

Ordinance Summary published in the Leoti Standard newspaper on August 5, 2015, and the full text of this Ordinance made available at [www.leotikansas.org](http://www.leotikansas.org) for a minimum of one week from the date of publication.

### **SUMMARY OF ORDINANCE 2015-06**

AN ORDINANCE REPEALING CITY ORDINANCE NUMBER 941, OF THE CODE OF THE CITY OF LEOTI, KANSAS, AND DIVIDING THE CITY OF LEOTI INTO ZONES, OR DISTRICTS, RESTRICTING AND REGULATING THEREIN THE LOCATION, ERECTION, REPAIR, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF BUILDINGS, STRUCTURES, INDUSTRY, RESIDENCE, SPECIAL USES, AND THE USE OF LAND WITHIN SAID ZONES OR DISTRICTS.

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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEOTI: PURSUANT TO K.S.A. 12-707 THRU K.S.A. 12-724

#### ARTICLE 1.

##### TITLE

SECTION 101. That this Ordinance shall be known as, and may be cited and referred to as “The Zoning Ordinance Of The City of Leoti, Kansas.”

#### ARTICLE 2.

##### JURISDICTION

SECTION 201 That the provisions of this Ordinance shall apply within the corporate limits of the City of Leoti, Kansas as established on the map attached hereto and entitled “The Official Zoning Map Of The City of Leoti, Kansas.” Said map to be identified by the signature of the Mayor, and attested to by the City Clerk, and shall bear the Seal of the City of Leoti.

#### ARTICLE 3.

PURPOSE

SECTION 301 That the purpose of this Ordinance is to divide the City of Leoti into districts, or zones, in order to regulate the use, and intensity of use, of land; to establish lot sizes, and to establish open space requirements through the use of setback lines.

ARTICLE 4.

ESTABLISHMENT OF DISTRICTS

SECTION 401. That the governing body of the City of Leoti shall create a city planning commission composed of not less than five (5), nor more than seven (7) electors, to be appointed by the mayor by and with the consent of a majority of the members of the city council; pursuant to K.S.A. Chapter 12 Article 7.

The term for each member of the planning commission shall be four (4) years and each commissioner can serve multiple terms with re-appointment by the mayor with consent of the majority of the members of the city council. Members of the planning commission shall serve without compensation. Each term shall be 3 years in length.

SECTION 402. That the city planning commission shall recommend to the City Council the boundaries of districts and appropriate regulations to be enforced therein.

Further, the city planning commission shall make and develop tentative recommendations and shall hold not less than one (1) public meeting on said recommendations. Still further, said commission shall cause notice of each week for two (2) consecutive weeks in the official city newspaper and at least twenty (20) days shall elapse between the date of the last publication and the date set for hearing. Such notice shall fix the time and place for each hearing and shall describe in general terms the regulations and zoning districts proposed, together with a brief statement regarding the purpose thereof. Upon the conclusion of such hearings the City Planning commission shall prepare and adopts its recommendations in the form of a proposed zoning ordinance and shall submit the same, together with a record of hearings thereon to the City Council

SECTION 403. That all regulations to be enforced hereunder shall be uniform as to each district, but said uses, restrictions, and regulation in any one district may differ from those in other districts.

SECTION 404. That for the purpose of this Ordinance there are hereby created six (6) types of districts by which the jurisdictional area, defined in section 201., shall be divided, to-wit:

R-1	Residential, Single Family
R-2	Residential
M	Mobile
C	Commercial
I	Industrial

**RESIDENTIAL, SINGLE-FAMILY (R-1)**

SECTION 501. This is the most restrict district. The principal use of the land in this district is for single-family dwellings and related facilities (e.g. churches, schools, parks...) that are normally required to provide the basic elements of a balanced and attractive residential area. These residential areas are intended to be defined and protected from encroachment of land used that are not a necessary function of the residential environment.

SECTION 502. That property and buildings in a R-1 District shall be used only for the following purposes.

1. One single-family dwelling unit for each lot;
2. Church
3. Public school or private school which does not have boarding rooms
4. Public park or playground
5. Garden or agricultural crops but not for the raising of livestock, horses, or other domesticated, or non-domesticated animals
6. Home occupations (as defined in definitions contained herein) and
7. Accessory buildings (as defined in definitions contained herein)

SECTION 503. That the minimum lot area shall be seven thousand (7,000) square feet for a single-family dwelling unit and that the minimum lot width shall be fifty (50) feet.

SECTION 504. That there shall be a front yard of not less than a depth of fifteen (15) feet from the front property line to the building line.

That porches and entryways may project into the front yard a distance not to exceed five (5) feet, and shall cover not more than 25% of the frontage of the building.

SECTION 505. That for one-story dwelling units located on interior lots there shall be a side yard setback of five feet (5') from the side property line to the side of the dwelling.

That for two-story dwelling units located on interior lots there shall be a side yard setback of not less than eight feet (8') from the side property line to the side of the dwelling.

That for any dwelling unit located on a corner lot there shall be a side yard setback of not less than fifteen (15') from the street-side property line to the side of the dwelling.

SECTION 506. That there shall be arear yard of not less than twenty feet (20') from the rear property line to the dwelling unit.

That accessory buildings may be built in the rear yard providing they are not located on a utility easement.

