

**CITY OF LEAVENWORTH
PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N. 5th Street
Leavenworth, KS 66048**

**REGULAR SESSION
Monday, December 3, 2018
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: October 1, 2018**

OLD BUSINESS:

NONE

NEW BUSINESS:

1. 2018-18-SUP – 2400 S 15TH STREET

Conduct a public hearing for Case No. 2018-18-SUP – 2400 S. 15th Street. The applicant is requesting a Special Use Permit to allow a solar energy collection system with over 500 square feet of collection surface.

2. ANNUAL REVIEW OF DEVELOPMENT REGULATIONS

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. The following sections have been identified for update

OTHER BUSINESS:

NONE

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, October 1, 2018
6:00 PM

CALL TO ORDER:

Commissioners Present

Jay Byrne
John Karrasch
Claude Wiedower
Linda Bohnsack
Camalla Leonhard
Mike Burke

Commissioners Absent

Sherry Hines Whitson

City Staff Present

Julie Hurley
Michelle Baragary

Chairman Byrne called the meeting to order at 6:00 p.m. and noted a quorum was present.

Approval of Minutes: June 4, 2018

Chairman Byrne asked for comments or a motion on the minutes presented for approval: June 4, 2018. Ms. Leonhard moved to accept the minutes as presented, seconded by Mr. Wiedower. The minutes were approved by a vote of 6-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2018-11 REZ – 600 SHAWNEE AND 621 SENECA STREET

Conduct a public hearing for Case No. 2018-11 REZ – 600 Shawnee and 621 Seneca Street. The applicant is requesting a rezoning of their property from Central Business District, CDB, to Residential Mixed Use, RMX. The property, owned by Exact Loft and Gym, LLC, is commonly known as the former Immaculata High School building and adjacent vacant lot. The building was constructed in 1922 and was listed on the National Register of Historic Places as part of the Leavenworth Downtown Historic District in 2002.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property from Central Business District, CDB, to Residential Mixed Use, RMX. The property, owned by Exact Loft and Gym, LLC, is commonly known as the former Immaculata High School building and adjacent vacant lot. The building was

constructed in 1922 and was listed on the National Register of Historic Places as part of the Leavenworth Downtown Historic District in 2002.

The structure is a two-story, symmetrically massed, red brick building on a sloping lot with the foundation level fully exposed on the southern elevation. The RMX zoning district is intended to provide for high-density, multi-family residential dwellings along with a mix of appropriate neighborhood-serving uses. Commercial uses may be included in some structures, but there is no requirement for each structure to have non-residential uses included.

This location is a part of the Redevelopment Overlay District, whose purpose is to facilitate the development of property in the downtown and northeast Leavenworth in accordance with the 2010 Downtown-North Leavenworth Redevelopment Master plan. In particular, this location is identified as part of the Downtown Core. The intent of the subarea is to define Leavenworth's traditional and historic downtown core, with a diverse mix of retail, office and residential uses. The downtown core should embrace redevelopment activities that promote diverse uses and activities that complement the established scale and urban form of the historic downtown. New activities should promote preservation, renovation and adaptive reuse of historic structures.

The rezoning is being requested in order to repurpose the school building portion of the property into a total of 38 apartment units (37 1-bedroom units and 1 2-bedroom unit), with the gymnasium portion of the property to be used as commercial space for a gym/group fitness operation and juice bar, along with other dividable commercial space. The proposed uses are all allowable within the existing CDB zoning district, however, residential uses are prohibited within the front half or front 30 feet of space, whichever is greater, on the first floor. The applicant intends to provide residential units on the entirety of the first floor of the former school portion of the building.

Total required parking for the project is 108 spaces based on the following breakdown:

1 2-bedroom unit: 2 spaces

37 1-bedroom units: 37 spaces

4,797 sqft commercial space: 16 spaces

12, 886 sqft gym/ recreation: 51 spaces

302 sqft food service: 2 spaces

There are a total of 26 spaces provided on-site, with an additional 35 on-street parking spaces adjacent to the project along Shawnee Street and North 6th Street, and 34 spaces in the adjacent city-owned public parking lot, for a total of 95 spaces. There are 6 other city-owned public parking lots within a 2-block radius, with numerous on-street parking opportunities. The Development Regulations allow several provisions for a reduction in the number of required on-site parking spaces, including for properties in mixed-use districts and registered historic properties. The CBD zoning district has no minimum parking requirement for any use type allowed within the district, as on-street parking opportunities and city-owned public parking lots are intended to satisfy any parking needs.

This project also requires review by the Leavenworth Preservation Commission (LPC), as the structure is listed on the National Register of Historic Places. The Leavenworth Preservation Commission considered the

request on August 1, 2108 and voted 5-0 to approve the request for a Major Certificate of Appropriateness for the project.

The Development Review Committee reviewed the application at their July 26, 2018 meeting. The main area of discussion focused on required parking. There was some concern about use of the adjacent city-owned public parking lot, as the lot is typically heavily used by members of the First Christian Church on Sundays. There was no concern that the proposed uses would result in a higher volume of traffic than the former high school use located on the property.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is part of Downtown Leavenworth and the Redevelopment Overlay district, with a variety of uses and building forms. Historic structures such as this are common in the area.

- b) The zoning and use of properties nearby;

The properties to the east, south and west are zoned CBD, Central Business District, and the properties to the north are zoned R1-6, High Density Single Family Residential District.

- c) The suitability of the subject property for the uses to which it has been restricted;

The subject property is currently zoned CBD, which allows a variety of uses by-right.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have little to no detrimental effect on nearby property. There is a mix of uses present in the Downtown area, including multi-family. Staff does not anticipate that the volume of traffic generated by the proposed uses will be significantly higher than previously generated by the high school use.

- e) The length of time the subject property has remained vacant as zoned;

The structure has been unoccupied since June, 2017.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive effect upon the economic vitality of Downtown Leavenworth in terms of bringing more residents to the area, which will potentially increase the patronage of local businesses, as well as expanded commercial offerings offering an expanded tax base.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The subject area is identified as appropriate for commercial uses in the Comprehensive Plan. However, the majority of the Downtown area is identified as commercial on the Future Land Use Map, and there exists already a mix of residential uses in this area. Additionally, this area is part of the Downtown-North Leavenworth Redevelopment Area Master Plan, which promotes the area as appropriate for a mix of uses, including residential. Therefore, staff finds the proposed request is not in conflict with the Comprehensive Plan.

