

CHAPTER XVIII. PLANNING COMMISSION/BOARD OF ZONING APPEALS

- Article 1. City Planning Commission
- Article 2. Subdivision Regulations
- Article 3. Zoning Regulations
- Article 4. Board of Appeals/1991 Uniform Building Code

ARTICLE 1. CITY PLANNING COMMISSION

- 18-101. PLANNING COMMISSION CREATED. There is hereby created a city planning commission as provided for and authorized by K.S.A. 12-741 et seq. as amended, to be known and hereinafter referred to as the St. Marys City Planning Commission. The regulations pertaining to such Commission shall be included in the St. Marys Unified Development Code, as amended. (ORD 653, Sec. 1; ORD 1182/081506)
- 18-102. BOARD OF ZONING APPEALS CREATED. There is hereby created a board of zoning appeals as provided for and authorized by K.S.A. 12-741 et seq., to be known and hereinafter referred to as the Board of Zoning Appeals. The regulations pertaining to such Board shall be included in the St. Marys Unified Development Code, as amended. (ORD653,Sec4; ORD 1182/081506)
- 18-103. Repealed August 15, 2006 by Ordinance 1182.
- 18-104. Repealed August 15, 2006 by Ordinance 1182.
- 18-105. Repealed August 15, 2006 by Ordinance 1182.
- 18-106. Repealed August 15, 2006 by Ordinance 1182.

ARTICLE 2. SUBDIVISION REGULATIONS

- 18-201. REGULATIONS INCORPORATED. The subdivision regulations of the City of St. Marys in 1979 are hereby repealed. The new revised subdivision regulations set forth in the "St. Marys Unified Development Code," which is being adopted by Section 18-301 of this code shall be and are hereby incorporated by reference as if set out fully herein. The provisions therein shall be controlling within the area of jurisdiction of the City of St. Marys. (ORD 795-A, Sec. 1,2; ORD1172/032106)
- 18-202. PLATTING. All plans, plats or replats of lands laid out in building lots and the streets, alleys or other portions of the same intended to be dedicated for public use both within the city and within the three mile limit thereof shall be submitted to the city planning commission for considerations and recommendations to the city governing body for its official action.
No plat or replat or dedication or deed of street of public way

shall be filed with the register of deeds until such plat or replat or dedication or deed shall have endorsed on it the fact that it first has been submitted to the city planning commission and has been approved by the city governing body. (ORD 653, Sec. 5; Code 1983)

ARTICLE 3. ZONING REGULATIONS

- 18-301. ZONING REGULATIONS INCORPORATED. There are hereby incorporated by reference as if set out fully herein, the zoning regulation amendments adopted by the governing body of the City of St. Marys, Kansas, as prepared by the City, as to Chapter 1, Articles 1 through 20. The provisions therein shall be controlling within the area of jurisdiction of the City of St. Marys. All other provisions of the zoning regulation are not amended and remain as published and adopted. No fewer than three copies of the zoning regulations shall be filed with the city clerk to be open for inspection and available to the public at all reasonable business hours. (ORD799 Sec 1,3; ORD1023 Sec 1,3/111693; ORD1172/032106; ORD 1245/110111)
- 18-302. DISTRICT MAP. (a) The map setting forth the boundaries of zones or districts as submitted by the Planning Commission is herewith adopted, and shall be marked "Official Copy 2012 #1 of zoning district map incorporated into zoning regulations by adoption of an ordinance by the governing body of the city on the 4th day of December, 2012," as provided by law.
Sections 18-302 (b) (1) and (b) (2) are hereby repealed.
(ORD799,Sec.4;ORD1023Sec4/111693;ORD1177/041806;ORD1178/062006; ORD 1255/112012)
- 18-303. AMENDMENTS. The procedure for amendment or changes in zoning shall be as provided in K.S.A. 12-707 and any amendments thereto. (ORD 799, Sec. 5;ORD1023 Sec 5/111693)

18-304.