That any structure located in the rear yard utility easement, such as fences and sheds, shall be removed and replaced by the property owner if the condition should arise that the city should have to make repairs on the utility located in the easement.

SECTION 507. That the location of lots in this district is shown on the attached “Official Zoning Map of the City of Leoti, Kansas” and are to be shown as follows

Blocks 26 through 28 Cowen Addition

Blocks 15 through 19 Cowen Addition

Lots 7 through 12, Block 21 Cowen Addition

Lots 13 through 18, Block 8 Cowen Addition

Blocks 9 through 13 Cowen Addition

Lots 7 through 9, Block 7 Cowen Addition

Block 6 Cowen Addition

Blocks 1 through 4 Cowen Addition

Blocks 1 and 2 Jaeger Addition

Blocks 2 through 4 Southwest Addition

Block 1 Long Addition

Blocks 2 through 11 Roanoke Addition

Blocks 13 and 14 Roanoke Addition

Lots 1 through 3, Block 15 Roanoke Addition

Blocks 7 through 12, Block 15 Roanoke Addition

Blocks 1 and 2 Parish Addition NO. 1

Entirety of Down’s Addition

Blocks 1 through 4 Original Townsite

Lots 6 through 8, Block 5 Original Townsite

Blocks 6, 8, and 9 Original Townsite

Block 11 Original Townsite

Lots 13 through 18, Block 12 Original Townsite

Blocks 14 and 15 Original Townsite

Block 19 Original Townsite

Lots 13 through 18 Block 21 Original Townsite

Blocks 22 through 24 Original Townsite

Lots 4 through 9, Block 26 Original Townsite

Lots 4 through 9, Block 30 Original Townsite

Lots 4 through 9, Block 31 Original Townsite

Lots 4 and 5, Block 32 Original Townsite

Blocks 33 and 34 Original Townsite

Block 46 Original Townsite

Wichita county High School, Junior High, and Elementary Schools including blocks 16, 17, and 24  
Roanoke Addition

The old Leoti Grad School Block 42 Original Townsite

## ARTICLE 6.

### RESIDENTIAL (R-2)

SECTION 601. This is the lease restrictive residential district. These residential areas are intended to be defined and protected from the encroachment of those land uses that are not a necessary function of this residential district.

SECTION 602. That the property and building in a R-2 District shall be used only for the following purposes;

1. Any use that is permitted in the R-1 District uses
2. One single-family unit for each lot
3. Multi-family dwellings such as duplexes, apartments, and townhouses, and
4. Mobile homes.

SECTION 603. That the minimum lot area shall be seven thousand (7,000) square feet for a single-family dwelling unit and that the minimum lot width shall be fifty (50) feet.

SECTION 604. That there shall be a side yard setback of not less than five (5) feet from the side property line to the side of the dwelling unit.

SECTION 605. That accessory buildings may be built in the rear yard providing they are not located on a utility easement.

That any structure located in the rear yard utility easement, such as fences and sheds, shall be removed and replaced by the property owner if the condition should arise that the city should have to make repairs on the utility located in the easement.

SECTION 606. That all mobile homes shall be connected to the city water and sewer systems.

SECTION 607. That it is mandatory all mobile homes be equipped with adequate tie-downs and skirted with suitable skirting.

SECTION 608. All mobile homes located in an R-2 district shall conform to all physical requirements of mobile homes within other sections of this ordinance.

SECTION 609. That the location of lots in this district is shown on the attached "Official Zoning Map of the City of Leoti, Kansas" and are to be shown as follows.

Blocks 23 through 25 Cowen Addition

Block 20 Cowen Addition

Block 14 Cowen Addition

Block 5 Cowen Addition

Block 1 Southwest Addition

Block 1 Roanoke Addition

Blocks 18 through 21 Roanoke Addition

Block 23 Roanoke Addition

Blocks 1 through 28 Jenness Addition

Lots 5 through 7, Block 3 Case Addition

Block 1 Case Addition

Block 7 Original Townsite

Block 10 Original Townsite

Lots 1 through 6, Block 13 Original Townsite

Blocks 16, 17, and 18 Original Townsite

Lots 3 through 5, Block 25 Original Townsite

Lots 1 through 3 and 10 through 12, Block 35 Original Townsite

Block 41 Original Townsite

Block 43 Original Townsite

Lots 13 through 18, Block 44 Original Townsite

Lots 1 through 6, Block 45 Original Townsite

Blocks 47 through 49 Original Townsite

Blocks 50 and 51 Original Townsite

Lots 1 through 6, Block 52 Original Townsite

Lots 13 through 18, Block 53 Original Townsite

Blocks 54 through 56 Original Townsite

Blocks 65 through 67 Original Townsite

Blocks 73 through 75 Original Townsite

Lots 13 through 18, Block 76 Original Townsite

Blocks 78 through 81 Original Townsite

Block 82 Original Townsite

Block 83 Original Townsite

Lots 1 through 6, Block 84 Original Townsite

Lots 13 through 18, Blocks 85 Original Townsite

Block 86 Original Townsite

Block 91 Original Townsite

Lots 13 through 18, Block 92 Original Townsite

Lots 1 through 6, Block 93 Original Townsite

Blocks 94 through 99 Original Townsite

Lots 1 through 6, Block 100 Original Townsite

Lots 13 through 18, Block 101 Original Townsite

Blocks 102 through 103 Original Townsite

Blocks 106 and 107 Original Townsite

Blocks 109 through 116 Original Townsite

Block 119 Original Townsite

Block 3 Swanson's Addition

Block 6 Swanson's Addition

Lots 1 through 9, block 8 Swanson's Addition

## ARTICLE 7

### MOBILE HOME PARK OR DISTRICT (M)

SECTION 701. That no mobile home shall be located within the city limits of Leoti except upon property zoned as Mobile Home Parks, Mobile Home Districts, or Residential (R-2). When any park, or park such lot/s or park, may not again be used as a mobile home park unless it is located in an area zoned as a mobile home park or mobile home district.

