

## ARTICLE 1

### TITLE AND PURPOSE

#### Sections:

- 1-1 Title
- 1-2 Purpose and Intent
- 1-3 Consistency with Comprehensive Plan
- 1-4 Jurisdiction
- 1-5 Authority
- 1-6 Compliance Required; Permits and Certificates
- 1-7 Official Zoning District Map
- 1-8 Conflicting Provisions
- 1-9 Transitional Provisions
- 1-10 Severability

#### SECTION 1-1 TITLE

**1-101.** These regulations, including the zoning district maps incorporated herein, shall be known and cited as the "Zoning Regulations for the City of Arkansas City, Kansas." For convenience it is also referred to in this document as "these Regulations".

#### SECTION 1-2 PURPOSE AND INTENT

**1-201.** These zoning regulations, adopted pursuant to Kansas law are enacted for the purpose and intent of:

- a. Promoting and serving the public health, safety, morals, comfort, and general welfare of the citizens of the City of Arkansas City.
- b. Obtaining the objectives of the comprehensive plan, including the objectives of future land use maps.
- c. Preserving and protecting property values.
- d. Regulating and restricting location and use of buildings and land.
- e. To create zoning districts sensitive to the peculiarities of the allowed uses and designed to protect and enhance the values inherent in each zone.
- f. Regulating and restricting the height, number of stories, and size of buildings; the percentage of lots that may be occupied by buildings and other structures; and the size of yards, and other open spaces.

- g. Avoiding the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.
- h. Providing adequate notice of amendments to these regulations and an opportunity for interested parties to be heard.
- i. Facilitating the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the adopted comprehensive plan for the City of Arkansas City.
- j. Informing the public regarding future development in the City of Arkansas City thereby providing a basis for wise decisions with respect to such development.

### **SECTION 1-3 CONSISTENCY WITH COMPREHENSIVE PLAN**

**1-301.** It is the intent that these zoning regulations shall be consistent with the comprehensive plan and with supplemental land use and community development policies adopted by the Governing Body.

### **SECTION 1-4 JURISDICTION**

**1-401.** The jurisdiction of these zoning regulations shall apply to all land located within the corporate limits of the City of Arkansas City, Kansas. Unless expressly provided for otherwise, these regulations shall apply to property owned by the City of Arkansas City.

### **SECTION 1-5 AUTHORITY**

**1-501.** These Regulations are adopted under the powers granted by the laws of the State of Kansas, including the statutory authority granted in K.S.A. Chapter 12 and the Home Rule authority of the City as granted by Article 12, Section 5 of the Kansas Constitution.

## **SECTION 1-6 COMPLIANCE REQUIRED; PERMITS AND CERTIFICATES**

**1-601.** All uses and development activity shall comply with the provisions of these Regulations, the City's adopted development policy and with all other applicable City, County, State, and Federal regulations.

**1-602. Certificate of Occupancy--Land use.** No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the enforcing officer.

**1-603. Certificate of Occupancy--Building Use and Construction.** No premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use, until a certificate of occupancy and compliance shall have been issued by the enforcing officer, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these Regulations.

**1-604. Certificate of Occupancy--Application.** Certificates of Occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these Regulations. A record of all certificates shall be kept on file in the office of the enforcing officer.

**1-605. Certificate of Occupancy--Excavation Permit.** No permit for excavation for any building shall be issued before application has been made for certificate of occupancy and compliance.

**1-606. Certificate of Occupancy--Non-conforming Uses.** A certificate of occupancy shall be required of all non-conforming uses.

**1-607. Building Permits.** No building shall be erected, constructed, altered, moved, converted, extended, or enlarged without the owner first having obtained a building permit therefore from the enforcing officer. Such permit shall require conformity with the provisions of these Regulations.

**1-608. Plats.** All applications for building permits shall be accompanied by a drawing or plat in duplicate or as required by the enforcing officer, showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of these Regulations, including, if necessary, a boundary survey and a staking of the lot by a licensed surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A copy of such applications and plats shall be kept at the building at all times during construction.

