 1. Three temporary signs are permitted on any lot.
 - 2. These temporary signs shall be a single faced sign, and have a sign face no larger than six square feet.
- D. In lieu of the temporary signs permitted herein a real estate sign not exceeding six square feet per sign face, with two faces per sign are permitted. The maximum height of the sign shall not exceed six feet. A maximum of one sign per lot shall be permitted.
- E. Undeveloped land over five acres in size shall be allowed two "for sale" signs not to exceed 40 square feet in area per sign face, with two sign faces permitted. No sign shall exceed ten feet in height.
- F. In lieu of the temporary signs permitted a sign designating an open house may be erected at the site of an open house. No open house sign shall exceed four square feet per sign face with two faces per sign permitted. One sign face shall be allowed in lieu of each one of the temporary signs

permitted by subsection B., above. The maximum height of the sign shall not exceed six feet. Open house signs shall be removed immediately upon completion of the open house. Such signs shall comply with the real estate sign restrictions except as specifically restricted herein.

- G. Permanent property identification signs may be permitted at each entrance to a neighborhood, subdivision, or residential development in accordance with subdivision plat approval.
- H. *Public and semi-public buildings.* Churches, schools, libraries, community centers, hospitals, or other public/semi-public facilities located in a residentially zoned district shall be allowed signage as regulated and permitted in section 8.10, signs permitted in the neighborhood business district (NBD).

10.01 - Solar energy.

The following provisions regulate the use of renewable (alternative) energy systems where the use of an alternative energy system is requested by a property owner. This section does not permit or regulate renewable energy production facilities owned or operated by private firms or public utilities, which generate energy beyond that needed by a single dwelling or commercial operation with less than 10,000 square feet of floor space.

- A. *Special use permit required.* All solar energy systems with over 500 square feet of collection surface shall be a special use permitted accessory use allowed in all zoning districts. All "reflective type" solar systems where mirrors redirect solar energy onto a collector shall require a special use permit.
- B. *Solar array defined.* A "solar array" shall mean a freestanding, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.
- C. *Solar array standards.* All solar arrays shall comply with the following requirements:
 - 1. *Setbacks, location, and height.*
 - a. Solar array shall not be located in the front yard between the principal structure and the public right-of-way.
 - b. A solar array shall be located a minimum of six feet from all property lines and other structures.
 - c. An accessory solar array in any residential district shall not exceed the greater of one-half the footprint of the principal structure or 600 square feet, whichever is greater. The size of accessory arrays in mixed-use and nonresidential districts shall not exceed one-half of the footprint of the principal structure. **Any proposed solar array in excess of the stated size limits shall require approval of a Special Use Permit.**
 - d. There shall be no size limits on solar arrays as a primary use on a site. However, the maximum lot coverage of any solar array shall not exceed 80 percent.
 - e. A solar array shall not exceed 20 feet in height and shall not create any solar reflectivity that measurably impacts surrounding properties.
 - 2. *Code compliance.* Solar arrays shall comply with all applicable building and electrical codes contained in the adopted building code.
 - 3. *Solar easements.* A property owner who has installed or intends to install a solar array shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the county register of deeds. The creation of a solar easement is at the property owner's option and is not a condition of approval.
- D. *Solar collection system defined.* A "solar collection system" shall mean a roof-mounted or wall-mounted panel or other solar energy device, the primary purpose of which is to provide for the

collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.

1. *Solar collection setbacks, location, and height.*
 - a. A solar collection system shall be located a minimum of six feet from all property lines and other structures, except the structure on which it is mounted.
 - b. A solar collection system shall not extend more than five feet above the roofline or the maximum height permitted in the zoning district in which it is located, whichever is less.
 - c. A solar collection system may be located on an accessory structure.
 - d. A development that is proposed to have a solar collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.
2. *Solar collection code compliance.* Solar collection systems shall comply with all applicable building and electrical codes contained in the city's adopted building code. The solar collection system shall be maintained and in productive use or removed within 90 days of notice from the city that the system is not in compliance with city regulations.
3. *Solar easements.* A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the county register of deeds.

ARTICLE 12. - DEFINITIONS

[12.01. - Definitions.]

Terms defined in this article shall be the basis for interpretation of all such terms throughout these development regulations. If not so defined a term shall be assigned the meanings found in Webster's most current new collegiate dictionary.

100-year flood: The base flood.

Abandoned sign: Any sign on any building, structure or premises that has been vacated for a six-month period.

Abutting: Having property or district lines in common; e.g., two lots are abutting if they have property lines in common.

Access or accessway: The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this appendix.

Accessory building, accessory structure, or accessory use:

A building or use which:

- (1) Is subordinate to and serves a principal building or principal use;
- (2) Is subordinate in area, extent or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use;
- (4) Is located on the same zoning lot as the principal building or principal use. The same as "appurtenant structure."

Actuarial rates: "Risk premium rates."

Adaptive use: The process of changing the use of a structure or property to a use other than that for which the structure or property was originally designed.

Addition: Any construction which increases the size of the building such as a porch, attached garage or carport, or a new room or wing. An addition is a form of alteration.

Address sign: A sign identifying, through any set of numerals or letters, a principal building's location with respect to the streets or to those homes or buildings around that building. An address sign may include the name of the occupant and may include the name of a home occupation.

Administrative and professional offices: Private commercial office space where the public may transact business, receive services or where commercial firms conduct internal office operations.

Administrative official: A member of the city staff who is empowered to administer and implement the provisions of this appendix. Specifically, the director of planning and community development, city planner, planning and zoning technician, director of public works, building inspector and environmental officer.

Administrator: As used in article X, floodplain management, means the federal insurance administrator.

Agency: The federal emergency management agency (FEMA).

Agent: The legally authorized representative of a landowner.

Agriculture uses: The use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations; provided, however, such agricultural use shall not include the following uses:

- (1) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted;
- (2) Wholesale or retail sales as an accessory use unless the same are specifically permitted in this appendix; or
- (3) The feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line. Agriculture does not include the feeding of garbage to animals, the raising of poultry or fur-bearing animals as a principal use, or the operation or maintenance of a commercial stockyard, or feed yard.

Airport: Any location where one or more craft capable of containing a human, takes off or lands, and for which ground facilities necessary to these operations are constructed.

Alley: A public thoroughfare, which affords only a secondary means of vehicular access to abutting property, and is not intended for general traffic circulation. An alley line shall mean the centerline of an alley right-of-way.

Alteration: Any change or rearrangement to the structural parts of an existing building or property. Any enlargement, whether by height or dimension, shall be considered an alteration. Any act or process that changes the exterior architectural appearance of a building.

Amendment: A change in the wording, context, or substance of this appendix, an addition, deletion, or change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore imposed or removes or modifies any such regulation heretofore imposed.

Amphitheater: Any open-air venue used for entertainment and performances.

Amusement park: A commercial amusement activity such as a carnival, circus, miniature golf course, or similar establishment, which is not entirely within an enclosed building.

Animal clinic or animal hospital: A place where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as kennel shall be limited to short-time boarding and shall only be incidental to such hospital use and shall be enclosed in a soundproof structure.

Animal day care: See kennel.

Animal husbandry (other than dairy): The agricultural practice of breeding and raising livestock.

Animal research facilities: Any facility in which research on animals is performed in a careful study of a subject, which may be related to the health or other welfare of animals of the same or other species, including humans.

Animal sales and service: Any facility where the on-site sale of animals is performed including the sale of animal husbandry or animal health related supplies.

Animation/animated: Any visible moving part, or oscillating lights either natural or artificial, or visible movement achieved by any means that move, change, oscillate, or visibly alter in appearance to depict action or create special effects or scenes.

Apartment building: A building used as a dwelling for several families each living separate and apart. Apartments are generally rental units.

Apiary: A place for the keeping of bees.

Appeal: An application to a recognized higher authority to correct an alleged injustice done and an error committed in an order, requirement, decision, or determination made by an administrative official in the enforcement of city regulations. Also, a request for review of the floodplain administrator's interpretation of any provision of this appendix or a request for a variance.

Applicant: The owner or duly designated representative of a structure or property. Applicants may apply for building, fence, sign, and other permits or nominations for local, state or national registry, or group of owners of structures in a proposed historic district, or the owner or duly designated representative who has applied for a building permit, demolition or clearance permit involving a registered historic property or property within 500 feet of a registered historic property.

Appropriate: Suitable to or compatible with what exists in the surrounding context or setting.

Appurtenant structure: A structure that is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.

Arboretum or botanical garden: A botanical garden containing living collections of woody plants intended for public appreciation and/or for scientific study.

Area of shallow flooding: A designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Arena and field house: Structures with indoor space sufficient to house large community events and/or indoor sporting events.

Art gallery or museum: A building or space for the exhibition of art, usually visual art. Museums can be public or private, but what distinguishes a museum is the ownership of a collection. Paintings are the most commonly displayed art objects; however, sculpture, decorative arts, furniture, textiles, costume, drawings, pastels, watercolors, collages, prints, artists' books, photographs, and installation art are also regularly shown. Although primarily concerned with providing a space to show works of visual art, art galleries are sometimes used to host other artistic activities, such as performance art, music concerts, or poetry readings.

Arterial street: A major thoroughfare designed to carry traffic from one area to another and as designated in the future land use map, which is a part of the city comprehensive land use plan.

Assembly hall: Any building, or portion of a building, used primarily for public or private gatherings, with a maximum capacity for congregation in the assembly area of at least 50 people.

Assisted living facility: Facilities which provide residents with supervision or assistance with activities of daily living; coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety, and well-being. Other licensure terms used for this philosophy of care include residential care home, assisted care living facilities, and personal care homes.

Athletic facilities: Outdoor facilities designed and used for athletic events, practice and coaching.

Auction establishment: Any facility at which regularly scheduled auctions occur and for which public space has been established. This includes private or member only auction facilities.

Auditorium/exhibition hall/convention center: A large building that is designed to hold a convention, where individuals and groups gather to promote and share common interests. Convention centers typically offer sufficient floor area to accommodate several thousand attendees. Convention centers typically have at least one auditorium and may contain concert halls, lecture halls, meeting rooms, and conference rooms.