SECTION 702. That lots being used as mobile home parks at the time of the effective date of this zoning ordinance are not subject to the requirements of this ordinance, except when a mobile home is removed and replaced SECTION 704 shall be followed. Furthermore, SECTIONS 705, 710, 712, 714, and 718 must be immediately complied with. When any plot or lot being used as a mobile home park is abandoned as a mobile home park such lot or plot may not again be used as a mobile home park or mobile home district.

SECTION 703. That setback requirements shall apply to the park as a whole and not to each lot separately. The minimum depth of the front yard area of the park shall be fifteen (15) feet from the front property line to the front building line. In no instance shall a mobile home be located closer than thirty-five (35) feet from the centerline of a state highway or major through street.

That the front building line shall be the first point at which a mobile home may be located on the tract used as a mobile home park. There shall be a sideyard setback of five (5) feet from the sideyard property line of the tract.



That the mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

SECTION 704. That mobile home spaces shall be provided in a mobile home park at the following rate: For each mobile home parked there shall be a space provided consisting of a minimum of four thousand (4,000) square feet. For each doublewide mobile home parked there shall be a space provided consisting of a minimum of (5,000) square feet.

That the limits of each mobile home space shall be defined and marked by suitable means.

That mobile homes shall be located on each space so that there shall be a minimum of twenty (20) feet between each parked mobile home. No mobile shall be located closer than fifteen (15) feet to any other dwelling unit or structure other than an accessory use building. Accessory use building shall mean garages, sheds, or structures that are incidental to the main building on the lot or tract.

SECTION 705. That the mobile home stand shall be provided in such a manner to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, wind, vibration or other forces acting on the structure.

Each mobile home, in zone R-2 or M, shall be skirted with material approved by the Code Enforcement Officer. Skirting shall be installed as recommended by the manufacturer. Skirting shall be of a material that is sturdy and not prone to breaking or cracking. Appropriate materials shall include commercially manufactured colored steel fiberglass, plastic, or masonry materials. It shall also include tin or metal. All skirting on each individual unit shall be of one material and shall not be mixed between different materials.

It is mandatory all mobile homes be equipped with adequate tie downs or anchors. Tie downs, anchors, and skirting shall be installed prior to occupancy and shall be inspected by the Code Enforcement Officer. Tie downs, anchors, and skirting must be maintained. If a hole or gap is found in the skirting of any mobile home it will be the responsibility of the mobile home owner to repair the hole or gap within 30 days of notification of the hole or gap.

SECTION 706 STREETS AND DRIVEWAYS. That the mobile home park shall have frontage on an improved city street or highway. An adequate driveway of at least fifteen (15) feet in width shall be provided on spaces where access is necessary to and from the mobile homes to the public street.

SECTION 707 PARKING SPACES. That off street parking shall be provided at the rate of one space per mobile home in the park. Parking spaces shall be graded and shall be of the same material and quality as the driveway

SECTION 708 UTILITIES. That all mobile homes shall be connected to the city water and sewer system. Outlets and risers shall be above ground. Open sewer lines on unoccupied spaces shall be prohibited and it shall be the duty of the owner operator of the mobile home park to see that they are capped.

SECTION 709 SERVICE BUILDINGS. That any mobile home park providing spaces for twenty (20) mobile homes shall provide at least one service building. A service building shall:

1. Be located fifteen (15) feet or more from any mobile home space.
2. Be adequately lighted.
3. Provide laundry facilities.
4. Have adequate heating for the building.
5. Provide at least one lavatory and one toilet for each sex.
6. Have a well ventilated room with all openings effectively screened.

SECTION 710 LIGHTING. That any mobile home park consisting of five (5) or more parked mobile homes shall have adequate street or driveway lighting consisting of at least one street lamp per every five (5) mobile homes. Lighting shall be adequately arranged in order to insure sufficient lighting throughout the mobile home park.

SECTION 711. OUTDOOR RECREATION SPACE. That any mobile home park providing spaces for twenty (20) or more mobile homes shall provide an outdoor recreation space of at least 300 square feet for every mobile home space in the park. This recreation space shall not have frontage on the public street or highway.

The recreation space will have a grass cover and shall be landscaped if possible.

SECTION 712. MANAGEMENT. That each mobile home park shall be operated in a sanitary, orderly, and efficient manner and shall maintain a neat appearance at all times. The owner operator shall maintain a neat appearance at all times. The owner operator shall be responsible for the effective handling of refuse, insect and rodent control, fire protection, mowing, weed control, or any other nuisance on the property. The owner operator shall be a resident of the City of Leoti, Kansas.