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record;

This proposal makes possible the adaptive re-use of a previously vacant historically significant structure.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from CBD to RMX to the City Commission
- Recommend denial of the rezoning request from CBD to RMX to the City Commission
- Table the issue for additional information/consideration

Chairman Byrne called for questions from the commissioners about the staff report.

Mr. Karrasch asked what the intent is for only adding parking spaces behind the alley on the property located at 621 Seneca instead of using the entire lot for parking.

Jon Klocke, architect and representing the owner, responded the site and grading allow for parking on the south portion of the lot. The property owner does not want to affect the north portion of the lot in case of future development.

Mr. Karrasch asked how the clients using the gymnasium will be accommodated when it comes to parking.

Mr. Klocke stated the intent is to lease a portion of the parking lot located on the northeast corner. In the case of large events, on-street parking would be utilized along with neighboring parking lots.

Mr. Karrasch asked about the lease agreement with the City of Leavenworth.

Ms. Hurley stated the applicant has made it known of their desire to lease the parking lot. In speaking with the City Manager, that request would need to go to the City Commission. Staff is not sure if there is much desire to lease out the parking lot for private uses. There are a number of public parking lots in the downtown area. It is staff's thinking that any commercial users would just parking in the same manner any other commercial users would; either on-street or another public lot. Walking a block or two is expected in the downtown area like this.

Mr. Karrasch asked Mr. Klocke if he has visited with the church about how this will be orchestrated for Sunday morning church. Especially for church members with mobility challenges.

Mr. Klocke stated they have not reached out to the church but would be willing to dedicate a portion of that to the church; say from 9 a.m. to 1 p.m.

Mr. Wiedower asked who the intended market is for the apartments and what is the rent range.

Mr. Klocke stated the marketed clientele for the apartment units are military, young professionals and potentially college students. He does not know what the rental rate would be.

With no further questions regarding the staff report, Chairman Byrne opened the public hearing.

Reverend John Emmanuel Sowers, 418 Kickapoo #B, approached the board. He is the pastor at First Christian Church located at 130 N. 6th Street. Reverend Sowers stated he has concern about the parking; not only on Sundays but Monday through Friday because of the Jack & Jill Preschool. The preschool opens at 7:00 a.m. Sometimes it is dark at that time so there is concern about teachers not being able to parking reasonably close to the entrance. Furthermore, if there is an option to lease the city owned parking lot northeast of the subject property, First Christian Church would like that option offered to them.

Donald Hollman, 1310 Vilas, approached the board asking if the property owner is not going to develop 621 Seneca into parking and they instead put in more housing, what is that going to do with the parking that is convoluted already. With the lot at 621 Seneca being over 11,000 sqft and a parking stall being between 250 – 300 sqft, that is a lot of parking that could be utilized.

With no one else wishing to speak, Chairman Byrne closed the public hearing and asked for discussion among the commissioners.

Ms. Bohnsack stated there are several churches in that area and the streets on Sunday morning are bumper to bumper already. She believes that when developers provide residential use in a central business district that they should provide additional parking for the residential uses. Most businesses downtown are dependent upon street parking for their business. Ms. Bohnsack believes the development of 621 Seneca into a parking lot would be very beneficial for this use and for the neighborhood.

Mr. Karrasch stated he believes the public parking lot should not be part of the discussion in this case because the church needs it, other uses in the neighborhood need that parking lot and once the parking lot becomes an option for the residents of the apartment units, they will dominate it.

Mr. Wiedower stated the parking is a real issue; however, tenants in that location can also be helpful to small businesses. Believes it great to do something with the building than leaving it vacant. Hopefully there can be some coordination and communication so it's a win win for everyone.

Mr. Byrne agrees that hopefully something can be worked out. May the city can get involved. However, he does not believe that is the issue right now because it is a public parking lot. The fact that the church has used it for years is great but it does not give the church the right to direct who can or cannot use the public parking lot. As far as 621 Seneca goes, the owner can do what they want to with that lot. If they choose, the Planning Commission can say they do not recommend approval because they believe there is a parking issue. The Planning Commission cannot they do not recommend approval because the property owner is not using 621 Seneca to make a parking lot.

Mr. Byrnes thinks the parking should be worked out but does not believe it should be something that impacts the commission's decision on this particular rezoning. If the Development Regulations state there is adequate parking for this use the commission should go along with those regulations.

Mr. Karrasch believes this developer has done wonderful projects downtown and is behind him with this concept but believes the developer dropped the ball on this one in thinking about the greater good of the community and the possibilities they have to be a good neighbor.

Ms. Hurley stated that the commission can, in their motion, attach stipulations. For instance, the board can make a motion to recommend approval with the condition that an additional x number of parking spaces would be added on the lot at 621 Seneca.

Mr. Byrne stated if the board is going to make a motion like that, he believes they should table the issue to give the developer time to work through any parking issues.

Ms. Hurley stated that giving direction to the applicant and staff to work on options for additional parking and provide a revised proposal for the Planning Commission to consider is also an option the board has.

Ms. Bohnsack asked where the other public parking lots are in this area.

Ms. Hurley stated public parking lots in the general area include the parking lot northeast of the subject property, parking lot across from City Hall on North 5th Street and Seneca, behind City Hall there are two separate public parking lots, parking lot on Shawnee between 5th Street and 6th Street, another parking lot on 6th Street and Cherokee Street, and a parking lot on Cherokee between 4th Street and 5th Street.

Mr. Wiedower asked if someone other than the architect who has more authority was present.

Ms. Hurley stated only the architect was present.

Ms. Hurley strongly suggests the item be tabled to give the applicant time to submit revised proposals for parking.

With no other questions or discussion from the commissioners, Chairman Byrne called for a motion. Mr. Karrasch moved to table Case No. 2018-11 REZ to allow the developer time to submit some viable parking options, seconded by Ms. Bohnsack and approved by a vote of 6-0. No specific date was set to return this item to the Planning Commission.