Automobile parts recycling business: Any facility, structure, or land-use storage of used and reusable or scrap salvage materials, including but not limited to resale of parts, shredding, milling, grinding, baling, or packing equipment for the handling of used and re-saleable parts, scrap, salvage materials, or used materials.

Automobile repair shop: A place where automobiles are repaired by any of the following auto mechanics, body shop technicians or electricians.

Automobile towing service storage yard; impound lot: A place where automobile tow trucks are stationed between calls and where automobiles are temporarily stored after being towed for reasons other than mechanical malfunction. The dismantling or salvage of vehicles is not included in this definition.

Automobile, boat, truck, motorcycle, RV sales, rental, and service: A place where automobiles and other power sport vehicles are sold, rented or repaired by any of the following; mechanics, body shop technicians or electricians.

Awning or canopy sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. A canopy sign shall be considered a wall sign. Any sign printed on a backlit canopy shall be considered a wall sign.

Banner: A canvas, plastic, cloth, or fabric sign used to advertise a product, service, event, or promotion. Banners are considered to be temporary signs only (see temporary sign).

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: Any area of the structure having its floor subgrade (below ground level) on all sides.

Bed and breakfast guest house: Any residential or commercial structure within a zoning district which allows this land use wherein short-term boarders are allowed (not to exceed 28 days) to share from two to five guest rooms and living space with the family in residence and breakfast is served at no additional charge. In approval of a bed and breakfast guest house the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. On site owner occupancy is not required.

Bed and breakfast home-stay: Any residential structure wherein short-term boarders are allowed (not to exceed 28 days) to share up to two guest rooms and living space with the family in residence and breakfast is served at no additional charge. In approval of a bed and breakfast home stay the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. On site owner occupancy is required.

Bed and breakfast inn: Any residential, commercial, or industrial structure within a zoning district which allows this land use wherein boarders are allowed to share more than five guest rooms and living space with other guests and breakfast is served at no additional charge. No upper time limit on residency is to be established. In approval of a bed and breakfast inn the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. Owner occupancy is not required. However, a 24-hour management presence is required for all operations with more than five guest rooms when one or more guests are in residence.

Better building: This ratio is determined by dividing the county's most recent appraised value for a building (not the site) by the building's area in square feet. The upper one-third of all building value to area ratios within 1,000 feet shall be used to determine if a proposed architectural style is generally compatible with the area. Commercial buildings shall only be compared to commercial, industrial to industrial.

Billboard: An off-premise sign having a specified display surface that advertises goods, products, or services, generally not available or sold on the premises.

Block: A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.

Board of zoning appeals (BZA): A local body created by ordinance, whose responsibility is to hear appeals from decisions of the local zoning administrative officials and to consider requests for variances and exceptions permissible under terms of the development regulations.

Boarding or rooming house: A building other than a bed and breakfast, hotel, motel, cafe, or restaurant where, for compensation, directly or indirectly, lodging and/or two meals per day are provided for three or more boarders and/or roomers exclusive of the occupant's family.

Buffer strip: A strip of land, identified in the development regulations, established to protect one type of land use from another with which it is incompatible. Additional use, yard, or height restriction may be imposed but normally a properly screened area can provide a buffer.

Builders supply yards and lumberyards (except when indoors as part of a hardware store): [Reserved.]

Building: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or personal property.

Building coverage: The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

Building height: The vertical distance measured from the average existing grade within the building setback envelope to the uppermost point of the roof of the building.

Building materials: Substances used in construction of a building, specifically the exterior elements, which influence character, appearance, and durability.

Building supplies and equipment: A wholesale sales and warehousing operation catering to building contractors and not open to the public.

Building type: A definition based on floor plan, height and roof shape, related to architectural style.

Bulk: That measure that establishes the maximum size of a building and its location on a lot. Components of bulk include: size and height of building, location of exterior walls at all levels with respect to lot lines; streets and other buildings; gross floor area of building and amount of lot area provided per dwelling unit.

Bus garage and equipment maintenance: Any facility for the storage, maintenance or operation of transportation equipment.

Bus terminal: A structure or place for the loading, unloading, and transportation of people into vehicles capable of transporting more than 15 people. Unlike a bus stop, a bus terminal includes restroom facilities and the vending of trip tickets.

Camp, private, overnight: A private facility for use of its membership which allows temporary residence, not to exceed 30 days, in tents or recreational camper trailers. On-site staff members are not limited to a residency period restriction. Recreational vehicles are not included.

Campground: A facility, which allows temporary residence, not to exceed 30 days, in tents or recreational camper trailers. Recreational vehicles are not included.

Canopy and awning: A roof-like cover having no supporting walls but supported otherwise from the ground, deck, floor, or walls of the building.

Car wash/truck wash: A facility for the washing and further cleaning of cars or trucks.

CBD: Central business district as defined by the most current development regulations.

Cellar: See basement.

Cemetery: An area set apart for or containing graves, tombs, or funeral urns.

Certificate of appropriateness—minor: A certificate of appropriateness which may be granted by certain designated staff for exterior repairs, maintenance, signage or for non-registered properties which have no adverse impact on historic properties.

Certificate of appropriateness or CofA: A certificate issued by the city approving plans for alteration, construction, demolition or other matters relating to various historic properties.

Certificate of occupancy: Official certification that a premises and its identified use conforms to the provisions of the development regulations and building codes and may be used or occupied. This certificate is granted for new construction.

Certified ownership list: A current list of names and addresses of property owners of record, and a legal description of the property owned that would lie within 200 feet (1,000 in the rural area of the county) of the external boundaries of any land proposed for rezoning, special use permit, variance, or exception. This list may be prepared and certified by an abstractor, attorney, surveyor, or the county GIS department. The director may accept a list prepared by city staff.

Changeable message sign, electronic: A sign that is activated electronically, whose message, content, or display, in whole or in part, may be changed by means of either electronic, computerized programming or any other means, and whose message is in text, alphanumeric characters, symbols, logos, or static image.

Changeable message sign, manual: A sign on which the message or copy is changed manually in the field.

Character: Those individual qualities of building, sites, and districts that differentiate and distinguish them from other buildings, sites, and districts.

Chief engineer: The chief engineer of the division of water resources, Kansas Department of Agriculture.

Chief executive officer or chief elected official: The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community; i.e., the city manager.

Child care center: A day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian; including full day child care, nursery schools, play groups, head start, centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night. Centers for infants and toddlers or for handicapped children may have fewer than seven children but be licensed as a center because the program meets child care center regulations.

City: The City of Leavenworth, Kansas.

City commission: The elected, governing body of the city of Leavenworth.

City manager: Executive appointed by the city commission.

City planning commission: The Leavenworth City Planning Commission.

Civic, social, and fraternal organizations: Any organization with a mission of promoting the public good.

Collector street: A major thoroughfare designed to carry traffic from an arterial street to the local streets as designated in the future land use plan in the Leavenworth Comprehensive Land Use Plan. Collector streets serve large subdivisions or neighborhoods.

College or university: An organization which is listed in the U.S. department of education's office of postsecondary education database which has been accredited by an accrediting agency or state approval agency recognized by the U.S. secretary of education as a "reliable authority as to the quality of postsecondary education" within the meaning of the Higher Education Act of 1965, as amended.

Commercial message: Any message, content, text, logo, or display that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity or concerns the economic interest of the advertiser.

Commercial sign: Any sign that directly or indirectly names advertises or calls attention to a business, product, service or other commercial activity or concerns the economic interest of the advertiser.

Commercial vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if: the vehicle has a gross vehicle weight rating or gross combination weight rating, or a gross vehicle weight or gross combination weight over 10,000 pounds; or the vehicle is designed or used to transport more than eight passengers, including the driver, for compensation; or the vehicle is designed to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or the vehicle is of any size and is used in the transportation of hazardous materials.

Communication tower: Any commercial structure with one or more antennae rising more than 20 feet above grade or the roof of a structure.

Community: Any state, area, or political subdivision thereof, which has authority to adopt and enforce floodplain management or other regulations for the areas within its jurisdiction.

Community centers: Public locations and structures where members of a community gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

Community playfields, playgrounds, and parks: [Reserved.]

Compatible: Of such character as not to detract from surrounding elements, buildings, sites or structures; consistent and appropriate with the surrounding context and setting.

Component: An individual part of a building, structure, site, or district.

Concentrated animal feeding operations: Agricultural operations where animals are kept and raised in confined situations. CAFOs congregate animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.

Consumer goods retail sales: The sale of goods or merchandise from a fixed location, such as a department store, boutique, or kiosk, or by mail, in small or individual lots for direct consumption by the purchaser. Retailing may include subordinated services, such as delivery. Purchasers may be individuals or businesses. In commerce, a "retailer" buys goods or products in large quantities from manufacturers or importers, either directly or through a wholesaler, and then sells smaller quantities to the end user. Retail establishments are often called shops or stores.

Context: The setting in which a historic element or building exists.

Contracting services, no storage or yard: A facility from which service contractor vehicles are dispatched to jobs, but which has no outdoor storage of construction materials.

Contributing/key contributing: A building, site, structure or object which adds to the architectural qualities, historic association or archeological values of historic register property for which a property is significant because: (a) it was present during the pertinent historic time; (b) it possesses integrity and reflects its significant historic character or is capable of yielding important information about the pertinent historic period or (c) it independently meets the standards and criteria of the historic preservation regulations.

Convent/monastery: A building, or complex of buildings, that houses a room reserved for prayer (e.g. an oratory) as well as the domestic quarters and monastic workplaces for monks or nuns, whether living in community or alone (hermits). Monasteries may vary greatly in size—a small dwelling accommodating only a hermit, or in the case of communities anything from a single building housing only one senior and two or three junior monks or nuns, to vast complexes and estates housing tens or hundreds.

Conversion: Changing, by alteration, the original purpose of a building to a different use.

Country club: A private club, which may have a closed membership, offering a variety of recreational sports facilities. Activities may include golf, tennis, swimming, or polo. A country club will usually provide

hospitality to members and guests such as a restaurant and bar, and may provide suitable accommodations for host-catered events, such as weddings.

Covenant: A private legal restriction on the use of land contained in the deed of the property or otherwise formally recorded.

Cul-de-sac: A vehicular turnaround which is either temporary or permanent, located at the closed end of a dead-end street or alley.