The mobile home park owner shall be a resident of the City of Leoti. If the owner is not a resident of the City of Leoti a manager/operator, who is a resident of the City of Leoti, must be appointed by the owner. The owner or the manager/operator is in charge of managing and maintaining the property to be in compliance with all city ordinances and codes which apply to the property. The name and contact information of the owner and, if applicable, the manager/agent must be kept on file with the City of Leoti and the City of Leoti must be able to contact owner or manager/agent within 48 hours to address issues of concern on the property. Any issue of concern brought forth to the owner and/or manager/agent must be addressed within 5 days unless otherwise instructed by a City Official.

SECTION 713. PERMIT. That a mobile home park may not be constructed until a permit has been obtained from the City of Leoti. The applicant who desires to construct a mobile home park shall submit a proposed mobile home park plan. That plan shall be accurately drawn and shall contain the following:

1. Proposed street and drive pattern
2. Proposed plan for street lighting if the park contains five (5) or more spaces

3. Proposed mobile home spaces and their dimensions
4. Any existing streets located in or abutting the tract
5. Location of the required parking spaces
6. Location of the service building, if required
7. Location of the outdoor recreation space, if required
8. Name of the developer and projected date of construction of the park
9. A north-south arrow
10. The legal description of the tract to be developed whether in meters and bounds or lots and blocks of subdivision.

The proposed plan for the mobile home park shall be reviewed by the City Planning Commission at a public hearing advertised to the public in The Standard at least thirty days prior to the date of hearing. The City Council may, upon recommendation of the Planning Commission, grant the permit.

SECTION 714. LICENSE. That all mobile home parks in the City of Leoti shall be subject to an annual license, which will be issued by the City Council. Compliance with this ordinance and all other codes of the City shall be necessary prior to issuance or renewal of said license.

The annual license fee shall be fifty dollars (\$50.00) for the first five spaces and five dollars (\$5.00) for each additional space.

SECTION 715 ENFORCEMENT. That the owner and/or operator shall be responsible for the conformance to all city codes and the conditions set forth in this ordinance. Any deviation nonperformance or the occurrence of any nuisance or unhealthful and unsanitary conditions shall constitute grounds for cancellation of the license and the permit, or the refusal to renew a license or permit on the part of the City of Leoti.

SECTION 716. PENALTY. That any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not less than five dollars (\$5.00) and not exceeding one hundred dollars (\$100.00), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned. (Ordinance 494, Section 4.)

SECTION 717 EXCEPTIONS. That the City Council may grant exceptions to some provisions of this article to provide temporary parking of camping trailers or mobile homes used by tourists or temporary farm workers. These exceptions shall have a time limit (14 days).

Emergency or temporary stopping or parking of a mobile home in transit shall not exceed one (1) hour at a time. Relocation and routing of mobile homes through the City of Leoti shall be lawful as permitted by the traffic ordinances or may be directed by the police officers of the City.

SECTION 718. PROHIBITED MOBILE HOMES

No mobile home shall be allowed inside the city limits of the City of Leoti which does not comply with state or federal law.

No mobile home shall be allowed inside the city limits of the City of Leoti which are not developed and maintained in a safe, approved, and substantial manner. Mobile homes must be kept in a sanitary condition. Additionally, the exterior of such structures shall be kept in good repair and shall be repainted or refinished when directed by the City of Leoti.

No mobile home shall be allowed inside the city limits of the City of Leoti which has an obstruction that impedes the inspection of plumbing, electrical, facilities, and related trailer equipment. The area beneath a mobile home shall be enclosed except that such enclosure must be openable for inspection.

SECTION 719. That the location of lots in this district is shown on the attached "Official Zoning Map of the City of Leoti, Kansas" and are to be shown as follows.

Blocks 21 and 22 Garland's Addition

Block 28 Garland's Addition

Blocks 87 through 90 Original Townsite

## ARTICLE 8

### RV PARK OR DISTRICT

SECTION 801. DEFINITIONS. For the purpose of this article, the following words and phrases shall have the meaning ascribed to them in this section;

- a) **Camping Trailer.** Any vehicular portable dwelling unit designed especially for a short-term occupancy such as: travel trailers, tent trailers, truck or auto-mounted camping units, converted busses and truck and all other similar units whether selfpropelled, pulled, or hauled, and designed primarily for highway travel without the necessity of a special permit.
- b) **Trailer Camp.** Any piece, parcel, tract, or plot of ground which provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers. Under no circumstances shall any one camping trailer occupy a trailer camp for a period exceeding twenty eight (28) days. The terms "trailer camp" does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale

SECTION 802. MOBILE HOMES, TRAILER CAMPS. Subdivisions, parks, camps

- c) **Trailer Camp**
  1. Trailer camps shall be utilized only for the accommodations of camping trailers and under no circumstances shall a trailer camp be utilized for the occupancy of mobile homes.
  2. The applicant for a trailer camp shall prepare or cause to be prepared a preliminary trailer camp plan, drawn to a scale of not less than one inch equals one hundred feet

(1"=100') and three (3) copies of said plan shall be submitted to the planning commission for their review and recommendations. Such plans shall comply with the following minimum requirements:

- a. The trailer camp shall be located on a well-drainage and freedom from stagnant pools of water;
- b. Each camping space shall be at least twenty-five feet (25') wide and a minimum of fifty feet (50') in depth
- c. Travel trailers shall be located on each space so as to maintain a setback of no less than twenty (20') from any public street, highway right-of-way, or "M-P" district boundary, and as to maintain a setback of no less than five feet (5') from any boundary line of camping space when such boundary line is not common to any public street, highway right-of-way, or "M-P" District boundary.
- d. All camping spaces shall front on a private roadway of not less than twenty four feet (24') in width and all roadways shall have unobstructed access to a public street.