2. 2018-16 SUB – WEST GLEN, 2ND PLAT, FINAL PLAT

Consider a request for a 52 lot final plat for the West Glen residential development. The subject property is owned by JMK Partners, LLC, plat prepared by Atlas Surveyors. The property is currently vacant and zoned to R1-6, High Density Single Family Residential District. A preliminary plat for the subject property was approved by the Planning Commission on June 5, 2017, under the name Wolf Farms. The first final plat for the subdivision was approved by the Planning Commission on September 11, 2017. This final plat completes the development of the 101 lot single-family subdivision.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the subject property is owned by JMK Partners, LLC, plat prepared by Atlas Surveyors. The applicant is requesting approval of a 52 lot final plat for the West Glen residential development. The property is currently vacant and zoned to R1-6, High Density Single Family Residential

District. A preliminary plat for the subject property was approved by the Planning Commission on June 5, 2017, under the name Wolf Farms. The first final plat for the subdivision was approved by the Planning Commission on September 11, 2017. This final plat completes the development of the 101 lot single-family subdivision.

The subject property is 11.18 acres in size, and is currently undeveloped. The site lies along New Lawrence road, directly east of 20th Street. The plat consists of 52 residential lots. Lots 72-101 are intended to be standard single-family homes, with an average lot size of 10,285 sqft. Lots 50-71 are intended to be smaller maintenance provided single-family homes, with an average lot size of 7,914 sqft. Also included are associated utility easements and 3 tracts for open space and to accommodate an existing gas pipeline.

Improvements to New Lawrence Road were required as part of the development of this property and are currently underway.

Staff recommends approval of the West Glen 2nd Plat.

ACTION/OPTIONS:

- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information/consideration

Chairman Byrne called for questions from the commissioners about the staff report.

Mr. Karrasch asked if the New Lawrence Road improvements are only going from 20th Street to this development or will the road improvement go to the soccer fields by Warren Middle School.

Mike Reilly, developer, stated the road improvement will end at the north end of the property line.

Mr. Karrasch asked if Mr. Reilly's organization will be doing the road improvements.

Mr. Reilly responded it is a city project.

Mr. Karrasch asked if the city has plans to improve the intersection at 20th Street and Eisenhower with the added traffic the subdivision will bring.

Ms. Hurley responded that is still being discussed with the county. She believes a traffic light will be installed.

With no further discussion, Chairman Byrne called for a motion. Mr. Burke moved to accept the West Glen, 2nd Plat, Final Plat; seconded by Camalla Leonhard and approved by a vote of 6-0.

3. 2018-17 REZ – WEST GLEN

Conduct a public hearing for Case No. 2018-17 REZ – West Glen. The applicant is requesting a rezoning of their property identified as Lot A in the West Glen Preliminary Plat from R1-6, High Density Single Family Residential District, to PUD, Planned Unit Development. The property was rezoned from R1-25, Low Density Single Family Residential District in 2017, at the same time as the approval of the Preliminary Plat. The rezoning is being requested in order to develop the property

with attached single-family villa units. The applicant is proposing a total of 5 structures; 2 triplex structures (6 total units) and 3 duplex structures (6 total units).

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property identified as Lot A in the West Glen Preliminary Plat from R1-6, High Density Single Family Residential District to PUD, Planned Unit Development. The property was rezoned from R1-25, Low Density Single Family Residential District in 2017, at the same time as the approval of the Preliminary Plat. The rezoning is being requested in order to develop the property with attached single-family villa units. The applicant is proposing a total of 5 structures; 2 triplex structures (6 total units) and 3 duplex structures (6 total units).

The development will be accessed via a private street off of 20th Street. There are a proposed total of three lots. After construction of the residential units, "condo plats" will be recorded to provide individual ownership of units with common ownership of the ground, to be owned and maintained by an established Home Owner's Association. Should the rezoning request be approved, the applicant will be required to provide a final plat of the property for approval and recording prior to commencement of construction of any residential units.

The Development Review Committee reviewed the application at their August 23, 2018 meeting. No major issues were identified. All items discussed were minor in nature and needed modifications will be reflected when a plat for the development is submitted prior to construction.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is currently vacant and directly adjacent to 20th Street. It is part of the larger West Glen single family subdivision, which is currently under development. The properties to the north are developed with existing large lot single family homes, and the property directly to the west across 20th Street is occupied by the Church of the Open Door.

- b) The rezoning and use of properties nearby;

The properties to the north and east are zoned R1-6, High Density Single Family Residential District, the property to the south is zoned GBD, General Business District, and properties to the west and further north are zoned R1-25, Low Density Single Family Residential District.

- c) The suitability of the subject property for the uses to which it has been restricted;

The subject property is currently zoned R1-6, which allows for high-density single family detached structures and a minimum lot size of 6,000 sqft with one primary structure per lot.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have little detrimental effect upon surrounding properties. 20th Street is an existing major thoroughfare designed to handle traffic levels generated by the proposed use, and New Lawrence Road is currently being improved and widened in order to accommodate the increase in traffic generated due to the West Glen residential development. Single-family residential is a low intensity use, with minimal impact on surrounding properties.

- e) The length of time the subject property has remained vacant as zoned;

The subject property has always been vacant.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive impact on economic development within the Leavenworth Community by way of increased property tax base generated through the construction of new homes. The development will provide for an increase in housing options, allowing for more people to live within the City of Leavenworth thereby adding to the local economy.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The subject area is identified as appropriate for Low Density Residential (7,500-14,000 sqft/lot) on the Future Land Use Plan. At 2.32 acres, the subject property provides approximately 8,400 sqft per individual unit.

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

No other factors of note.

Chairman Byrne called for questions from the commissioners about the staff report.

Mr. Karrasch asked about the entrance to the church.

Ms. Hurley stated the entrance to the subdivision and the church are offset. When driveways cannot exactly line-up, the city wants them clearly offset so there is no confusion.

Mr. Karrasch feels the entrances are still fairly close to one another.

With no further questions about the staff report, Chairman Byrne opened the public hearing.

