

CHAPTER XXV. ADMINISTRATION

ARTICLE 1. General Provisions

---

ARTICLE 1. GENERAL PROVISIONS

- 25-101. ENFORCEMENT. It shall be the duty of the Zoning Administrator to enforce the provisions of these Regulations and to refuse to issue any certificate for any building, or for the use of any premises, which would violate any of the provisions of these Regulations. It shall also be the duty of all officers and employees of the City of McLouth, Kansas, to assist the Zoning Administrator by reporting any seeming violation in new construction, reconstruction, or land use. In case any building is erected, constructed, reconstructed, relocated, altered, repaired or converted, or any building or land is used in violation of these Regulations, the Zoning Administrator is hereby authorized and directed to institute any appropriate action to put an end to such violation.
- 25-102. ZONING CERTIFICATE. No building, structure, or addition thereto constructed, built, relocated, remodeled, or reconstructed after the effective date of these Regulations shall be occupied or used for any purpose, and no land vacant on the effective date of these Regulations shall be used for any other purpose, and no use of any land or structure shall be changed to any other use unless a zoning certificate shall first be obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of these Regulations.
- 25-103. APPLICATION FOR ZONING CERTIFICATE. The application for a zoning certificate shall be made on forms provided by the Zoning Administrator and shall be accompanied by a site plan of the real estate upon which said application is made. Said site plan shall be drawn to scale showing the following items:
1. Legal description of the real estate involved.
  2. Location and size of all building, structures, yards, and open space.
  3. Width and length of all entrances and exits to and from said real estate.
  4. All adjacent and adjoining roads or streets.
  5. Sufficient grades and elevations to establish the proper placement of buildings, the proper drainage of the property, and the applicability of possible floodplains.
  6. Location and specifications of all signs, light, fencing, screening, landscaping, and other such site improvements.

Site plans so furnished shall be filed by the Zoning Administrator and shall become a permanent record. A record of all zoning certificates shall be kept on file in the Office of the Zoning Administrator.

- 25-104. FEES. An application for a zoning certificate shall be accompanied by such fee as shall be officially specified by resolution of the Governing Body from time to time.
- 25-105. ISSUANCE OF ZONING CERTIFICATE. A zoning certificate shall be either issued or refused by the Zoning Administrator within 10 working days after the receipt of the application thereof, or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to issue a zoning certificate, the applicant shall be advised of the reasons for the refusal in writing.
- 25-106. REVOCATION OF CERTIFICATE. A zoning certificate issued in accordance with the provisions of these Regulations may be revoked by the Zoning Administrator if he finds there is a departure from the approved plans, specifications, and/or requirements or conditions required under the terms of the zoning certificate, or the same was issued under false representation, or that any other provisions of these Regulations are being violated.
- 25-107. STOP ORDER. Failure, refusal, or neglect of any property owner, or his authorized representative, to apply for and secure a valid zoning certificate including the payment of the prescribed fee, prior to constructing, building, relocating, remodeling, or reconstructing any building, structure, or addition; prior to any land use; or, prior to any change in any land or structure, shall be subject to a stop order issued by the Zoning Administrator; provided said owner or authorized representative shall have been notified in writing at least 48 hours prior to the issuance of said stop order that he or she is in violation of Regulations of the City. Said stop order shall be posted on or near the property in question, in a conspicuous place. Once said stop order has been posted, no further construction shall proceed. Where such construction has proceeded without filing for and receiving a valid permit, the fee for the issuance of a subsequent zoning certificate shall be quadrupled.
- 25-108. PERIOD OF VALIDITY. A zoning certificate shall become null and void ninety (90) days after the date on which it is issued unless, within such ninety (90) day period, construction of a structure is commenced or a use is commenced. A zoning certificate shall expire upon issuance of a certificate of occupancy as specified herein, or within one (1) year from the date of issuance of the zoning certificate, regardless of the state of completion of the construction authorized by said zoning certificate. Any construction not completed when a zoning certificate expires shall cease and no new construction may commence until such time as a newly issued zoning certificate is issued in conformance with this Article and these Regulations.
- 25-109. CERTIFICATE OF OCCUPANCY. No new or existing building or structure shall be occupied or used, and no change in the character or use of land or of a building shall occur, until a certificate of occupancy has been issued by the Zoning

Administrator certifying that such building or use complies with all requirements of these Regulations and other applicable City of McLouth, Kansas, rules and regulations.

25-110.       REPORTS. The Zoning Administrator shall periodically report in writing to the Governing Body and Planning Commission a summary of all zoning certificates and certificates of occupancy issued during the preceding period, giving details of any permitted variation, as well as the current status of all applications in process for amendments, conditional uses, appeals, and variances. Such report shall include comments on any problems encountered in the administration of these Regulations which may need correction by amendment to these Regulations.

25-111.       ADMINISTRATIVE PERMIT. A manufactured home on an individual lot may be authorized by the Zoning Administrator, on an emergency basis for a period not to exceed six (6) months, on any lot where the permanent dwelling unit has been destroyed by fire, storm, or other such calamity and such dwelling unit has been rendered uninhabitable. If the authorization for the emergency placement of such mobile home unit lasts longer than six (6) months, a Special Exception may be granted by the Board of Zoning Appeals for an additional period of time, provided, the procedures for approval of Special Exceptions outlined in Chapter 24 herein are followed.

25-112.       VESTING OF DEVELOPMENT RIGHTS. In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for residential development shall be protected for use of said land for the intended residential purposes for a period of ten (10) years from the time in which such property was first platted or subdivided, provided:
  - a. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be: signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded deeds conveying land; or, recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
  - b. Within said ten (10) year period actual sales occur resulting in separate owners of the tracts of land.
  - c. The division of land was legally done in conformance with the then City of McLouth, Kansas Zoning and Subdivision Regulations.

2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said ten (10) year period shall be considered an unplatted lot and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations of the City of McLouth, Kansas, then in effect.
  
3. Properties divided or platted for any use other than agricultural or residential purpose shall not be permitted to develop or further develop except in conformance with these Regulations and the Subdivision Regulations of the City of McLouth, Kansas. Persons who obtain a validly issued permit under the previous Zoning Regulations of the City of McLouth, Kansas, shall be permitted to develop the property so long as the permit issued under the previous Zoning Regulations of the City of McLouth, Kansas, does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these Regulations or Subdivision Regulations of the City of McLouth, Kansas, then in effect.