Day care center/preschool: Any facility providing care of 15 or more children during the day by a person other than the child's legal guardians, typically performed by someone outside the child's immediate family. Day care centers typically offer an ongoing service during specific periods, such as the parents' time at work. Preschool is the provision of care and an educational program for children before the commencement of statutory education, usually between the ages of three and five.

Day care home: A day nursery providing care for not more than six children under kindergarten age. To qualify for a home occupation, no one other than members of the immediate family residing on the premises can be employed (see child care center).

Deciduous trees: Generally those trees, which shed their leaves annually, such as ash, sycamore, willow, etc.

Density: The average number of families, persons, or housing units per unit of land; expressed in numbers of families per gross developable acre.

Design: The location of streets, alignment of streets, grades, and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

Design guideline/standard: The standards set forth by the secretary of the U.S. Department of the Interior for the preservation of historic places.

Developable area (gross): The total acreage or square footage in a lot or tract proposed to be developed.

Developable area (net): The gross developable area minus the area to be dedicated for public use or right-of-way.

Development plan: The provisions for the development of land including such drawings as shall serve as a plat or subdivision and all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private drives and ways, parking facilities, common open space and public space. All written or graphic materials prepared for the development will be considered "provisions of the development."

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Digital billboard: A billboard capable of displaying multiple static images controlled by electronic communications.

Directional sign: Any sign that provides direction for the safe and efficient flow of vehicular or pedestrian traffic on a property, and shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises. A directional sign may contain the name or logo of an establishment, but no commercial message. Examples are parking and entrance signs. The logo area shall not exceed 25 percent of sign area. Off-premise directional signs are only allowed, as regulated, under special event signs.

Director: The director of planning and community development or a person designated in writing by the director.

Dissolve (a frame effect): A transition from one message to another where static messages are changed by means of varying light intensity or pattern where the first message gradually appears to

dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

District: See zone, overlay district, or zoning district.

District (historic district): An area that possesses a significant concentration, relationship between, or continuity of sites, buildings, structures, or objects united historically or architecturally by plan or physical development. Districts include college campuses, downtown areas, residential areas, industrial complexes, civic centers, government reservations, planned street systems, and parks. The term may also be applied to individual, associated, or functionally related sites, buildings, structures, or objects that are geographically separated. In such cases, visual continuity should not be necessary to convey the historic relationship of a group of related resources.

Dormitory: A residence hall providing rooms for individuals or for groups usually without private baths.

Drinking establishment: A place of business, which sells liquor-by-the-drink and maintains at least 30 percent of receipts in food sales as regulated by the alcoholic beverage control division, department of revenue.

Driveway, customary: A private lane which leads from a street or an alley to a garage, carport, rear yard parking area, a parking space established in accordance with the provisions of this appendix, or to another street or alley. Such driveway may extend in front of, alongside of, or in the rear of a principal structure either planned for or erected upon a building site.

Duly authorized representative: Any individual or person or any section, division or department of the city administration or any individual or person within the designated section, division or department of the city administration who has been designated by the director to implement, administer, and enforce the provisions of these development regulations. Generally, references are to the city planner and his/her designee, assignee, agent, or designated person as used in the text of the appendix.

Dwell time: The length of time during which each frame is displayed on any sign that is capable of sequentially displaying more than one message on its sign face.

Dwelling: A dwelling is any building or portion thereof not including mobile homes, which is designed or used exclusively for residential purposes including an attached garage, provided the attached garage is subordinate in area to the living portion of the structure. An attached garage shall have a common wall with a main structure for a distance of at least 25 percent of the length of the longest dimension of the garage. An attached garage not meeting this test may qualify as a detached garage, which need not comply with the five-foot setback requirement between buildings but shall meet all setback requirements of the principal structure.

Dwelling in mixed-use structure: A dwelling unit within a larger structure, which is used in whole or in part as a commercial establishment. The dwelling unit(s) need not be the principal residence of the business operator.

Dwelling, attached: A dwelling where at least one wall is shared, in common, with another dwelling.

Dwelling, detached: A dwelling which is separated from any other principal structure.

Dwelling, earth sheltered: A single family dwelling unit which incorporates the use of earthen materials to insulate not more than three sides of the structure, but which incorporates a conventional mansard, hip, gable, or gambrel roof, all built to the specifications of the local building code. For the purposes of administering this appendix, an earth sheltered dwelling is NOT a basement dwelling.

Dwelling, elderly or retirement home: A dwelling unit or high-rise apartment building specifically designed to be occupied by residents who are at least 62 years of age, and who are ambulatory and able to take care of themselves.

Dwelling, IBC/IRC modular home: Sectional prefabricated buildings or houses that meet local building codes and consist of multiple modules or sections, which are manufactured in a remote facility and then delivered to their intended site of use. The modules are assembled into a single residential building using either a crane or trucks.

Dwelling, live/work: A dwelling unit, part of which may be used as a business establishment and the dwelling unit is the principal residence of the business operator.

Dwelling, multi-family: A building or portion thereof, designed for occupancy by three or more families.

Dwelling, single-family: A building designed for occupancy by one family.

Dwelling, single-family detached: A building designed for occupancy by one family, which has required yards and setbacks from other residential structures.

Dwelling, townhouse: A building designed for occupancy by one family in a style of medium-density housing that originated in Europe in the late 17th century, where a row of identical or mirror-image houses share side walls.

Dwelling, two-family: A building designed for occupancy by two families.

Easement: A right of the owner of one parcel of land by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated.

Educational and scientific research, development, and testing services: [Reserved.]

Element: An individual defining feature of a building, structure, site, or district.

Elevated building: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Eligible community or participating community: A community for which the administrator has authorized the sale of flood insurance under the national flood insurance program (NFIP).

Environmental officer: The director of planning and community development.

Environs: The area immediately surrounding a property listed upon the national register of historic places (hereafter, "registered"). The historic preservation regulations shall apply to all structures which are within 300 feet of a registered property and to all structures intervisible with the registered property up to, but not farther than, 500 feet. Intervisibility is further defined as "the condition of being able to see one point from another without physical, permanent obstruction." Intervisibility shall be determined by standing at the main entrance of the registered property and looking in all directions for a distance of up to 500 feet. All references to "within 500 feet of a landmark or historic district" as used throughout this Code shall use the intervisibility standard for determining changes to the environs of a registered property.

Evergreen trees: Generally those trees which do not shed their leaves annually, such as pine, spruce, juniper, etc.

Exception: A grant of permission to depart from the general provision of the development regulations which is expressly authorized by provisions of the appendix after a finding of fact and imposition of conditions by the applicable governing body.

Existing construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Exterior architecture/feature: The character and composition of the exterior of the structure, including but not limited to, the kind and texture of the building material and the type, design and character of all

windows, doors, light fixtures, signs and appurtenant elements, and, the elements and components of the outer surface of a structure including windows, doors, light fixtures, signs, fences, hitching posts, decorations, chimneys, false fronts, parapets, flag poles, landscaping, retaining walls and related materials.

Facade: The front elevation of a building.

Fascia sign: A wall sign mounted against the horizontal piece covering the joint between the top of the wall and the projecting eaves of the roof.

Fade (a frame effect): A transition from one message to another by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and/or gradually increases intensity to become legible.

Family: A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- (1) Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- (2) Two unrelated people;
- (3) Two unrelated people and any children related to either of them; or
- (4) Not more than eight people and up to two caretakers who are residents of a "group home" as defined in K.S.A. 12-736 and this section.

This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. § 802(6).

Exceptions: "family" does not include: any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement because of criminal offenses.

Farm: An area, which is used for the production of farm crops such as vegetables, fruit trees, cotton, or grain and their storage as well as raising thereon of farm animals such as poultry, cattle, or swine on a limited basis. Farms also include dairy operations.

Farming: The practice of raising crops and/or livestock for profit.

Fence: A barrier intended to prevent escape or intrusion, or to mark a property boundary. Open fences are those constructed of wood, masonry, metal, woven wire or other material whose surface area is greater than 50 percent open. Solid fences are those constructed of wood, masonry, metal, plantings, hedges, or other material whose surface area is or may become less than 50 percent open.

Final plat: A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the register of deeds of the county.

Financial institution, with drive-thru: An institution that provides financial services for its clients or members including deposit-taking institutions, which accept and manage deposits and make loans. Examples are banks, building and loan societies, credit unions, trust companies, mortgage loan companies, insurance companies, pension funds, brokers, underwriters, and investment funds. This definition does not include short term or automobile title loan businesses. If these institutions have a physical facility to allow their customers to make transactions from a vehicle they are "drive-thru."

Financial institution, without drive-thru: An institution that provides financial services for its clients or members including deposit-taking institutions, which accept and manage deposits and make loans. Examples are banks, building, and loans societies, credit unions, trust companies, mortgage loan companies, insurance companies, pension funds, brokers, underwriters, and investment funds. This definition does not include short term or automobile title loan businesses. If these institutions do not have a physical facility to allow their customers to make transactions from a vehicle they are "without drive-thru."

Fish farm/hatchery: A place where large numbers of fish eggs are artificially fertilized and hatched, and fish are raised in an enclosed environment. Hatcheries may be owned and operated by either governments or private interests. Some hatcheries raise the fry until they reach adulthood and have commercial value; others release the fry into the wild with the intent of building up the wild stock. Fish farms raise the fish until they are ready for market.

Flashing: A pattern of changing light illumination where the sign's illumination alternates suddenly between fully illuminated and fully non-illuminated for drawing attention to the sign.

Floating zone: A special detailed use of district of undetermined location in which the proposed kind, location, size, juxtaposition and form of structures must be preapproved, and which, like a special use permit, is legislatively predetermined to be compatible with the areas in which it may thereafter be located on a particular application, provided specified predetermined standards are met and actual incompatibility is not revealed. A planned unit development is the only floating zone in this appendix.

Flood boundary and floodway map (FBFM): An official map of a community on which the administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood elevation determination: A determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood elevation study: An examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.

Flood fringe: The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

Flood hazard boundary map (FHBM): An official map of a community, issued by the administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

Flood hazard map: The document adopted by the city commission showing the limits of:

- (1) The floodplain;
- (2) The floodway;
- (3) Streets;
- (4) Stream channel; and
- (5) Other geographic features.