FEES. The following fees are hereby established:

(a)REZONING FEES		
All Districts		\$100.00
(b)SPECIAL PURPOSE OVERLAYS		
IO	Institutional Overlay	100.00
NSSP	Non-Specific Special	100.00
GEO	General Events Overlay	100.00
SDZO	Special Development Overlay	100.00
X	"X" Overlay District	125.00
(c)SIGNS		
All new sign permits		15.00
Permit to alter		15.00
Non-conforming permit		15.00
Temporary sign permit		15.00
(d)TEMPORARY CONSTRUCTION PERMITS		
All Districts		50.00
(e)CONDITIONAL USE		
All Districts		100.00
(f)VARIANCE AND EXCEPTIONS		
All Districts		25.00
Appeals to BZA		NC
(g)SUBDIVISION APPLICATION		
All Districts		50.00
	(Also they are to pay the recording costs and any engineering fees from evaluating the subdivision)	
(h)BUILDING PERMIT FEES		

RESIDENTIAL

Residential Buildings	New	100.00
(Includes garage and accessory buildings when constructed at the same time as the principal structure)		
Residential Buildings	Additions	50.00
Replacement Type 1 Manufactured Home		100.00
Residential Accessories		10.00
Fences		NC

COMMERCIAL

Commercial Buildings	New	200.00
Commercial Buildings	Addition	100.00
Commercial Buildings Internal Remodeling		NC
Commercial Accessories		100.00
Commercial Fences		NC

INDUSTRIAL

Industrial Buildings	New	400.00
Industrial Buildings	Addition	200.00
Industrial Accessories		200.00

INSTITUTIONAL BUILDINGS

Institutional Buildings	New	100.00
Institutional Buildings	Addition	100.00
Institutional Accessories		50.00

(Institutional buildings include churches, private schools, care homes, housing authority, senior citizen center, charitable or philanthropic organizations)

<u>TEMPORARY PERMITS</u>		100.00
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<u>ZONING OR SUBDIVISION REPROCESSING</u>		20.00
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<u>COMMERCIAL TOP SOIL REMOVAL PERMIT</u>		150.00
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(i)MISC FEES

Duplicate Tape of Record Hearing		15.00
Copy of Unified Development Ordinance		15.00
Copy of Comprehensive Plan		15.00
City Map (Regular) *		NC
City Map (Large)		2.00

* One copy per person B more than one copy 25 cents each

(j) Copies of the Unified Development Ordinance and all City Plans are supplied free of charge to official governmental agencies, local contractors, real estate office and the Chamber of Commerce by order of this ordinance.

(k) The City of St. Marys City Commission may, by separate ordinance, waive the fee on any permit issued by the Zoning Administrator. The Planning Commission may, by motion, pay for any and all costs of title search. (ORD800, Sec 1; ORD1026/120793; ORD1043/70595)

18-305.

PENALTY. (a) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided, or who shall build in violation of any specifications or plans submitted and approved, or any certificate or permit issued thereunder, shall for each and every violation and noncompliance respectively be deemed guilty of a misdemeanor, and upon conviction therefore be fined not less than \$50 nor more than \$500 for each offense.

Each and every day a violation is permitted to exist shall be deemed a separate offense.

(b) In case any building or structure is or is proposed to be erected, constructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of this ordinance, the zoning administrator, city manager, city attorney, or other appropriate authority of the city, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction,

reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. The city shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing the provision of this ordinance and to abate nuisances maintained in violation thereof. (ORD 799, Sec. 7; ORD1023 Sec 6/111693)

ARTICLE 4. BOARD OF APPEALS

18-401.

BOARD OF APPEALS. That pursuant to Section 204 of the 1991 Uniform Building Code of the City of St. Marys, Kansas, a "Board of Appeals" is hereby created, subject to the following: Section 204: (a) General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction of the City of St. Marys. The building official shall be an ex-officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the Mayor with approval of the City Commission of the City of St. Marys and shall hold office at the City Commission's pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

(b) Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive the requirements of this code.

(c) Confirmation of the Board. The board of appeals shall consist of up to five (5) members and shall represent the construction trades of: builder, electrical, plumbing, HVAC and engineers/architect. The terms of the positions appointed by the Mayor shall be on rotating terms of three years, initially appointments shall be staggered. (ORD 1168/071905)