Mike Reilly, JMK Partner 608 Delaware, stated they tried to line the driveways up but there is a storm inlet on their side of the curb directly across from the churches access point. They did move the entrance as far north as possible but are hindered by the major gas line just north of the subdivision.

Mr. Reilly further stated that as a reference point for size and number of units, the subject property is a little smaller when compared to the attached units they did at Kensington off 20th Street and Limit.

Mr. Byrne asked if this will be rentals or owner occupied.

Mr. Reilly responded it will be owner occupied.

Mr. Karrasch asked what the thought process was accessing off 20th Street and not tying into Tallgrass Street or some street on the other side.

Mr. Reilly stated that the pipeline would only allow one crossing along that particular easement in that area.

Mr. Sparks, 4790 New Lawrence Road, asked if the units will be rentals.

Mr. Reilly responded the units will be owner occupied.

With no one else wishing to speak, Chairman Byrne closed the public hearing and called for discussion among the commissioners.

Mr. Karrasch stated he has reservations with the access. He believes there will be issues in the future with 20th Street, New Lawrence Road and now the new access for the subdivision all in the same triangle. He does acknowledge he is not sure how to get around it potential issue.

Ms. Bohnsack asked how deep the driveways will be.

Mr. Reilly stated the driveways are staggered and are 30 feet to 40 feet from the curb.

Ms. Bohnsack stated there is a development similar to this in Tonganoxie where the lots are quite small and the units are close to the street. There is only room for one vehicle to be parked but it works well because it's more geared towards the retired. In the Tonganoxie development, more parking was provided. Ms. Bohnsack stated Mr. Reilly may want to provide more parking as well for people who may have more than one car.

Ms. Hurley verified with Mr. Reilly that the units have two car width driveways.

Mr. Reilly responded in the affirmative.

Mr. Byrne stated he does not foresee this causing a big problem with traffic since it is only 12 units.

Ms. Bohnsack agrees with Mr. Byrne.

With no other questions or comments, Chairman Byrne called for a motion. Ms. Bohnsack moved to approve the rezoning for Lot A West Glen Preliminary Plat from R1-6, High Density Single Family Residential District to PUD, Planned Unit Development, seconded by Mr. Karrasch and approved by a vote of 6-0.

With no further business the meeting was adjourned at 6:55 p.m.

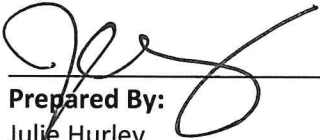
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**PLANNING COMMISSION AGENDA ITEM
2018-18-SUP
2400 S. 15th STREET**

DECEMBER 3, 2018

SUBJECT:

A request for a Special Use Permit to allow a solar energy collection system with over 500 square feet of collection surface



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

NATURE OF REQUEST

Teddy Matlock, the owner of the home located at 2400 S. 15th Street, is requesting a Special Use permit to allow a solar energy collection system with over 500 square feet of collection surface. Section 10.01 of the Development Regulations requires a Special Use Permit for any solar energy system with over 500 square feet of collection surface.

The solar panels are proposed to be installed on the east and south faces of the roof, and include approximately 598 sqft of solar collection surface area. The existing structure is a single-family home.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

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

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

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

A solar collection system will provide numerous economic and environmental benefits to both the homeowner and community as a whole.

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

Staff does not believe that the proposed solar energy collection system will cause substantial injury to the value of other property in the neighborhood.

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

The proposed solar energy collection system will be located such that it is an integral part of the existing home, and will not interfere with development and use of any neighboring property.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

ACTION/OPTIONS:

- Motion, based upon findings as stated to recommend approval to the City Commission
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

Attachments:

Application materials

Development Regulations Section 10.01

Location map



Case No: 2018-18 SUP

Application No. 9829
Fee (non-refundable) \$350.00
Filing Date 10-5-2018
Fee Paid/Received By 10-5-18 SA
Publication Date 11-9-2018
Hearing Date 12/3/18

SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Solar panel installation

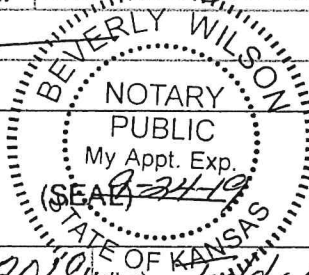
in accordance with the attached site plan on the following described property:

Address: 2400 S. 15th St.
Legal Description: (Attach a full legal description provided by the Register of Deeds Office or Title Company)
Real Estate PID #: R13163
Zoning: R1-9 residential Historic District: N/A

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print): Teddy Matlock
Owner Address: 2400 S. 15th St.
Contact No. (760) 338-8188 Email: matlocks05@msn.com

Signature of Owner(s): Teddy Matlock



State of KANSAS
County of Leavenworth

Signed or attested before me on (date) Oct 1 2018 by Teddy Matlock
Notary Public Beverly Wilson My appointment expires: 9-24-19

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Applicant(s):
Address:
Contact No. () Email:

NOTE: All signatures must be in ink. Signature of owner(s) must be secured and notarized.
Check list below...

- Non-Refundable Fee of \$350.00 is due at time of application
- Attach list of the owners for property within two hundred (200) feet of the subject property
- Attach full legal description (may be provided by the Register of Deeds Office or Title Company)
- Site Plan drawn to scale (See General Instructions)
- Supporting documentation (See General Instructions)