Flood insurance rate map (FIRM): An official map of a community, on which the administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; and
- (3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

Floodplain management regulations: Development regulations, zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances), and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source (see "flooding").

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway encroachment lines: The lines marking the limits of floodways on federal, state and local floodplain maps.

Floodway or regulatory floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway use: A use that can be approved by the city engineer upon the application of certain criteria for uses in the 100-year floodway as regulated by article X, floodplain management.

Floor area defined: For the purpose of applying the requirement of off-street loading and parking, the term "floor area" in the cases of offices, merchandising, or service types of use, shall mean the gross floor area used or intended to be used by tenants, or for the service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing, or packaging of merchandise, offices incidental to the management or maintenance of stores or buildings, restrooms, facilities, or exterior balconies.

Food, beverage, convenience and groceries retail sales: A grocery store is a store established primarily for the retailing of food. It stocks different kinds of foods from assorted places and cultures, and sells them to customers. Large grocery stores that stock products other than food, such as clothing or household items, are called supermarkets. Small grocery stores that mainly sell fruits and vegetables are known as produce markets. Bodegas and kiosks are small grocery stores that predominantly sell snack foods and sandwiches. Convenience stores typically also retail gasoline.

Foster home: A residence or building in which 12—24-hour care is provided to no more than five children, two or more of which are unrelated to the foster parent. Foster homes are permitted in all residential districts as they are considered a family.

Frame effect: A visual effect on an electronic changeable message sign applied to a frame to transition from one frame to the next.

Frame: A single static image generally used to convey a picture or message or portion thereof that could include multiple frames through scrolling, traveling, and other effects.

Fraternity/sorority home: A chapter house, providing residential and dining facilities for members of social organizations with a membership consisting of undergraduate students at colleges and universities. These are single-sex, initiatory organizations with membership considered active during the undergraduate years only. A fraternity or sorority must be recognized by and affiliated with a local college or university.

Free standing sign: Any self-supporting ground, pole, pylon, or monument sign which is detached and is independent from any structure.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

Frontage: The frontage of a lot is the side nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to streets shall be considered frontage and yards shall be provided, as set forth in this document.

Functionally dependent use: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

Funeral, mortuary, crematory: A facility for the provision of funeral services, including the preparation of bodies for burial or their disposal by cremation.

Future land use map: A component of the comprehensive land use plan.

Gas station: See service station.

GBD: General business district as defined by the most current development regulations.

Golf course, private: A golf course, with private membership and ownership, consists of a series of holes, each consisting of a teeing ground, fairway, rough, and other hazards, and a green with a flagstick and cup, all designed for the game of golf. It may include a driving range, restaurant, pro-shop and bar.

Golf course, public: A golf course, with public membership and either private or public ownership, consisting of a series of holes, each consisting of a teeing ground, fairway, rough and other hazards, and a green with a flagstick and cup, all designed for the game of golf. It may include a driving range, restaurant, pro-shop and bar.

Governing body: The city commission of Leavenworth, Kansas.

Government activities or services: The rendering of services of a governmental nature (police, fire protection, refuse collection, or code enforcement for example) required within or upon any property regardless of zoning classification.

Government administrative buildings and support facilities: Primary and accessory structures to be used by United States, Kansas, county, city, and local school districts or governments for the delivery of essential services to the public. This definition does not apply to nonprofit corporations or organizations, which may deliver government services but are not under the jurisdiction of a popularly elected legislative board or commission. All other provisions of the city's development regulations, zoning, land use, construction, and property maintenance codes shall apply to government-owned facilities.

Government offices and facilities: Any facility, function, office, shop, or place operated by any one of the following governments: United States, State of Kansas, County of Leavenworth, City of Leavenworth, USD 453, or any other division of the state of Kansas with the authority to levy and collect taxes.

Grass: A species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.

Greenhouse/nursery: A nursery is a place where plants are propagated and grown to usable size. These include retail nurseries that sell to the public, wholesale nurseries that sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries that supply the needs of institutions or private estates. Some retail and wholesale nurseries sell by mail.

Group home: Disabled (defined by K.S.A. 12-736): A dwelling unit occupied by not more than ten persons, including eight or fewer persons with a "disability," which is licensed by a regulatory agency of the state. "Disability" refers to persons with physical or mental impairments substantially limiting major life activities.

Gun sales and service: Any place, structure, or person licensed by the federal government, which offers the sale, rental, service, repair, or storage of guns, ammunition and shooting accessories.

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

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

Heavy vehicle/equipment sales, rentals, and service: [Reserved.]

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

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic and monument sites: Any site so designated by the local, state, or federal government.

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

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

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

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

Historic restoration: The accurate reconstruction of structural elements matching in shape, size and texture the original construction method and material, including removal of materials that are not appropriate to the structure.

Historic structure: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- (b) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the secretary of the interior; or
 - (2) Directly by the secretary of the interior in states without approved programs.

Historically or architecturally important feature: The qualities present in a structure, property, or district because it:

- (a) Is associated with an event or events that significantly contributed to the broad patterns of the history or architectural heritage of the city, state, or nation.
- (b) Is associated with the life of a person(s) significant to the history of the city, state, or nation.
- (c) Embodies distinctive characteristics of a type, design, period, or method of construction.
- (d) Represents the work of a master craftsman or possesses high artistic value.
- (e) Exemplifies the cultural, political, economic, social, or historic heritage of city, state, or nation.
- (f) Contains elements of design, detail, materials, or craftsmanship which represent a significant construction innovation.
- (g) Is part of or related to a square, park or other distinctive area that was or should be developed or preserved according to a plan based on a historic or architectural motif.
- (h) Is an established and familiar visual feature of a neighborhood or of the community.
- (i) Has yielded or is likely to yield archeological artifacts and/or information.

Holiday decorations: Displays erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and that do not constitute commercial signs.

Home occupation: A business, profession, service, or trade, meeting the qualifications of and permitted by the supplementary district regulations of this appendix, conducted for gain or support within a residential building.

Hospital: An institution for health care providing patient treatment by specialized staff and equipment, and often, but not always providing for long-term patient stays.

Hotel: A building or portion thereof, or a group of buildings, which provide sleeping accommodations for transients on a daily or weekly basis for pay, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise.

Hotels and motels (with accessory uses): A commercial establishment that provides guest-lodging accommodations consisting of a room with a bed, bathroom, climate control and maid service on a short-term basis. Hotels typically have rooms exiting on to a semi-secure central hallway. Motels typically have rooms exiting directly to the outdoors and have parking close to the room door.

Identification sign: Any sign giving the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business development, or establishment on the premises where it is located.

Illegal lot combination/transfer: A lot that contains one or more portions of a lot or lots of record. The transference of a portion of a platted lot without a replat of both the donor and recipient lots is illegal.

Illegal sign: A sign that violates the intent or provisions of the sign code and is installed or erected after the effective date of the current sign code or was illegally installed before the effective date of the sign code and is not in conformance with the sign code.

Illuminated sign: A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign.

Illumination: The amount of light that is incident to the surface of an object. This is the method for describing ambient light levels or the amount of light that is projected onto a front-lit sign. This parameter is typically measured in lux (foot-candles x meters).

Improvements: Street and drainage work and utilities that are to be installed, or agreed to be installed in conformance to city's standard and specifications, by the subdivider on the land to be used for public or private use of the lot owners in the subdivision, as a condition precedent to and acceptance of the final plat.

Indirectly illuminated sign: A sign whose source of illumination is exterior to the body of the sign with the light shining directly on the sign.

Indoor commercial recreation/entertainment: ~~[Reserved.]~~ Any facility for recreation, which is indoors, and commercial in nature.

Indoor shooting ranges: Any indoor shooting range for guns or archery meeting national rifle association standards for the design, construction, and operation of the facility.

Infill construction: Construction of a new residential or commercial structure on a previously platted and developed lot where one or more main structures were removed. Infill constructions shall conform to established setback lines, building orientation, mass, form, and architectural styling of the surrounding buildings.

Inoperative vehicle: A vehicle that is wrecked, partially dismantled and/or damaged to the extent that the equipment required by state statute on any such vehicle used on the streets and highways is not present or is not in good condition or proper adjustment or such vehicle is in an inoperable condition or a condition that would render the operation on the streets and highways a hazard to public safety.

Internally illuminated sign: A sign in which the source of illumination is contained within the sign.

Inter-parcel access: A private, vehicular way adequate to convey vehicular traffic from the subject property to adjacent properties in an unimpeded manner.

Jails and prisons: Places in which people are physically confined and, usually, deprived of a range of personal freedoms. In the United States, "jail" and "prison" refer to separate levels of incarceration; generally speaking, jails are county or city administrated institutions which house both inmates awaiting trial on the local level and convicted misdemeanants serving a term of one year or less, while prisons are state or federal facilities housing those awaiting trial on the state or federal level and convicted felons serving a term of more than one year. On the federal level, this terminology has been largely superseded by a more complex five-tier system implemented by the federal bureau of prisons that ranges from low security "prison camps" to medium security "correctional institutions" and finally maximum security "penitentiaries."

Junk yard: The use of any lots, portion of a lot, or tract of land for the storage, processing, sale, or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof.

Junkyard, salvage yard: The location of a dismantling business where wrecked or decommissioned vehicles or other scrap is brought, their usable parts are sold for use in operating vehicles, while the unusable metal parts, known as scrap metal parts, are processed and sold to metal-recycling companies.

Kansas Register/state register: The current State Register of Historic Places as prepared, approved and amended by the state historic sites board of review and authorized by K.S.A. 75-2701, et seq.

Kennel: A facility, which houses, boards, breeds, or trains five or more dogs or cats by other than the owner.

Landfill, construction and demolition: An approved location through the special use permit process wherein the following can be deposited: waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures, and pavement.

Landfill, cut and fill: A location wherein clean fill dirt may be deposited or cut with the approval and review of the director of public works.

Landfill, municipal solid waste: A landfill accepting all types of material as regulated by the state not including construction and demolition landfills or cut and fill landfills. Municipal solid waste landfills are not allowed in the city.

Landowner: (Also known as property owner) The legal or beneficial owner or owners of all land proposed for action under this appendix. The holder of a contract to purchase or other persons having an

enforceable proprietary interest in such land shall be deemed a landowner or property owner for the purpose of this appendix.