## SECTION 1-7 OFFICIAL ZONING DISTRICT MAP

### 1-701.

- a. **Adoption.** The boundaries of the Zoning Districts established by these Regulations are shown on a map or series of maps designated the “Official Zoning District Map of Arkansas City, Kansas,” and as amended from time to time. The Official Zoning District Map, including all notations, references, data and other information shown on the Official Zoning District Map, is adopted and made a part of these Regulations as fully as if it were included in the pages of these Regulations. The Official Zoning District Map shall be maintained by the Zoning Administrator, in accordance with K.S.A. 12-753. In the case of any dispute regarding the zoning classification of property subject to these Regulations, the original maps maintained by the Zoning Administrator shall govern. The Zoning Administrator is responsible for producing all updates of the Official Zoning District Map.
- b. **Floodplain Maps.** The Floodplain (FP) District is established in Article 28. The Floodplain District will be shown and identified on the Official Zoning District Map of the City. The Floodplain Maps, which are maintained by the Zoning Administrator, shall be read in conjunction with the Official Zoning District Map for areas lying within Regulatory Floodways and Regulatory Floodway Fringes. The Floodplain management regulations found in Article 28 apply in addition to the Base District zoning regulations for areas within the Regulatory Floodway. Regulatory Floodway and Regulatory Floodway Fringe boundaries are the same as provided by the Federal Insurance Administration on the Cowley County, Kansas and Incorporated Area Flood Insurance Rate Maps and in the Flood Insurance Study. Actual ground location of Regulatory Floodway and Regulatory Floodway Fringe boundaries shall be verified by the developer by field survey using the reference marks and/or vertical controls provided by the Federal Insurance Administration study.
- c. **District Boundaries.** Unless otherwise indicated on the Official Zoning District Map, district boundaries follow lot lines, the center lines of streets or alleys or the specified distance from such features, railroad right-of-way lines, or lot lines.
- d. **Interpretation of Zoning District and Floodplain Boundaries.**
  - (1) Where uncertainty exists about the boundaries of a zoning district, or when the street or property existing on the ground is at variance with that shown on the Official Zoning District Map, the Zoning Administrator is authorized to determine the location of such

boundaries. The Zoning Administrator's interpretation may be appealed to the Board of Zoning Appeals.

- (2) Where interpretation of Regulatory Floodway or Regulatory Floodway Fringe District boundaries is unclear or disputed, the Zoning Administrator will make the necessary interpretation. The Zoning Administrator's interpretation may be appealed to the Board of Zoning Appeals. The Regulatory Flood elevation for the point in question will be the governing factor in locating the boundary.

## **SECTION 1-8 CONFLICTING PROVISIONS**

### **1-801.**

- a. **Conflict with State or Federal Regulations.** If the provisions of these Regulations are inconsistent with those of the State or Federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls. Nothing in these Regulations shall be interpreted as requiring a violation of State or Federal law.
- b. **Conflict with Other City Regulations.** If the provisions of these Regulations are inconsistent with one another, or if they conflict with other City regulations, the more restrictive provision will control. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls.
- c. **Conflict with Private Agreements and Covenants.** These Regulations are not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship otherwise in conformance with these Regulations.

## **SECTION 1-9 TRANSITIONAL PROVISIONS**

### **1-901.**

- a. **Violations Continue.** Any violation of the previous zoning regulations of the City will continue to be a violation under these Regulations and will be subject to penalties and enforcement under Article 30 unless the use or development activity is consistent with the express terms of these Regulations, in which case enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date. The adoption of these Regulations does not affect nor

prevent any pending or future prosecution of, or action to abate, violations of the previous City laws that occurred prior to the effective date.

- b. **Applications Submitted Before the Effective Date.** Any use or development activity for which a complete application was submitted to the City before the effective date and pending approval on the effective date may, at the applicant's option, be reviewed wholly under the terms of the City's zoning laws in effect immediately before the effective date. If approved, such uses or development activities may be carried out in accordance with the standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.
  
- c. **Permits Issued Before the Effective Date.** Any use or development activity for which a permit was duly issued before the effective date may be completed in conformance with the issued permit and other applicable permits and conditions, and such regulations that were in effect at the time the permit was issued, even if such use or development activity does not fully comply with provisions of these Regulations. If the use or development activity is not commenced or completed in accordance with the applicable permit terms, the City may, upon receipt of a written request and payment of the required fee, grant one 6-month time extension. If the use or development activity is not commenced or completed within the time allowed under the original permit or any extension granted, then the use or development activity may be completed or occupied only in compliance with the requirements of these Regulations.

## **SECTION 1-10 SEVERABILITY**

**1-1001.** If any portion of these Regulations is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from these Regulations, and in no way will affect the validity of any other portion of these Regulations.