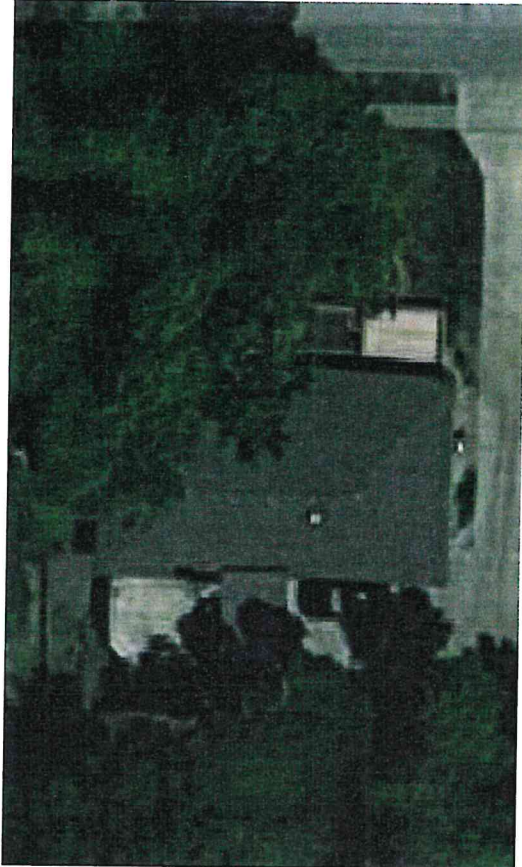
A B C D E F

GENERAL NOTES

NEW PV SYSTEM: 9.860 kWp

MATLOCK RESIDENCE

**2400 S. 15TH ST
LEAVENWORTH, KS 66048
ASSESSOR'S #: 1020304002019000**



AERIAL PHOTO

NOT TO SCALE

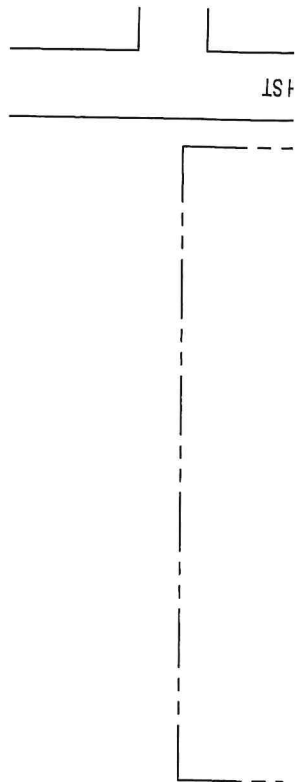
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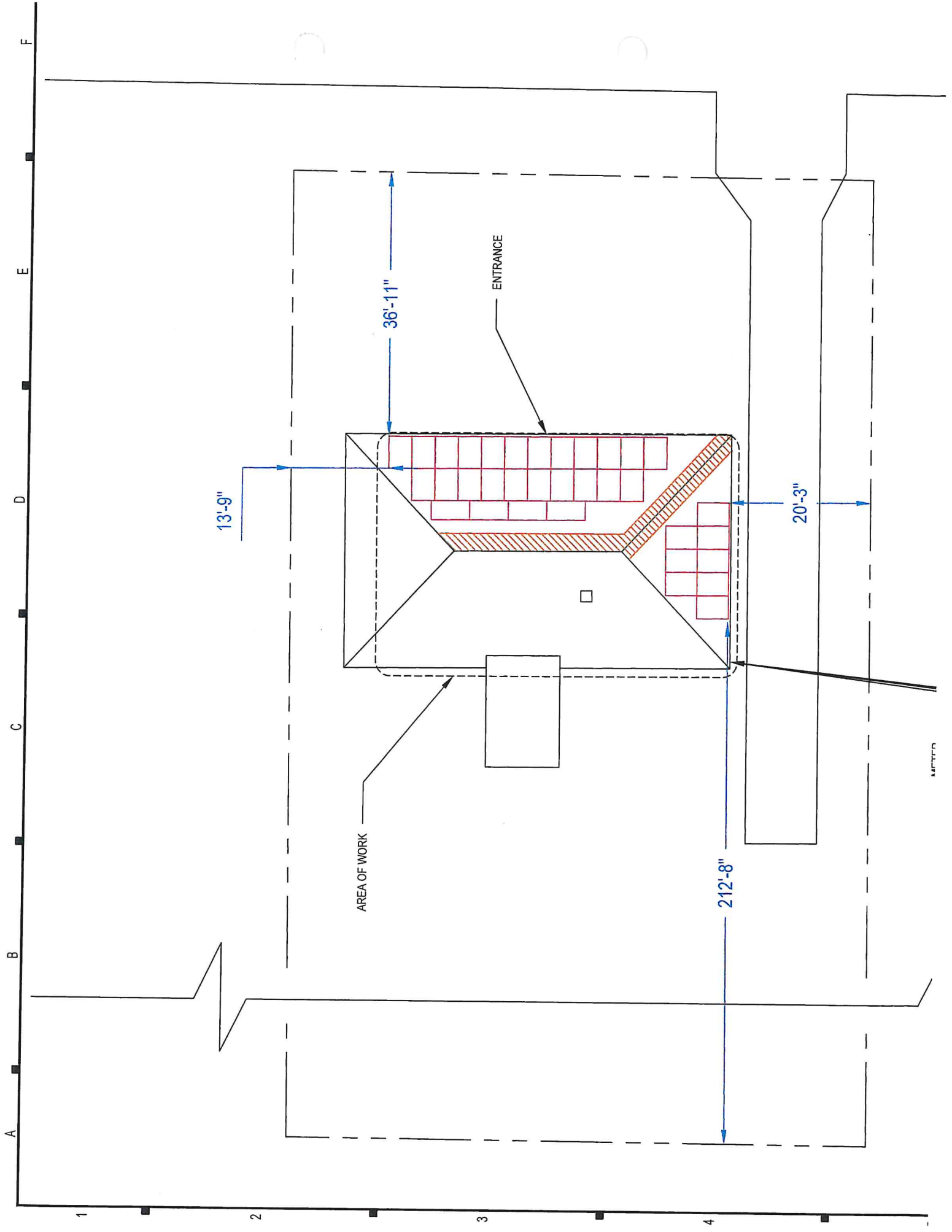
- 1.1.1 **PROJECT NOTES:**
- 1.1.2 THIS PHOTOVOLTAIC (PV) SYSTEM SHALL COMPLY WITH THE NATIONAL ELECTRIC CODE (NEC) ARTICLE 690, ALL MANUFACTURER'S LISTING AND INSTALLATION INSTRUCTIONS, AND THE RELEVANT CODES AS SPECIFIED BY THE AUTHORITY HAVING JURISDICTION'S (AHJ) APPLICABLE CODES.
- 1.1.3 GROUND FAULT DETECTION AND INTERRUPTION (GFDI) DEVICE IS INTEGRATED WITH THE INVERTER IN ACCORDANCE WITH [NEC 690.5(A)]
- 1.1.4 THE UTILITY INTERCONNECTION APPLICATION MUST BE APPROVED AND PV SYSTEM INSPECTED PRIOR TO PARALLEL OPERATION
- 1.1.5 LOAD-SIDE INTERCONNECTION SHALL BE IN ACCORDANCE WITH [NEC 690.64 (B)]
- 1.1.6 ALL PV SYSTEM COMPONENTS; MODULES, UTILITY-INTERACTIVE INVERTERS, AND SOURCE CIRCUIT COMBINER BOXES ARE IDENTIFIED AND LISTED FOR USE IN PHOTOVOLTAIC SYSTEMS AS REQUIRED BY [NEC 690.4] & [NEC 690.60]
PV MODULES: UL 1703 CERTIFIED, NFPA 70 CLASS C FIRE INVERTER(S): UL 1741 CERTIFIED, IEEE 1547, 929, 519 COMBINER BOX(S): UL 1703 OR UL 1741 ACCESSORY