Landscape material: Living material such as trees, shrubs, ground cover/vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

Landscaped open space: All land area within the property lines not covered by building or pavement.

Leavenworth landmark: A site, structure, or object designated as a landmark by the city commission deemed worthy of preservation because of its historic, archaeological, and/or architectural significance to the city, state or nation.

Legal setback line: A line established by the development regulations beyond which no building may be built. A legal setback line shall be measured from the property line, not the curb line.

Library: A collection of sources, resources, and services, and the structure in which it is housed, organized for use and maintained by a public body, an institution, or a private individual.

Light industrial: Light industry is usually less capital intensive than heavy industry, and is more consumer-oriented than business-oriented. Most light industry products are produced for end users rather than as intermediates for use by other industries. Light industry facilities typically have less environmental impact than those associated with heavy industry. Light industry is a manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Examples of light industries include the manufacture of clothes, shoes, furniture, consumer electronics, and home appliances. Light industries require only a small amount of raw materials, area, and power.

Local streets: A street whose primary purpose is to provide access to private property.

Lot: A parcel or tract of land under single ownership or control. A lot may consist of one or more lots of record. Multiple lots may be developed as one lot if internal easements are voided. A portion of land in a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.

Lot area: The total square footage area of the property bounded by the front, side and rear lot lines, excluding all dedicated rights-of-way.

Lot, buildable: Any lot of record meeting the zoning minimums or lot of record that has frontage on a dedicated street that is open and maintained by the city. A street of less than a minimum right-of-way width shall require dedication of additional right-of-way prior to the issuing of any building permits. No permits for residential uses shall be issued on streets that are not open, dedicated, and maintained by the city except in a PUD.

Lot coverage: The portion of a lot occupied by the building footprint and all impervious surfaces.

Lot, depth of: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, interior: Any lot other than a corner lot.

Lot line: Lot boundary line or property line.

Lot line, front: The property line dividing a lot from the right-of-way of a street. On a vacant corner lot, the shorter street right-of-way shall be considered as the front line. On a developed corner lot, the front line should be determined by the structure's main entrance.

Lot line, rear: The lot line opposite and most distant from the front lot line and most nearly parallel to it.

Lot of record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county; or a parcel of land described by metes and bounds, the deed to which was recorded in the office of the register of deeds prior to the adoption of this appendix.

Lot/parcel/tract: As defined by the state.

Lot width: The distance between the side lot lines, measured along the front setback line as established by this appendix. Where the front setback line is curvilinear, lot width shall be measured along the tangent to this curve.

Lowest floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this appendix.

LPC: The Leavenworth Preservation Commission.

Luminance: The amount of light that emanates from an internally illuminated sign. This parameter is measured in nits. The nit levels necessary for the sign to be legible vary with the ambient light conditions. On a sunny day, the nit levels must be very high, while at night, the levels must be very low to prevent the image from distorting and to prevent glare.

Major arterial street: A street of great continuity which serves as a major thoroughfare whose primary function is to move traffic from and to principal traffic generators within the region.

Mansard sign: A sign mounted on a roof with two angles of slope, the lower portion of which is steeper and architecturally comparable to a building wall. Also may be a vertical façade that imitates a roof. A mansard sign is a wall sign.

Manufactured home: Those structures, which are built to standards pursuant to the Federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. 5401, et seq. Usually this is a dwelling unit that is mass produced in a factory, is designed for long term residency and is constructed for transportation to a site for installation and use on a permanent foundation when connected to required utilities, and is either an independent, individual building or a module for combination with other elements to form a building. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured/mobile home community: A community consisting entirely of single family homes manufactured off-site. Typically, residents pay a lot rental fee to the owner of the community.

Manufacturing, fabrication, and assembly: Any place or structure where value is added to a material product through manufacturing techniques.

Map: The flood hazard boundary map (FHBM), flood insurance rate map (FIRM), or the flood boundary and floodway map (FBFM) for a community issued by the federal emergency management agency (FEMA).

Marina: A marina is an artificial harbor with wharfs keeping boats and yachts and with services for recreational boating. A marina may have refueling, washing and repair facilities, ship chandlers, stores and restaurants. A marina may include ground facilities such as parking lots for vehicles and boat trailers and boat ramps to transfer trailered boats into the water. A marina may have a boat hoist operated by service personnel. A marina may have out-of-water-storage for out-of-season boat storage. A marina differs from a port in that a marina does not handle large passenger ships or cargo from freighters.

Market value or fair market value: An estimate of what is fair, economic, just, and equitable value under normal local market conditions.

Marquee: A hood, canopy, or awning of permanent construction that projects from a wall of a building, usually above an entrance.

Marquee sign: A sign made a part of a marquee and designed as either a manual changeable message sign or an electronic changeable message sign. A marquee sign is a wall sign.

Mass: The ratio of solid wall space to window and door openings on a building footprint and all impervious surfaces with the sole exception of sidewalks.

Mausoleum: A stone or masonry building with places for entombment of the dead above ground level.

Maximum extent feasible: Reasonable efforts have been undertaken to comply with the regulations, but the cost of compliance clearly outweighs the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

Mean sea level: For purposes of the national flood insurance program (NFIP), The National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's flood insurance rate map (FIRM) are referenced.

Medical and dental clinics and offices: A clinic is a health care facility that is primarily devoted to the care of outpatients. Clinics can be privately operated or publicly managed and funded, and typically, cover the primary health care needs of populations in local communities, in contrast to larger hospitals which offer specialized treatments and admit inpatients for overnight stays. Clinics are often associated with general medical practice, run by one or several general practitioners or practice managers.

Membership clubs: An organization composed of people who voluntarily meet on a regular basis for a mutual purpose. The term club is not a legal term per se, but a group that organizes itself as a club must comply with any laws governing its organization and otherwise be cognizant of the legal ramifications in undertaking to organize itself in this manner.

Message: As used in the sign code, a text, image, or combination thereof meant to be comprehended as a whole by the viewer. Each simple concept shall be deemed a separate message. A message can be either a static display or a display that, not fitting onto the screen all at once, is broken into parts, which appear sequentially, scrolling across the screen. Electronic changeable message signs are capable of changeable messages.

Mini-storage: A business that owns and operates a facility that is subdivided into self-storage spaces, which are rented to tenants, usually on a monthly basis. Self-storage facilities lease space to individuals, usually storing household goods, or to small businesses, usually storing excess inventory or archived records. The rented spaces are secured by the tenant's own lock and key. Facility operators do not have casual access to the contents of the space, unlike a professional warehouseman. A self-storage operator does not take possession, care, custody, or control of the contents of the storage rental space unless a lien is imposed for non-payment of rent.

Minor arterial street: A street whose primary function is the same as that of a principal arterial street, except that it serves on a small community scale, and provides destinations to specific traffic generators.

Mobile home: A movable dwelling over 32 feet in length or over eight feet wide, constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy as a residence when connected to utilities. The term shall not include travel trailers, campers or self-contained motor homes or camper buses.

Mobile home park: Any lot, tracts, or parcel of land used or offered for use in whole or in part with or without charge for parking of mobile homes for non-transient use, but shall not include mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of display, inspection, sale or storage.

Mobile home space: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Monument sign: A freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile or textured concrete materials. The base of a monument sign shall be architectural in nature, with a concealed means of support, and utilize materials consistent with the design of the building it is identifying.

Motel: See hotel.

Motion: As used in the sign code, the depiction of movement or change of position of text, images, or graphics. Motion shall include, but not be limited to, visual effects such as dissolving and fading text and images, scrolling sequential text, graphic bursts, lighting that resembles zooming, twinkling, or sparkling, changes in light or color, transitory bursts of light intensity, moving patterns or bands of light, expanding or contracting shapes and similar actions.

Motor vehicle repair: General repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting; but not including painting of automobiles unless conducted in a completely enclosed spray booth. Motor vehicle repair service shall only be performed within an enclosed yard or structure. All inoperable vehicles shall also be stored within an enclosed yard or structure.

Moving and storage facilities: A facility for the storage and dispatching of household or commercial relocation services, trucks and crews. It may also contain facilities for the warehousing of household or commercial goods in short term or long-term storage.

Name plate sign: A single-faced, non-illuminated wall sign that displays only the name and/or occupation of the person or persons occupying space in a building. Name plate signs may be incorporated within wall signs and shall otherwise be subject to regulations restricting wall signs.

National register: The current National Register of Historic Places established by the National Preservation Act of 1966, 80 Stat. 915.16 USC 470 et seq., as may be amended.

Neighborhood recycling center: A center, designed to serve a limited area or specific neighborhood, for the collection of specific materials, which may be recycled. It is not a center for the on-site processing of used materials into new materials. Recyclable materials include many kinds of glass, paper, metal, plastic, textiles, and electronics. The composting or other reuse of biodegradable waste, such as food or garden waste is not considered recycling under this definition. Materials to be recycled are brought to a collection center by local residents. Commercially generated recyclables are not to be deposited in neighborhood recycling centers.

New construction: Construction of site infrastructure or a new element, building, or structure.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP: The national flood insurance program.

Nit: A unit of measure of brightness or luminance. One nit is equal to one candela/square meter.

Non-affixed sign: Any sign that is not permanently affixed to a building, structure or the ground.

Non-commercial message: Any message, content, text, or display that is not a commercial message.

Non-commercial sign: Any sign that is not a commercial sign.

Non-conforming lot of record: A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of the original subdivision regulations in the city, July 19, 1966, and neither the lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

Non-conforming signs and billboards: Any sign or billboard that was installed prior to the passage of this sign code and that was a legal sign, but which does not now conform to the requirements of this sign code.

Non-conforming structure: An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

Non-conforming use: An existing use which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

Non-contributing: A building, site, structure or object that does not add to the architectural quality, historic association or archaeological values for a landmark or historic district because it was not present historically, or has been altered or changed which has destroyed its historic integrity and it is incapable of being restored, or it cannot independently meet the criteria for landmark designation.

Non-residential swimming pools: Swimming pools operated by a private membership organization or government.

Normal maintenance/repair: Any work designed to correct damage or deterioration to the condition that existed prior thereto. "Normal maintenance" includes all work performed on structures by a property owner which does not require a permit as prescribed by the city's development regulations.