SECTION 803. MOBILE HOMES, TRAILER CAMPS: subdivisions, Parks, Camps

1. Upon approval of the preliminary trailer camp plan by the planning commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the planning commission recommendation shall be forwarded to the governing body for their review and final actions.
2. Any substantial deviation, as determined by the zoning administrator, from the approved plan, shall constitute a violation of the building and zoning permit authorizing construction for the project. Changes in plans shall be resubmitted for reconsideration and approval by the planning commission and governing body prior to the issuance of a building or zoning permit.

SECTION 804. SERVICE BUILDINGS. Service buildings in the trailer parks or camps shall be constructed and maintained as follows;

- a) Service buildings, when provided, whether required or not, housing sanitation and laundry facilities, or any such facility, shall be permanent structures complying with all applicable regulations and statues regulations buildings, electric installations, plumbing and sanitation systems.
- b) All service buildings, when provided, whether required or not, shall be maintained in a clean sightly condition and kept free of any condition that will menace the health of any occupant of the public, or constitute a nuisance.
- c) Service buildings and parking related to the service operations shall not occupy more than five percent (5%) of the area of the park and shall be located, designed, and intended to service frequent trade or service needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

SECTION 805. WATER SUPPLY. Water supply for each park or camp shall be provided as follows:

- a) An accessible, safe and potable supply of water as approved by the state health department shall be provided in each park or camp. A public water supply shall be used.
- b) The size and location of water mains and fire hydrants shall be designed by a licensed professional engineer and shall be in accordance with the requirements of the agency from which the water supply is obtained.
- c) Individual water service connections shall be provided at each mobile home space. Such connections shall be located at least four inches (4") above ground surface, at least three-fourths inch (3/4") in diameter and equipped with three-fourths inch (3/4") valve outlet. All water pipes shall be protected against freezing.

SECTION 806. SEWAGE DISPOSAL. Sewage systems for trailer parks or camps in the city shall be as follows:

- a) Individual sewer connections shall be provided for each mobile home space and shall be in accordance with all codes and regulations regarding such systems. A public sewer system shall be used.
- b) All sewage systems shall be designed by a licensed professional engineer and shall be submitted to the governing body for their approval.

SECTION 807. COMPLIANCE. The mobile home park or subdivision shall be in compliance with this article and all other regulations and the site shall be in conformance with applicable regulations of the locality and state.

SECTION 809. ANCHORING. Every mobile home or house trailer regulated by this ordinance shall be anchored to the ground by a method approved by the inspection officer. This anchorage shall be adequate to withstand the minimum horizontal wind and uplift pressure as set forth in the building code for permanent structures. This regulation shall from date of passage of this ordinance apply to all new mobile home parks, and shall also thereafter apply whenever a mobile home or house trailer is moved in, relocated or replaced in existing mobile home parks, and furthermore, compliance shall be attained on all mobile homes and house trailers in all mobile home parks within one (1) year from date of the adoption of this ordinance.

SECTION 810. FIRE AND HEALTH REGULATIONS. The owner or manager of any such mobile home park shall report immediately to the city health officer all cases of persons affected or suspected of being affected with an communicable disease. Such owner or manager shall prohibit the placing, throwing or dumping of any refuse or wastes from the mobile home, showers, toilets, laundry facilities or lavatories upon the park grounds or permit the same to be disposed of upon adjoining premises to the annoyance thereof. He shall prohibit the lighting or use of open fires on the premises.

SECTION 811. REGISTRATION OF OCCUPANTS. The owner or manager of any mobile home park shall manage and be responsible for the enforcement of the provisions of this article or other ordinances of

the city or any amendments thereto. It is made the duty of the mobile home park owner or manager to keep at all times a register of all guests and tenants, showing the following data:

- a) Name and address of occupants of each mobile home or parking space
- b) Date of entrance to mobile home park
- c) License plate number of mobile home and name of state or country issuing the license
- d) License plate number of automotive power for mobile home, the name of the state or country issuing the license.

812 SECTION. UNLAWFUL ACTS. It shall be unlawful for any person to stand or park any mobile home on any street, alley, avenue, highway or other public place in the city or on any tract of land within the city contrary to the provisions of this article, whether owned by the person himself or others: Provided, no person shall park or occupy any mobile home except as authorized herein, except for mobile home sales lots.

## ARTICLE 9

### COMMERCIAL (C)

SECTION 901. This district is the area designated wherein the uses of building and tracts are for the establishment of business enterprises at the wholesale and retail level.

That the location of lots in this district is shown on the attached "Official Zoning Map Of The City of Leoti, Kansas" and are to be shown as follows:

The south half of all blocks adjacent to the north of Broadway (State Highway 96); the north half of all lots adjacent and south of Broadway (State Highway 96); the west half of all blocks adjacent to the east of 4<sup>th</sup> Street (State Highway 25); the east half of all blocks adjacent to the west of 4<sup>th</sup> Street (State Highway 25); the east half of blocks 28 and 37 (Original Townsite); the west half of blocks 29 thru 36 (Original Townsite); the south half of Block 12 (Roanoke Addition); Blocks 21 thru 28 (Garland's Addition); all of Block 24 (Original Townsite); Blocks 41, 55 and 56 (Original Townsite).