- 1.2.1 **SCOPE OF WORK:**
- 1.2.2 PRIME CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND SPECIFICATIONS OF THE GRID-TIED PHOTOVOLTAIC SYSTEM RETROFIT. PRIME CONTRACTOR WILL BE RESPONSIBLE FOR COLLECTING EXISTING ON-SITE REQUIREMENTS TO DESIGN, SPECIFY, AND INSTALL THE EXTERIOR ROOF-MOUNTED PORTION OF THE PHOTOVOLTAIC SYSTEMS DETAILED IN THIS DOCUMENT.

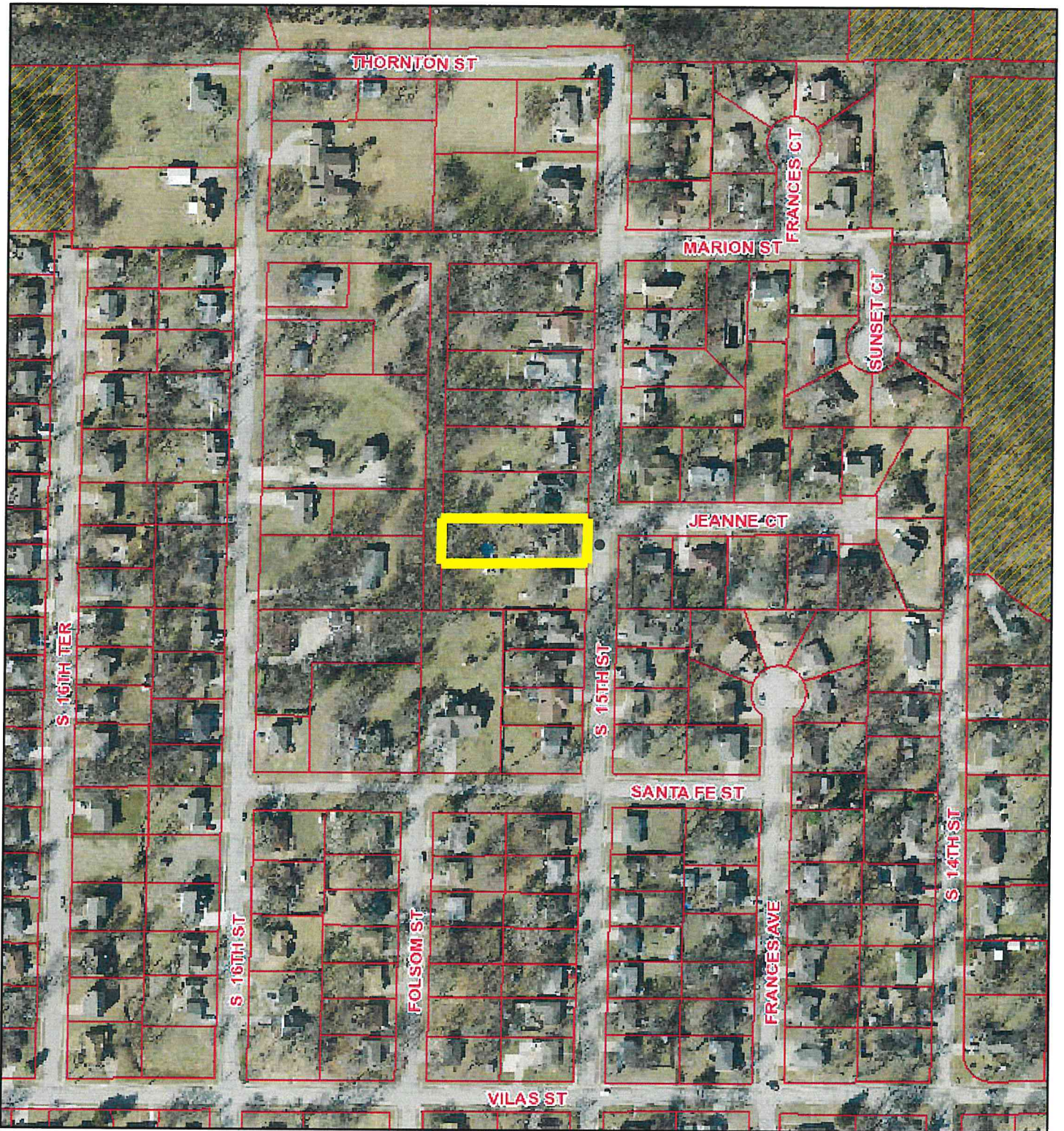
- 1.3.1 **WORK INCLUDES:**
- 1.3.2 PV ROOF ATTACHMENTS - S15 PROTEA BRACKET
- 1.3.3 PV RACKING SYSTEM INSTALLATION - IRONRIDGE XR10
- 1.3.4 PV MODULE AND INVERTER INSTALLATION - SILFAB SLA290M / SOLAR EDGE SE7600H-US (240V)
- 1.3.5 PV EQUIPMENT GROUNDING
- 1.3.6 PV SYSTEM WIRING TO A ROOF-MOUNTED JUNCTION BOX
- 1.3.7 PV INSTALLING SYSTEM MONITORING EQUIPMENT
- 1.3.8 PV LOAD CENTERS (IF NEC.)
- 1.3.9 PV METERING (IF NEC.)
- 1.3.10 PV DISCONNECTS
- 1.3.11 PV GROUNDING ELECTRODE & BONDING TO (E) GEC
- 1.3.12 PV FINAL COMMISSIONING
- 1.3.13 (E) ELECTRICAL EQUIPMENT RETROFIT FOR PV