Nursery care or school: See child care center or day care home.

Nursing home/hospice: A nursing home, convalescent home, skilled nursing unit, care home, rest home, or hospice which provides a type of care for its residents. It may be a place of residence for people who require constant nursing care and have significant deficiencies with activities of daily living. Residents include the elderly and younger adults with physical or mental disabilities. Residents in a skilled nursing facility may also receive physical, occupational, and other rehabilitative therapies following an accident or illness. Hospice is a type of care that focuses on the palliation of a terminally ill patient's symptoms. These symptoms can be physical, emotional, spiritual, or social in nature.

Official sign: Any sign installed or erected by a governmental body or agency or by a public utility such as traffic signs, signals, regulatory devices or warnings; signs designating properties or structures officially designated by the federal, state or local government as being of historical significance or other similar signs. Commercial signage by a utility is not an official sign.

Off-premise sign: A commercial sign containing a message that pertains to a business, establishment, person, organization, activity, entertainment, event, condition, place, service or product that is not principally located, or primarily manufactured, produced, available, furnished or sold on the premises upon which the sign is erected, The on-premises/off-premises distinction applies only to commercial signs.

On-premise sign: A sign advertising an establishment, business, person, activity, good, product, or service that is located on the premises upon which the sign is erected.

Open space: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking for loading areas, or required front, rear, or side-yards.

Open space, common: An area of land or water or combination thereof reserved for the passive and active recreation of the residents of a designated area. Such area shall not include areas used for streets, alley, driveway, private roads, off-street parking, or loading areas, utility easement, trash collection point or private yard area not open to common use by these residents.

Orientation: Direction on a lot followed by the building's dominant lines, i.e., front-to-back or side-to-side.

Outdoor commercial recreation: Any facility for recreation, which is outdoors, and commercial in nature.

Parking lot: A parcel of land devoted to the parking of motor vehicles, which considers the width, length, turning radii and ingress/egress requirements of a standard sized automobile. A parking lot will be sealed with a dustless, all-weather surface.

Parking lot or garage (commercial, non-accessory): Defined in the off street parking section of these regulations.

Parking space: The portion of a parking lot sufficient in size to store one automobile. The minimum design established is eight and a half feet × 18 feet.

Parking space, off-street: A parcel of land, which is required for parking purposes by this appendix, on or near the property where the particular use is located. Parking places required by this appendix cannot be located on any part of a public easement or dedicated right-of-way.

Parks and open space: [Reserved.]

Participating community: An "eligible community"; a community in which the administrator has authorized the sale of flood insurance.

PC: Planning commission.

Pedestrian way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access of adjacent streets and properties.

Permit: A signed document from a designated community official authorizing development. As relating to floodplain management a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as:

- (1) The site plan;
- (2) An elevation certificate; and
- (3) Any other necessary or applicable approvals or authorizations from local, state or federal authorities.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state, and local governments and agencies.

Pervious pavement: A pavement system with traditional strength characteristics but which allows rainfall to percolate through it rather than running off. A pervious pavement system uses either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water that allows for passage of run-off and air. Examples of permeable pavement systems include Grasspave[®], Gravelpave[®], Turfstone[®], and UNI Eco-stone[®].

Pet grooming: The hygienic care and cleaning of a pet as well as a process by which a pet's physical appearance is enhanced.

Pet shops: Any location where the retail sales of pets and pet accessories occurs.

Petroleum pipeline and pressure control stations: Any facility used to measure or maintain the conditions in a pipeline operated by a public utility.

Placement: Building siting or positioning on a lot, as determined by its setbacks. Placement also refers to the positioning of individual elements on a building.

Planned unit development (PUD): A single parcel or contiguous parcels of land intended to be developed in accordance with an overall design plan, which may include residential, commercial, industrial, or public land uses or a mixture thereof.

Planning commission: Shall mean the city planning commission.

Pole sign: A freestanding sign supported by uprights, braces, columns, poles, or other vertical members that are not attached to a building.

Portable sign: A temporary sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or by a person, a sandwich board sign, balloons or other gas or air filled objects used as commercial signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless that vehicle is used in the normal day-to-day operations of the business.

Porte cochere: (pronounced port co-SHARE) The architectural term for a porch- or portico-like structure at a main or secondary entrance to a building, through which a horse and carriage (or motor vehicle) can pass in order for the occupants to alight under cover, protected from the weather.

Post office branches: Any physical subdivision or staffed permanent presence of the United States Postal Service.

Preliminary plat: A plan made for showing the design of a proposed subdivision and the existing conditions in and around it. This plan need not be based on a detailed final survey of the property.

Principal structure: A structure in which a dominant use of the lot on which the structure is located is conducted.

Principal use: The main use of land or structures as distinguished from a subordinate or accessory use.

Principally above ground: At least 51 percent of the actual cash value of the structure, less land value, is above ground.

Private club, "Class A Club": A premises owned or leased and operated by a corporation, partnership, business trust or association, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates, their families and invited and accompanied guests, and which is not operated for a profit other than such as would accrue to the entire membership. A corporation, partnership, business trust, or association not operated for a profit, for the purposes of the definition of a class A club shall only include a corporation, partnership, business trust, or association, which has been determined to be a bona fide nonprofit social, fraternal or war veterans club.

Private club, "Class B Club": A premises operated for profit by a corporation, partnership or individual, known as the management, to which premises the management allows persons, known as members to resort for the consumption of food or alcoholic beverages and for entertainment.

Projecting sign: A sign that projects from and is supported by a wall of a building or structure. (Sign face may be perpendicular to the wall.)

Property identification sign: A sign identifying a neighborhood, subdivision or other residential development. A property identification sign may not be a temporary sign.

Property line: The boundary line (front, side, or rear) of land owned by an individual, firm or corporation described by metes and bounds or by a plat lot number.

Public interest sign: Any sign intended to convey a legal right or restriction on a property, such as a "no trespassing" sign; a sign intended to warn the public of a bona fide danger on the property, such as a "beware of the dog" sign; or a sign placed by order of a court or by a government official in the normal course of their duties. Public interest signs shall include signs identifying a structure or area as a historic structure or place.

Public or private membership: Any structure or area under the control of a group with restricted membership.

Pylon sign: A freestanding sign with a visible support structure that may or may not be enclosed by a pole cover.

Racing facilities: Any facility, with any surface, where motorized, electric, or internal combustion, vehicles with one or more human occupant race, practice, or test for racing purposes.

Racquet club: A commercial facility for the playing of squash, tennis, or racquetball at which there is a clubhouse including restrooms. Such a facility may provide additional services customarily furnished by a club such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge as a secondary use.

Radio, television, and recording services: Any facility where electronic media for radio, television or other methods of distribution is made for commercial purposes.

Railroad terminal: Any passenger or freight terminal used by a railroad company.

Ranching: The raising of livestock for commercial sale.

Reasonably safe from flooding: Base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational vehicle: A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently able to be towed by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling collection station: As opposed to neighborhood recycling centers, recycling collection stations are designed to serve a city sized area for the collection of specific materials, which may be recycled. It is not a center for the on-site processing of used materials into new materials. Recyclable materials include many kinds of glass, paper, metal, plastic, textiles, and electronics. The composting or other reuse of biodegradable waste, such as food or garden waste is considered recycling under this definition. Materials to be recycled are brought to a collection center by local residents and businesses. Commercially generated recyclables may be deposited at recycling collection stations.

Religious assembly: Any assembly of one or more people in furtherance of their shared spiritual beliefs.

Remedy a violation: As used in article X, floodplain management, to bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

Residential home-stay: Any furnished residential structure wherein one limited-term boarder (not to exceed 180 days) is allowed the use of an entire structure and its grounds and housekeeping services are provided at least weekly. No management or owner presence is required and no meals are served. In approval of a residential home stay the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. Such a business shall be registered with the city clerk as a rental property.

Residential: A residential zoning district, RI-25, RI-9, RI-6, R4-16, RMF, and MP as defined by the most current zoning ordinance.

Restaurant, drive-thru or drive-in: An establishment whose primary business is the serving of food to the public, including, but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains. The drive-in or drive-thru component refers to a situation where food and drink are served for consumption, on or off the premises by order from and service to vehicular passengers outside the structure.

Retreat house: A residential dwelling wherein short-term boarders are allowed (not to exceed one week) to share living space and participate in specifically defined activities related to hobbies or other shared interests.

Riding academies/stables: Any facility dedicated to equine activities, to include teaching riding, riding, showing, boarding, maintenance, care, breeding, and rental of horses.

Right-of-way: A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of the law.

Risk premium rates: Those rates established by the administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

Roof sign: A sign erected upon or above a roof or parapet of a building or structure, affixed to, supported by, or braced upon the roof joists or rafters.

Salvage/junkyard: The use of any lot(s), portion of a lot, or tract of land for the storage, processing, sale or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Sandwich board sign: A self-supporting A-shaped freestanding, portable, temporary sign with only two visible sides angled, rather than parallel and flush; also called an A-frame sign. These signs are situated to a business, typically on a sidewalk.

Scale: The size, both height and width, of a building or structure. Scale is influenced by patterns, shapes, and sizes of materials, components, and openings.

School, elementary and middle (public and private): As defined by the state.

School, senior high: As defined by the state.

School, vocational-technical and trade: As defined by the state.

Screening (screening enclosure or properly screened): A solid or semisolid fence or wall at least six feet high but not more than eight feet high, having a density of not less than 80 percent per square foot. A landscape screen consisting of trees, shrubs or hedges meeting density requirement may be used to meet the requirement. Fence or wall shall be maintained in good condition by owner or owners of the property.

Scrolling/travel: A frame effect where the frame is changed by the apparent vertical or horizontal movement of a frame or of the letters or graphic elements of the message.

Secretary: Secretary of the planning commission.

Semi-permanent structures: Structures that have a general lifespan less than that of the primary structure. Examples include both above and below grounds swimming pools, storage sheds, play structures, and gazebos.

Senior housing: Housing for people over 55 and their immediate family members, which may include some limited on-site care.

Service station, automobile: A retail business engaged primarily in the sale of motor fuels; but also in supplying goods and services generally required in the operation and maintenance of automobiles.

Setback: The required distance between each structure located on a building lot and the property lines of the lot.

Setback line or building line: A line fixed parallel to the lot line beyond which a building cannot extend under the terms of the development regulations. It is equivalent to the yard requirement.

Setting: The immediate physical environment of a building, structure, site, or district.

Sexually oriented business: A business establishment open to the public, or to members, that offers for sale any or all of the following: nude or semi-nude entertainment, sexually oriented outcall services, sexually oriented retail sales of products, seminude dancing, and seminude dancing agencies. These include any facility or establishment which offers for sale, loan or rental any printed, recorded, photographed, filmed or otherwise viewable material, or any sexually oriented paraphernalia or aid, if a substantial portion (over 25 percent) of the stock or trade is characterized by an emphasis on matters depicting, describing or relating to sexual activities. This may also involve employees, contractors or other workers displaying uncovered male or female genitals or nude female breasts related to some form of monetary compensation paid to the entity operating the use or to persons involved in such display.

Shape: Surfaces and edges of a building and individual elements.

Shelter home: A dwelling unit in which 15 or fewer adults and children are temporarily housed for receiving services to assist with the problem of domestic violence.

Shelter, domestic violence: A place of temporary refuge and support for people escaping violent or abusive situations.

Shrub: Any self-supporting, woody plant of a species, which normally grows to an overall height of less than 15 feet in this region.

Sidewalk: A paved walk for pedestrians along and at the side of a street.

Sign alteration: The replacement, enlargement, reduction, reshaping, changing, or adding to a sign, sign structure or other supporting members.

Sign face: The entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.

Sign maintenance: The normal care and minor repair necessary to retain a safe, attractive, and finished sign, sign surface, or sign structure. Changing the copy or a logo on a sign face without increasing sign dimensions shall be considered sign maintenance, if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

Sign refacing: The changing or replacing of the words, numerals or other aspects of the sign face to serve a different establishment or business, or to create a substantially different visual effect without alternating, moving, or replacing the sign, sign structure, or sign face.

Sign structure: The support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure, or the ground. A sign structure may be a single pole and may or may not be an integral part of the building.

Sign surface: The entire area aggregated on all sign faces, within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.

Sign: Any device, fixture, or placard on a structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Flags are not signs. All signs must conform to the applicable city codes.

Site: A parcel, lot, or tract of land on which activities are conducted or one or more buildings or structures are located.

Site (historic): The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural, or archeological value.

Siting: Orientation and placement of a building on a parcel or lot.

Small wind energy systems: Privately owned wind energy generating systems designed to service a single family or building with under 10,000 square feet of floor space.

Snipe sign: A sign made of material such as cardboard, paper, pressed wood, plastic, or metal that is attached to a fence, window, tree, utility pole or temporary structure or any sign that is not securely fastened to a building or structure or firmly anchored to the ground.

Social service center: A facility whose sole purpose is to provide informational, educational, social, or economic counseling or other similar services to persons residing in the city or county. A social service center must be sponsored and operated by a not-for-profit organization whose stated purpose is to improve quality of life within the city and county. This does not include nursing homes, fraternal orders, or private clubs.

Solar collection systems: Technologies employed to convert solar energy into usable light or heat, cause air-movement for ventilation or cooling, or store heat for future use. Active solar uses electrical or mechanical equipment, such as pumps and fans, to increase the usable heat in a system. Solar energy collection and utilization systems that do not use external energy, like a solar chimney, are classified as passive solar technologies.

Solid waste facility: Any facility, which serves to collect, distribute or temporarily store household generated solid waste.

Special event sign: A sign identifying a grand opening, parade, festival, fund drive or similar occasion.

Special flood hazard area: See "area of special flood hazard."

Special hazard area: An area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

Sports/entertainment arena or stadium: Any place or structure where more than 100 people can gather to watch a sporting or entertainment event.

Start of construction: Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State coordinating agency: The division of water resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the national flood insurance program (NFIP) in that state.

State historic preservation officer or SHPO: The person who has been designated by law and by the governor of the state to administer the state historic preservation program for carrying out the provisions of the National Historic Preservation Act of 1966, as amended and related laws and regulations.

State review board: The Kansas Historic Sites Board of Review as established in K.S.A. 75-2719a.

Static: Having no motion; being at rest; fixed, stationary.

Street: A right-of-way, dedicated to the public use, or a private right-of-way, which provides principal vehicular and pedestrian access to adjacent properties.

Streetscape: All physical elements that may be viewed along a street frontage.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Student housing: Housing which only students in boarding schools, universities or other educational institutions are eligible to reside.

Studio, music/movie/TV: A place for the nurturing and recording of the visual and auditory arts.

Style: The visual appearance of a building, structure, site, or district depicting the influence of shape, materials, detailing or other features associated with a particular architecture.

Subdivider: A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for himself or for others.

Subdivision (major): The division of a tract of land into five or more lots or parcels for the purpose of transfer of ownership of building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved plat of the same.

Subdivision (minor): The division of a tract of land into not more than five tracts, parcels, or lots meeting the requirements set forth herein.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantial renovation: Any alteration affecting the front elevation of a building or costing more than 50 percent of the current assessed county tax valuation.

Substantial work: Work comprising the expenditure of more than 33 percent of the value of the project as listed on the building permit.

Sundries, pharmaceuticals, convenience store retail sales: [Reserved.]

Tailoring, custom: Making or altering apparel according to personal or special order. The distinction between tailor shops and apparel manufacturing for zoning purposes is:

1. A custom tailoring shop should not have more than the equivalent of 15 full-time employees and;
2. Building space devoted to tailoring operations and product storage shall not exceed 12,000 square feet of floor space as measured by the exterior spatial dimensions.

Tattoo parlor/piercing/body art: Any place or structure, which is regulated by the state board of cosmetology and where any form of elective body modifications occurs.

Tavern: An eating or drinking establishment where cereal malt beverages are sold for consumption on-premises as regulated by the Alcoholic Beverage Control Division, Kansas Department of Revenue.

Taxi dispatch: A facility for the radio dispatch of taxis for hire. Taxis may also await dispatching at this location.

Temporary sign: Any sign, banner, searchlight, sidewalk or curb sign, pennant, valance, flag, balloon, air- or gas-filled figure, or advertising display that is intended to be displayed for a limited period of time only and is typically constructed from nondurable material, such as paper, plastic, cloth, canvas, light fabric, cardboard, wallboard or other material, with or without frames. Temporary signs may be portable or fixed, but are not intended for permanent display. Temporary signs include, but are not limited to, real estate signs, garage sale signs, grand opening signs, construction signs, land for sale signs and open house signs. Specific restrictions, in addition to those restrictions that apply to all temporary signs, may apply to specially identified types of temporary signs. More comprehensive restrictions apply generally to all signs included in the broad category of temporary signs.

Time and temperature sign: An electronic changeable message sign displaying solely the time and temperature.

Trailer: A vehicular, portable device used for moving people/goods or services between points and usually towed by a motor vehicle (see mobile home).

Transition: As used in the sign code, a visual effect (frame effect) used on an electronic changeable message sign to change from one message to another.

Travel trailer parks: See camp grounds.

Traveling: As used in the sign code, a frame effect where the frame is changed by the apparent horizontal movement of the letters or graphic elements of the message.

Trees: Any self-supporting, woody plant of a species, which normally grows to an overall minimum height of 15 feet in this region.

Truck terminal, freight, air courier services: Any place or structure for the transfer of goods from one means of conveyance to another.

Twirl time: The time it takes for static text, images, and graphics on an electronic changeable message sign to transition to a different text, images, or graphics.

Uniform Building Code: The current edition of the Uniform Building Code, published by the International Conference of Building Officials.

Unlicensed vehicle: A vehicle not carrying the currently effective license or registered number plate or plates, including any registration issued to the owner of such vehicle displayed on the vehicle so registered as required by the motor vehicle laws of the state.

Urban agriculture/community garden: Any place or structure within the city, which exceeds ¼ acre, where crops intended for human consumption are raised.

Variance: A grant of relief to a property owner from certain provisions of the zoning ordinance when because of the particular physical surroundings, shape or topographical conditions of the property, compliance would result in a particular hardship upon the owner as distinguished from a mere inconvenience or a desire to make money. The variance may be granted for area, yard bulk, or parking requirements but not for a use. Or, a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community. Or, a variation from a specific requirement of the secretary of the interior's design standards, as applied to a specific structure or property.

Vehicle impound lot: The use of any part of a parcel or tract of land for the storage of automobiles or other vehicles that is not operable or roadworthy according to the laws of the state. Generally, these lots receive vehicles because of accidents or abandonment. No salvage of parts is permitted as part of this operation.

Vehicle storage lot: The use of any part of a parcel or tract of land for the storage of automobiles or other vehicles including recreational vehicles, that are owned by person(s) other than the operator of the storage lot, for a fee. To qualify to be held in a storage lot, the vehicle need be licensed and roadworthy according to the laws of Kansas.

Veterinary clinic: Any place or structure where animal health services are provided by a one or more people licensed to provide veterinary services by the state.

Video: A high resolution, high frames per second motion picture display.

Violation: As used in article X, floodplain management, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this appendix is presumed to be in violation until that documentation is provided.

Vision clearance triangle: A space, triangular in shape, on a corner lot in which nothing is permitted to be built, placed on or grown in a way that would impede visibility. Its purpose is to assure that vehicles and pedestrians have adequate and safe visibility.

Wall sign: Any sign attached to, erected against, or painted on the face or wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall. Mansard, awning or canopy, marquee and fascia signs are wall signs.

Warehouse, mini: A building or portion thereof designed or used exclusively for storing excess personal property of an individual or family when not located on the lot of their residence. Said personal property includes items normally found in the home or in accessory structures to residences including passenger or recreation vehicles, house trailer, boat, excess furniture, and similar household items, which are not used for the conduct of a business. This shall not include the storage of any merchandise, stock, furnishings, or vehicles of a business of any kind.

Warehousing: Any place or structure where the temporary storage of commercial or industrial goods is conducted.

Water storage: Potable commercial water storage structures or features of more than 10,000 gallons.

Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain riverine areas.

Wearing apparel and accessories retail sales: Any place or structure where the retail sale of apparel and or accessory goods is conducted.

Wholesale, storage, warehouse, and distribution: Any place or structure where the non-retail temporary storage, sale, or rental of commercial or industrial goods is conducted.

Window sign: Any sign that is placed on the inside of a window or upon the windowpanes and is visible from the exterior of the window.

Yard, front: A yard extending the full width of the lot and situated between the street right-of-way and the required building setback line. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage.

Yard, rear: A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, side: A yard extending from the required front yard, or front lot line where no front yard is required, to the required rear yard.

Yard: An open space at grade level on a tract with a building, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the nearest architectural projection should be used.

Zone or district: A section or area of the city as depicted by the zoning district map, for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open space are herein established.

Zoning district map: A map or maps with all notations, dimensions, references, and symbols shown thereon depicting individual zoned districts as adopted and amended by the city commission.

Zoning ordinance: The text of this appendix and the accompanying zoning district map.

Zoo: A collection of animals for display to the public.

APPENDIX A. - USE TABLE

A. *Table organization.* Table A1-1 table of permitted uses classifies land uses and activities into general "use categories" and specific "use types" based on common functional or physical characteristics, such as the type and amount of activity, the type of customers or residents, types of products, how goods or services are sold or delivered, and site conditions. Regardless of whether a use is allowed by right or permitted as a special use, there may be additional standards that are applicable to the use. Uses are allowed as follows:

1. *Permitted by-right uses.* "P" in a cell indicates that the use is permitted by right in the respective zoning district and overlay district. Permitted uses are subject to all other applicable regulations in this document, including the use-specific standards in this section.
2. *Special uses.* "S" in a cell indicates that the use is allowed only if reviewed and approved as a special use in accordance with the procedures of article II, administration regarding special use permits. Special uses are subject to all other applicable regulations of this document including the use-specific standards in this section and the requirements of article IV, supplementary district regulations.
3. *Prohibited uses.* A blank cell indicates that the use is prohibited in the respective zoning district.

- B. *Classification by interpretation.* This classification does not list every use or activity that may appropriately exist within the categories and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The categories are intended merely as an indexing tool for the specific use type and are not regulatory. When application is made for a use type that is not specifically listed in table A1-1, table of permitted uses but that appears similar to uses in that table, the director shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:
1. The director shall consider the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
 2. Standards for new and unlisted uses may be interpreted as those applicable to a similar use.
 3. The director may choose to send a proposed use to the city commission for interpretation where classification options are unclear or where the potential impact must be considered in the interpretation process.
 4. When the director determines that a new or unanticipated use is so similar in impact to a specific use type, or uses generally within the use category the director may:
 - a. Make the interpretation the use type is generally broad enough to include the use in question; or
 - b. For ease of future application and interpretation add the use to the appropriate category in the table. Such administrative adjustment to the table shall not be considered an amendment to this appendix provided the criteria above are clearly met, and provided notice and comment of the adjustment is placed on the agenda of both the planning commission and governing body for review and consent.
 5. Appeal of the director's decision shall be made to the city commission.

APPENDIX A. - USE TABLE (Attachment A)

The Appendix A Use Table shall be attached to Ordinance No. _____ and amended.

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

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

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

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

Passed by the Leavenworth City Commission on this ____ day of _____ 2019.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Carla K. Williamson, CMC, City Clerk

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential						Overlay			
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
RESIDENTIAL USES																		
Household Living																		
Dwelling, Single-Family Detached	P	P	P	P		P	S	P	P		S					P	S	
Dwelling, Two-Family	S	S	S	S	S			P	P							P	S	
Dwelling, Townhouse				P	P			P								P	P	
Dwelling, Multi-Family					P			P								P	P	
Dwelling in Mixed-Use Structure Note [1]								P	P	P	P	P				P	P	P
Dwelling, Live/Work								P	P		P					P	P	P
Dwelling, IBC/IRC Modular Home							P											
Manufactured/ Mobile Home Community							P											
Group Living																		
Assisted Living Facility	S	S	S	S				S			P	P				S	S	S
Convent/Monastery	P	P	P	P	P	P	P	P										
Dormitory	S	S	S	S														
Fraternity/Sorority Home	S	S	S	S	S													
Group Home: Disabled (K.S.A. 12-736)	P	P	P	P	P	P	P	P								S	S	S
Nursing Home/Hospice	S	S	S	S								P				S	S	S
Senior Housing	S	S	S	S				S			P	P				S	S	S
Shelter, Domestic Violence	P	P	P	P					P	P	P	P				P	P	P
Student Housing					P		P	P			P	P						
PUBLIC AND INSTITUTIONAL USES																		
Community Services																		
Cemetery	S	S	S	S														
Mausoleum	P	P	P	P							P	P						
Civic, Social, and Fraternal Organizations	S	S	S	S				S		P	P	P				P	S	P

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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Specific Use Type																			
Community Centers												P	P				P		P
Government Offices and Facilities		S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P
Historic and Monument Sites		P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Jails and Prisons														S	S				
Library		S	S	S	S				S	P		P	P				P	P	P
Post Office Branches									P	P	P	P	P				P	P	P
Religious Assembly		P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Safety Services		P	P	P	P				P	P	P	P	P				P	P	P
Day Care																			
Day Care Center/Preschool		S	S	S	S	S	S	S	S	P	P	P	P				P	P	P
Day Care, Home		S	S	S	S	S	S	S	S	P	P	P	P				P	P	P
Educational Facilities																			
College or University		S	S	S	S							P	P				S	S	S
School, Elementary and Middle (Public and Private)		S	S	S	S	S	S	S	S	S	S	S	S				S	S	S
School, Senior High		S	S	S	S	S	S	S	S	S	S	S	S				S	S	S
School, Vocational-Technical and Trade										S	P	P	P						S
Health Care Facilities																			
Hospitals										S	S	P	P						S
Medical and dental clinics and offices										P	P	P	P				P	P	P
Parks and Open Space																			
Arboretum or botanical garden		S											P				P	P	P
Campground		S																	
Community playfields, playgrounds, and parks		P	P	P	P				P	P	P	P	P				P	P	P
Golf course, public		S	S	S	S											S			S
Golf course, private		S	S													S			S
Zoo													P						

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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Specific Use Type																			
Transportation																			
Airport																			S
Bus Garage and Equipment Maintenance												P	P	P					
Bus Terminal											P	P	P	P					
Heliport											S	S							
Railroad Terminal												P							
Taxi Dispatch									S	S	P	P							
Truck Terminal, Freight, Air Courier Services													P	P					
Utility																			
Private Wind Energy Systems	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	
Private Solar Collection Systems	P	P	P	P	P	P	P	S	P	P	P	P	P	P		P	P	P	
Commercial Wind Energy Systems	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	
Commercial Solar Collection Systems	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	
Communication Tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Communication Tower – Alternative Structure	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Communication Facility on Existing Structure	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Water Storage	P	P	P	P				S	S	S	P	P				S	S	S	
COMMERCIAL USES																			
Animal Sales and Service																			
Animal Day Care	S	S	S	S	S	S	S	S	P	P	S	P				S	S	S	
Animal Confinement and Feed Operations	S																		
Kennel	S	S										P	P	P					S
Pet Shops									P		P	P				P	P		
Pet Grooming	S	S	S	S							P	P				S	S	S	
Veterinary Clinic with Boarding									S	S	P	P	P	P		S	S	P	
Veterinary Clinic without Boarding									S	S	P	P	P			P	P	P	
Assembly																			

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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Specific Use Type																		
Assembly Hall									P	P	P	P						
Auction Establishment									P	P	P	P	P					S
Membership Clubs					S				P	P	P	P				S	S	S
Event Venue									P	P	P	P					P	P
Financial Service																		
Financial Institution, with Drive-thru									S	S	S	P				S	S	P
Financial Institution, without Drive-thru								P	P	P	P	P				P	P	P
Food and Beverage Services																		
Food and Beverage General									P	S	P	P				P	P	P
Bars or Taverns								S	S	S	P	P				S	P	P
Restaurant, with Drive-in or Drive-thru									P	S	P	P					S	P
Restaurant, without Drive-in or Drive-thru								S	P	S	P	P				S	S	S
Office																		
Administrative and Professional Offices										P	P	P				P	P	P
Offices for Nonprofit, Community Health, and Welfare Service Organizations										P	P	P				P	P	P
Recreation and Entertainment, Outdoor																		
Amphitheater	S										P	P					S	S
Arena and Field House											P	P					S	S
Country Club	S	S	S	S								P						
Marina	S																	
Outdoor Commercial Recreation	S											P					S	P
Racing Facilities	S											P	S	S	S			
Riding Academies/Stables	S												S	S	S			
Sports/Entertainment Arena or Stadium									S	S	P	P						P
Athletic Facilities	S	S	S	S				P	P	P	P	P						
Non- Residential Swimming Pools	S	S	S	S							P	P				P		P

DEVELOPMENT REGULATIONS
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Specific Use Type																		
Public or Private Membership																		
Recreation and Entertainment, Indoor																		
Art Gallery or Museum								P	P	P	P	P				P	P	P
Auditorium/Exhibition Hall	S	S	S	S							P	P					S	P
Indoor Commercial Recreation/ Entertainment											P					P	P	P
Commercial Services																		
Sexually Oriented Business								S					S					
Building Services										P	P	P				S	S	P
Business Support								P	P	P	P	P				P	P	P
Contracting Services, no storage or yard											P	P						P
Funeral, Mortuary, Crematory	S	S	S	S						S	P	P				S	S	S
General Personal Services								P	P	P	P	P				P	P	P
Gun Sales and Service								S	P	P	P	P						
Indoor Shooting Ranges									P	P	S	S	P	P				
Maintenance and Repair									P	S	P	P					S	S
Tattoo Parlor/Body Art												P						
Radio, Television, and Recording Services										S	P	P					P	P
Studio, Music/Movie/TV								P	P	P	P	P						
Retail (Sales)																		
Building Supplies and Equipment											P	P	P				S	P
Consumer Goods								P	S	P	P	P				P	P	P
Sundries, Pharmaceuticals, Convenience Store								P	P	P	P	P				P	P	P
Food, Beverage, and Groceries								P	P	P	P	P				P	P	P
Wearing Apparel and Accessories									S	S	P	P				P	P	P
Vehicles and Equipment																		
Automobile Repair Shop											P	P	P					