Blocks 22, 25, 26, and 27 Roanoke Addition

Lots 4 through 6, Block 15 Roanoke Addition

Block 12 Roanoke Addition

Blocks 1, 2, and 3 Cudney Addition

Blocks 1, 2, and 3 Spriggs & Bradley's Addition

Block 22 Cowen's Addition

Lots 1 through 6, Block 21 Cowen's Addition

Lots 1 through 12, Block 8 Cowen's Addition

Lots 1 through 6, Block 7 Cowen's Addition

Lots 1 through 8, Block 13 Original Townsite

Block 29 Original Townsite

Block 20 Original Townsite

Lots 1, 2, and 3 and Lots 10, 11, and 12, Blocks 30 and 31 Original Townsite

Lots 1 and 2, Block 32 Original Townsite

Lots 1 through 5, Block 5 Original Townsite

Lots 1 through 12, Blocks 12, and 21 Original Townsite

Block 27 and 28 Original Townsite

Lots 1, 2, and 3 and lots 10, 11, and 12, Block 26 Original Townsite

Lots 1 and 2, Block 25 Original Townsite

Blocks 36, 37, 38, 39, and 40 Original Townsite

Lots 1 through 6, Block 35 Original Townsite

Lots 1 through 18, Blocks 45 and 52 Original Townsite

Lots 1 through 9, Block 44 Original Townsite

Lots 1 through 12, Block 53 Original Townsite

Blocks 57 through 63 Original Townsite

Blocks 68 through 72 Original Townsite

Lots 1 through 12, Block 76 Original Townsite

Block 77 Original Townsite

Lots 1 through 12, Block 85 Original Townsite

Lots 1 through 12, Block 92 Original Townsite

Lots 1 through 12, Block 101 Original Townsite

Block 108 Original Townsite



Block 117 Original Townsite  
Block 104 Original Townsite  
Block 105 Original Townsite  
Block 118 Original Townsite  
Block 120 Original Townsite  
Block 1 Swanson's Addition  
Block 2 Swanson's Addition  
Blocks 4 and 5 Swanson's Addition  
Block 7 Swanson's Addition  
Lots 10 through 18, Block 8 Swanson's Addition  
Lots 1 through 9, Block 8 Swanson's Addition  
Blocks 17 through 20 Garland's Addition  
Blocks 22 through 25 Garland's Addition  
Block 27 Garland's Addition  
Blocks 29 through 32 Garland's Addition  
The VFW Addition

SECTION 902. That the following regulations apply to the uses of any and all building and tracts located in this district, to-wit:

- 1) Yard Requirements: Any building located in the Commercial Zone may be constructed on the property line except for the following
  - a) Residential buildings constructed in the Commercial Zone shall comply with the area regulations of the "R-2 Residential District".
  - b) Any commercial building that abuts a residential area shall have a side yard of not less than ten feet (10')
- 2) Signs, Commercial District:
  - a) Signs shall not be located in the public right-of-way.
  - b) Signs shall not be constructed in such a manner as to create a traffic hazard. (Visual Obstruction).

ARTICLE 10

INDUSTRIAL (I)

SECTION 1001. This district is the area designed wherein the uses of buildings and tracts are for the establishment and practice of manufacturing and processing of goods and products, as opposed to the mere sale of goods and products at the wholesale and retail level

That the location of lots in this district is shown on the attached “The Official Zoning Map of the City of Leoti, Kansas” and are to be shown as follows:

Blocks 29, 30, 31, and 32, (Garland’s Addition); Blocks 57 thru 64 (Original Townsite); Blocks 25 thru 28 (Roanoke Addition); Blocks 1 thru 4 (Jennese Addition); Blocks 64 thru 72 (Original Townsite); and Blocks 1 thru 4 (Spriggs & Bradley’s Addition).

Block 4 Spriggs & Bradley’s Addition

Block 28 Roanoke Addition

Block 64 Original Townsite

Lots 7 through 18, Block 84 Original Townsite

Lots 7 through 18, Block 93 Original Townsite

Lots 7 through 18, Block 100 Original Townsite

Block 26 Garland’s Addition

SECTION 1002. USES PROHIBITED.

- 1) No use is permitted which will emit dust, noxious gas, odors, noise, vibrations, smoke, heat, or glare beyond the boundaries of the lot or tract where the use is conducted.
- 2) New residential dwelling units shall not be constructed in the industrial zone

SECTION 1003. Area Regulations. There are no specific yard, height, or density regulations for structures located in the Industrial Zone except for:

- 1) Buildings located in the Industrial Zone may be constructed on the property line. Buildings and accessory use buildings, signs, and equipment shall not be constructed in such a manner as to create a traffic hazard. (Visual Obstruction).

ARTICLE 11.

RELATED AREAS

SECTION 1101. Board of Zoning Appeals. That the governing body of the City of Leoti shall hereunder create a board of Zoning Appeals pursuant to K.S.A. 12-714, said board to be governed by K.S.A 12-714 and K.S.A 12-715, and K.S.A 17-301 thru K.S.A 17-305.

SECTION 1102. Variances. That variances to the terms of this Ordinance may be made by the Board of Zoning Appeals according to law.

SECTION 1103. Nonconforming Use. That the unlawful use of land or building existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereof, may be continued; but if such nonconforming use is discontinued, any further use of or of said premises shall be in conformity with the provisions of this ordinance. Nothing in this ordinance shall prevent the restoration of a building damaged not more than fifty percent of its assessed value by fire, exploding, act of God, or the public enemy, or prevent the continuance of the use of such building or the part thereof which existed at the time of such damage. A nonconforming use may be changed to a more restrictive use and when so changed shall not again be changed to a less restrictive use, except by the process of rezoning. When a nonconforming use itself has been discontinued for a period of 90 days or more, it shall not be re-established, and the future use thereof shall be in conformity with the provisions of this ordinance notwithstanding the purpose for which the premises were erected or used.

SECTION 1104. New Structures and Changes in Existing Structures:

- 1) New Structures. That all new structure is hereafter shall comply with all the provisions of this zoning ordinance. Any structure hereafter moved from one site shall be considered to be a structure build hereafter. Any structure rebuild or restored after damage or destruction by fire or other causality shall be considered to be a structure build here after, unless the structure should meet the requirement set forth in Section 10 above.
- 2) New Uses of Old Structures. That if a use of any structure is hereafter changed to another, then the new must comply with the Permitted Use regulations of this ordinance.
- 3) Remodeling. That if any structure is hereafter remodeled: The entire structure as remodeled shall comply with the Permitted Use regulations of this Zoning ordinance.
- 4) Mobile Homes. All mobile homes being placed or moved within city limits must be 22 years of age or newer and must be compliant with all aspects of the law. No mobile home structure being placed within the city limits or moved to a different location within the city limits can be older than 22 years.
- 5) Camping Trailers. No camping trailer shall be used as a permanent structure. This includes, but is not limited to travel trailers, recreational vehicles, tent trailers, truck or auto-mounted camping units, converted busses or truck, and all other similar units. Those camping trailers, on individual lots, in place at the time of the passage of this ordinance may remain, but may not be moved or relocated within the corporate city limits of the City of Leoti.

SECTION 1105. Building Permits Required. That there shall be no building, moving, construction, altering, or remodeling of any building or structure including site preparation within the City Limits of Leoti without a permit therefore, granted by the governing body of the City of Leoti. No permit shall be

granted unless the application plans disclose that such building, moving, erection, alteration, remodeling, of land usage can and will be done in accordance with the provisions of this and all other ordinances of the City of Leoti.

SECTION 1106. Building Permits and Land Use. That any person desiring to build, move, erect, or construct any building or part thereof, or to remodel or substantially change any existing building or structure within the city limits of Leoti shall first make and file an application therefore in the office of the City Clerk of Leoti setting forth:

- 1) The nature and purposes of the proposed building or land usage.
- 2) The construction, remodeling, or building plans thereof including materials to be used and such other information deemed needed to give the full nature and purpose of the construction.
- 3) The location of the building including the legal description of the lot or lots and the proposed location of the structure on the lot or lots.

SECTION 1107. Construction Time Limits. That no temporary or outwardly incomplete building or structure, no open excavation for a basement, cellar, or foundation, nor any structure or building so damages as to become unfit for human habitation shall be permitted in the City of Leoti. Any building of structure in such a condition that is not repaired or removed within three months after notification to the owner by registered mail shall be removed or destroyed by the city after final approval by the city governing body. The cost of removal of the structure shall be included with the property tax as a special assessment. The city health officer and/or city fire chief shall make and advise the city governing body as to habitation or usage in accordance with their rules and regulations.

SECTION 1108. That no person shall erect or construct, place or move, or cause to be constructed, erected, placed or moved upon any ground including in the Commercial or Industrial Zone any building or structure or any addition to any building or structure unless the same be constructed of brick, concrete, sheet metal, aluminum or other equally non-combustible material, and having an approved fire resistant roof: Proved further, that no building having a wood frame shall be constructed in the Business District.

SECTION 1009. that no person shall construct, erect, place or move, or cause to be constructed, erected, placed or moved upon any ground included in the Residential Zone of this ordinance any building or structures or any addition to any buildings or structures except for the use of a private residence, which residence shall contain at least seven hundred square feet (700 sq. ft.) of livable floor space, be of permanent construction, conforming with good building practices and shall be constructed of materials and finished substantially equal or better quality than the buildings in the immediate neighborhood or such be constructed of materials and finished substantially equal or better quality that the buildings in the immediate neighborhood or such constructed or altered residences.

SECTION 1110. That no temporary or incomplete buildings or vehicles or any part thereof, garage, appurtenance, including chicken houses, or other accessory building incident to the family dwelling shall be erected to be used for residential purposes.

SECTION 1111. that no building or premises now located within the City limits, or any building hereafter erected therein, shall be used as an outdoor privy or toilet.

SECTION 1112. That no building or premises or appurtenances thereto shall be constructed, used or occupied in such a manner as to constitute a public or private nuisance or in such a manner as to be detrimental to the health, safety, and welfare of surrounding and adjacent property owners or the general public.

SECTION 1113. That no temporary or outwardly incomplete buildings or structure, no open excavation for a basement or cellar or foundation, and no building or structure so damaged as to become unfit or ruse of habitation shall be permitted, maintained or remind in such a condition for a period of more than 90 days except by special permission by the city governing body.

SECTION 1114. That no buildings, premises, or appurtenance thereto shall be constructed, used or occupied in such a manner as to constitute a public or private nuisance in the City of Leoti. No buildings, premises, or appurtenance thereto shall be used or occupied in such a manner as to constitute a public or private nuisance in the City of Leoti. No buildings, premises, or appurtenance thereto shall be used or occupied in such a manner as to be detrimental to the health, safety, and welfare of surrounding and/or adjacent property owners or the general public.

SECTION 1115. That the use of road ditches or creeks or open ditches of any kind of drainage, except rainwater, from any kind of building is not permissible within the city limits.

## ARTICLE 12

### ENFORCEMENT

SECTION 1201. Complaints. That whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Governing Body of The City of Leoti who shall immediately investigate, and take action thereon, as provided by this ordinance, e.g., referral to a Court of competent jurisdiction.

SECTION 1202. Penalties. That any violation of the provisions of this ordinance shall be punishable by a fine of not less than One Hundred (\$100.00) Dollars not more than Five Hundred Dollars (\$500.00) plus Court cost. Each, and every day the violation continues, after notification, shall constitute a separate offense.

SECTION 1203. Remedies. That in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of this ordinance the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

## ARTICLE 13

### DEFINITIONS

SECTION 1301. That for the purpose of this ordinance, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural, the singular; the word shall is mandatory, not discretionary; the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as, an individual; the word lot includes the words plot or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

SECTION 1302. That for the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

Accessory Use of Structure – The use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Building – The word building includes the word structure and is a structure which is entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

City – The word City shall mean the City of Leoti, Kansas.

Conditional Use – A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as a number, area, location, or relation to the neighborhood, would promote the public health, safety, or general welfare.

Dwelling, Single-Family – A residential building designed for or occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit – One (1) room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Exception – An exception is a use that would not be appropriate generally or without restriction throughout the zoning district, but neighborhood, would promote the public convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provisions for such exception is made in this ordinance.

Family – One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but provided further

that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Planning Commission – The Planning Commission shall be the official name for the planning agency created pursuant to K.S.A. 1969, sup. 12-716. This agency is commonly known as the Planning Commission.

Lot – For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; a parcel of land described by metes and bounds; provided that in no case a division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Depth – Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lots lines in the rear.

Lot Frontage – The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this article.

Lot of Record – A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Mobile Home – Any occupied vehicle used or so constructed as to permit it being used as a Conveyance on the public streets or highways and duly licenses as such, and shall include: self-propelled or non-self-propelled vehicles so designed, constructed, reconstructed or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons. Nothing in this definitions shall be construed so as to include prefabricated, precut residences or those manufactured in sections or parts away from the site and transported thereto for erection, provided that when completely erected, said prefabricated, precut or manufactured residences shall be on a permanent foundation.

Mobile Home Park – Any premises where one (1) or more mobile homes are parked for living or sleeping purposes, or any premises used or set apart for supplying to the public, parking space for one (1) or more buildings, structures vehicles or enclosure used or intended for use or intended wholly or in part for the accommodation of automobile transients.

Street Line – The right-of-way line of a street.

Structure – Anything constructed or erected with a fixed location on the ground, or attached to something have a fixed location on the ground. Among other things structures include, but are not limited to buildings, mobile homes, walls, fences, billboards, and poster panel.

Home Occupation – An occupations conducted by inhabitants which is incidental to dwell purposes, allowing for one non-illuminated nameplate only and which creates no noise, odor, or electrical interference detectable to the normal senses of the lot.

Variance – A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishments or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or use in an adjoining zoning district or because of conditions created by the landowner.

Yard, Side – A yard between the building and the sideline of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance from the side lot line to the side of the structure.

#### ARTICLE 14

#### CONDITIONAL USE

SECTION 1401. A conditional use is a zoning exception which allows the property owners to use land in a way not otherwise permitted

SECTION 1402. Citizens can apply for a conditional use permit for uses of property not currently allowed within zoning regulations or other city ordinances. An application will be presented to the Planning Commission for a recommendation to be sent to the City Council. The Planning Commissions shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of the conditional use permit.

SECTION 1403. An applicant shall file an application, therefore, in writing on a form furnished by the City Clerk. The application should include the legal description of the land, name and address of each owner, signature of applicant, zoning district classification, a plan regarding use of land, and any other information applicable and concerning the property.

#### ARTICLE 15

#### LEGAL STATUS

SECTION 1501. Separability. Should any article, section, or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of this ordinance as a whole, or any part thereof, other that the part so declared to be unconstitutional or invalid.



SECTION 1502. Repeal of Conflicting Ordinance. All ordinances or parts of ordinances, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. Ordinance 941 is repealed upon passage of this Ordinance

SECTION 1503. Effective Date This ordinance shall take effect and be in full force from and after its passage and approval and summary publication in the official city paper, The Leoti Standard PASSED AND APPROVED this \_\_\_ day of \_\_\_, 20\_\_

THE GOVERNING BODY OF THE CITY OF  
LEOTI, KANSAS

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Cheryl Green, Mayor

ATTEST:

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Cendy Morcillo, Interim City Clerk

Planning Commission Hearing: June 4, 2015  
City Council First Reading: June 15<sup>th</sup>, 2015  
City Council Second: July 6<sup>th</sup>, 2015  
Published in The Leoti Standard: August 5<sup>th</sup>, 2015