**Structure Analysis by
Kevin C. Skibiski, P.E.
See 18-0901 Structural Calcs
Pages 16-33.**

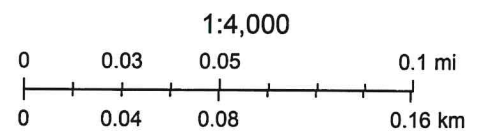




City of Leavenworth, GIS Web Map



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ARTICLE 10. SUPPLEMENTAL STANDARDS

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.
 - 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:**

DEVELOPMENT REGULATIONS
ARTICLE 10. SUPPLEMENTAL STANDARDS

10.02 Wind Energy

- 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.

10.02 Wind 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.

This section is intended to promote the compatible use of small wind energy systems. Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources. Distributed wind energy structures also enhance the reliability and power quality of the power grid, reduce peak power demands, and increase local electricity generation.


- A. ***Special Use Permit Required:*** All wind energy systems shall be a Special Use Permitted accessory use allowed in all zoning districts except the CBD; where they are prohibited.
- B. ***Small Wind Energy Standards:*** All wind energy systems are subject to the following requirements:
1. ***Setbacks:*** A wind tower for a small wind energy system shall be set back a distance of 1.05 times its total height from:
 - a. Any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - b. Any overhead utility lines, unless written permission is granted by the affected utility;
 - c. All property lines, unless written permission is granted from the affected landowner or neighbor.
 2. ***Access:*** All ground-mounted electrical and control equipment shall be locked or secured to prevent unauthorized access. The wind tower shall be designed and installed without step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

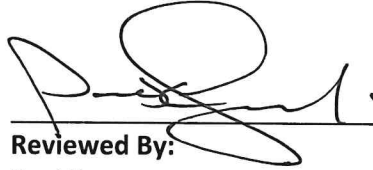
PLANNING COMMISSION AGENDA ITEM
Annual Review of Development Regulations

DECEMBER 3, 2018

SUBJECT:

Preliminary review of potential amendments to the adopted 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. The following sections have been identified for update:

- **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."
- **Article 4; Zoning Districts and Standards**
Discuss adding provision for secondary living quarters in existing Carriage Houses in residential areas.
- **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.
- **Article 8; Signs**
Add penalty for installing signage without first obtaining permit. Suggested penalty of \$100 per day.
- **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**
Discuss changing requirement of 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**

General review of entire use table. Specific issues identified:

- Discuss appropriate zoning districts for "Live/work dwellings", potentially include commercial areas
- Add use type, parking requirement and associated definition for "Event Venue"
- "Private Solar Collection Systems" should be permitted in all districts
- Provision for approval of "Commercial Solar Collection Systems" in additional districts
- Provision for approval of "Commercial Wind Energy Systems" in additional districts
- Move "Athletic Facilities" from Commercial Services subsection to Recreation and Entertainment, Outdoor subsection.

ACTION/OPTIONS:

No formal action required at this time. Upon conclusion of discussion by Planning Commission, a public hearing will be set for the proposed text amendments at the next regularly scheduled Planning Commission meeting, as provided for in section 2.01 of the Development Regulations.

ARTICLE 3. SUBDIVISION STANDARDS

3.01. Purpose and Intent

The purpose and intent of this Article is to provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, and drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure the actual construction of such physical improvements.

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 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.

3.03 Minimum Design Standards

The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Comprehensive

DEVELOPMENT REGULATIONS
ARTICLE 4. ZONING DISTRICTS & STANDARDS

4.04 Use Standards

- 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) Garages 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.
- 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 & Courts: A private swimming pool, bathhouse, or tennis court.
- e. Miscellaneous Yard Decor: 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.

DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS

8.04 Permits

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 (4) 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

DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS

8.04 Permits

- 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 8 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 10 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 3 square feet in area. Signs are limited to 1 on-premises sign per street frontage, and two off-premises signs permitted only with permission of property owner. Signs must be located at least 10 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 #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.

DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS

8.04 Permits

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 3 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 3 days after the election.
24. Contractor signs as further defined in section 8.07.D.

8.05. Sign Installers

All persons, firms, or corporations engaged in the business of sign or billboard fabrication, erection, installation or maintenance within the corporate limits of the city shall comply with the provisions of this Section.

- A. **License Required:** There shall be an annual license and fee for each person, firm, or corporation engaged in the business of sign installation, hanging and erecting signs and billboards.
- B. **Subcontractors:** All persons engaged in the business of sign fabrication, installation and the erection of signs and billboards shall obtain such a license, except those who are employed by contractors carrying a license.
- C. **Certificate of Insurance Required:** All persons, firms, or corporations engaged in the business of sign or billboard fabrication, installation, or erection shall file a Certificate of Insurance with the City Clerk before installing, erecting, or maintaining any sign or billboard. The Certificate of Insurance shall be in the amount of bodily injury liability \$100,000 each person, \$300,000 each accident and property damage liability: \$25,000 each accident or a good and sufficient bond in the same amounts shall be filed with and approved by the City Clerk or Duly Authorized Representative. The certificate or bond shall state that the policy or bond shall not be cancelled or in any manner amended, changed, or altered without giving the authorized representative five days written notice thereof. If a surety bond is provided in lieu of a certificate of insurance, such bond shall be approved and shall be conditioned for the installation and erection of signs in accordance with the Ordinances of the city and the laws of the State, and shall provide for the indemnification of the city for any and all damages or liability which may accrue against it by reason of faulty installation, erection, demolition, repair, removal, or defects in or collapse of any sign for a period of one year after erection and for such period of time that such a sign is maintained or serviced by or under the direction of the maker of such bond. Such bond shall further provide for the

DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS

8.08 Residential Districts

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	N/A
Public & 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 10 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.

