

*(Summary Published in the Leavenworth Times on January 27, 2024)*

**ORDINANCE NO. 8233**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A CHILD CARE CENTER TO BE LOCATED AT 1913 CHOCTAW STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under Appendix A of the City of Leavenworth Code of Ordinances, Development Regulations of the City of Leavenworth, Kansas, Sec 2.04, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 6<sup>th</sup> day of November, 2023 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 11<sup>th</sup> day of October, 2023 and mailed to all property owners within 200 feet of the said property were given notice of the public hearing; and

**WHEREAS**, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a child care center at 1913 Choctaw Street, Leavenworth, Kansas.

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a child care center for the property described herein.

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

**Section 1.** That a special use permit be issued for a child care center on the following described property:

Lot 4, Cune-White Replat II, City of Leavenworth, Leavenworth County, Kansas. And more commonly referred to as 1913 Choctaw Street, Leavenworth, Kansas.

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

- a.) A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition;
- b.) A copy of the permanent Group Day Care Home License shall be provided annually upon renewal by the State of Kansas;
- c.) The operation shall be limited to a maximum of twelve (12) children; and
- d.) No additional home occupations may be carried out at the residence.

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

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 23<sup>rd</sup> day of January, 2024.

/s/ Griff Martin  
Griff Martin, Mayor

{Seal}

ATTEST:

/s/ Sarah Bodensteiner  
Sarah Bodensteiner, CMC, City Clerk