ARTICLE 10. SUPPLEMENTAL STANDARDS

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.
 - 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:**

DEVELOPMENT REGULATIONS
ARTICLE 12. DEFINITIONS

Improvements: Street and drainage work and utilities that are to be installed, or agreed to be installed in conformance to City of Leavenworth'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:

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 KSA 75-2701, et.seq.

DEVELOPMENT REGULATIONS
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 ordinance 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.

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		
	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	
RESIDENTIAL USES																			
Household Living																			
Dwelling, Single-Family Detached	P	P	P	P	P	P	S	P	P	P	S					P	S		
Dwelling, Two-Family	S	S	S	S	S			P	P							P	S		
Dwelling, Townhouse				P	P											P	P		
Dwelling, Multi-Family					P											P	P		
Dwelling in Mixed-Use Structure Note [1]								P	P	P	P					P	P	P	
Dwelling, Live/Work								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			S								S	S	S	
Convent/Monastery	P	P	P	P	P	P	P	P											
Dormitory	S	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	S											S	S	S	
Senior Housing	S	S	S	S	S			S								S	S	S	
Shelter, Domestic Violence	P	P	P	P	P				P	P	P					P	P	P	
Student Housing						P	P	P											
PUBLIC AND INSTITUTIONAL USES																			
Community Services																			
Cemetery	S	S	S	S	S														
Mausoleum	P	P	P	P	P														
Civic, Social, and Fraternal Organizations	S	S	S	S	S		S									P	S	P	
Community Centers																P	P	P	

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES

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Subcategory																								
Specific Use Type																								
Government Offices and Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
Historic and Monument Sites	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Jails and Prisons																								
Library	S	S	S	S				S	P	P	P		S											
Post Office Branches									P	P	P													
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P													
Safety Services	P	P	P	P				P	P	P	P													
Day Care																								
Day Care Center/Preschool	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							
Day Care, Home	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							
Educational Facilities																								
College or University	S	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	S	S							
School, Senior High	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							
School, Vocational-Technical and Trade									S	P	P	P												
Health Care Facilities																								
Hospitals									S	S	P	P												
Medical and dental clinics and offices									P	P	P	P				P	P							
Parks and Open Space																								
Arboretum or botanical garden	S															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																								
Transportation																								

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES
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Subcategory																				
Specific Use Type																				
Airport																				
Bus Garage and Equipment Maintenance																				
Bus Terminal																				
Heliport																				
Railroad Terminal																				
Taxi Dispatch																				
Truck Terminal, Freight, Air Courier Services																				
Utility																				
Private Wind Energy Systems	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Private Solar Collection Systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Commercial Wind Energy Systems																				
Commercial Solar Collection Systems																				
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	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
COMMERCIAL USES																				
Animal Sales and Service																				
Animal Day Care	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Animal Confinement and Feed Operations	S																			
Kennel	S	S																		
Pet Shops																				
Pet Grooming	S	S	S	S																
Veterinary Clinic with Boarding																				
Veterinary Clinic without Boarding																				
Assembly																				
Assembly Hall																				

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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

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

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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Subcategory																			
Specific Use Type																			
Gas Station																			
Heavy Vehicle/Equipment Sales, Rentals and Service																			
Parking Lot or Garage (Commercial, Non-Accessory)	S	S	S	S				S	S	P	P	P	S	S					
Visitor Accommodation																			
Bed and Breakfast Inns	S	S	S	S	S	S	S	P	P	P	P	P			S	S	S		
Bed and Breakfast Guest House	S	S	S	S	S	S	S	P	P	P	P	P			S	S	S		
Bed and Breakfast Home Stay	S	S	S	S	S	S	S	P	P	P	P	P			S	S	S		
Residential Home Stay	S	S	S	S	S	S	S	P	P	P	P	P			S	S	S		
Boarding and Rooming Houses									S	S	P	P			S	S	S		
Camp, Private, Overnight	S																		
Health Resort/Spa	S									P	P	P							
Hotel										P	P	P							
Hotel - Limited Service										P	P	P				P	P	P	
Residence Hotels										P	P	P				P	P	P	
Retreat House								S	S	P	P	P				P	P	P	
Travel Trailer Parks	S	S	S	S									P						
INDUSTRIAL USES																			
Industrial Service																			
Animal Research Facilities																			
Builders Supply Yards and Lumberyards (except when indoors as part of a hardware store)																			
Construction Industry Related Businesses (such as general contractors, electrical contractors, plumbing contractors) /Accessory																			

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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Subcategory																				
Specific Use Type																				
and Incidental uses																				
Educational and Scientific Research, Development, and Testing Services																				
Heavy Industrial																				
Light Industrial																				
Petroleum Pipeline and Pressure Control Stations	S	S	S	S				S	S	S	S	S	S	S						
Manufacturing and Production																				
Manufacturing, Fabrication, and Assembly: Custom													P	P						
Manufacturing, Fabrication, and Assembly: Light													P	P	S					
Manufacturing, Fabrication, and Assembly: Heavy													S	S	P					
Wholesale, Storage, Warehouse, and Distribution																				
Automobile Towing Service Storage Yard; Impound Lot													S	S	P	S				
Mini-Storage																				
Moving and Storage Facilities																				
Warehousing																				
Wholesale Trade or Storage, General																				
Wholesale Trade or Storage, Light																				
Waste and Salvage																				
Automobile Parts Recycling Business																				
Junkyard, Salvage Yard																				
Neighborhood Recycling Center	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
Recycling Collection Station																				

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APPENDIX A. USE TABLE

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	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	S-1-1	S-1-2	FP	NN	DT	NG
Subcategory																		
Specific Use Type																		
Solid Waste Facility																		
AGRICULTURE																		
Agriculture/Aquaculture																		
Animal Husbandry (other than dairy)	P																	
Apiary	P																	
Farming	P																	
Fish Farm/Hatchery	S																	
Ranching	S																	
Greenhouse/Nursery	S	S							S	S	P	P	S	S				P
Urban Agriculture/Community Garden	S	S	S	S	P	P	P	P	S	S	P	P	S	S	P	S	S	P

NOTE 1: In the CBD, Residential is not permitted within the front half or front 30' of space, whichever is greater, on the 1st floor (Sec 1.17 A,B)

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE
