

Article 1

General Provisions

Section 1.100	Title and Authority
Section 1.101	Purpose
Section 1.102	Relationship to the Comprehensive Plan
Section 1.103	Jurisdiction
Section 1.104	Application of District Regulations
Section 1.105	Enforcement and Penalties
Section 1.106	Zoning of Annexed Lands
Section 1.107	Vesting
Section 1.108	Repeal of Previous Regulations
Section 1.109	Severability
Section 1.110	Effective Date

1.100 Title and Authority

1. Title. This ordinance shall be known and cited as the St. Marys Unified Development Code, hereinafter cited as the UDC. Chapter 1 shall refer to the zoning regulations and Chapter 2 shall refer to the subdivision regulations.
2. Authority. This ordinance is adopted under authority of KSA 12-715b, KSA 12-741, et. Seq. to KSA 12-770.

1.101 Purpose.

1. This ordinance is adopted to serve the following purposes.
 - a) Promote the health, safety, morals, and general welfare of the community.
 - b) Provide and maintain a high-quality living environment for the residents of St. Marys and the surrounding extraterritorial area.
 - c) Lessen or avoid congestion on the public streets and highways of the community.
 - d) Secure safety from fire and flooding to persons and avoid damage to property.
 - e) Prevent the overcrowding of land.
 - f) Conserve and protect property values.
 - g) Conserve farmlands and other natural resources.
 - h) Promote the orderly growth and development of the community.
 - i) Establish minimum standards for all site plans, redevelopments and subdivisions.
 - j) Regulate and limit the heights, setbacks, and size of buildings and other structures.
 - k) Establish minimum requirements for:

- i. Off-street parking,
- ii. Loading, and unloading areas.
- l) Establish minimum requirements for buffer zones.
- m) Establish minimum requirements for the use of land in the flood plain to minimize flood loss.

1.102 Relationship to the Comprehensive Plan

1. The St. Marys Unified Development Code is intended to implement the planning goals and policies contained in the St. Marys comprehensive plan and other planning documents and policies of the Planning Commission.
2. It is hereby acknowledged that the St. Marys comprehensive plan and amendments thereto shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, and welfare.

1.103 Jurisdiction

These regulations shall apply to all structures, land and use of the land within the City limits of St. Marys, Kansas and the extra-territorial area as defined by legal description and adopted by the City Commission pursuant to state law.

1.104 Application of District Regulations

1. Application. The provisions of these regulations may be regarded as the minimum requirements for the protection of the public health, safety, and welfare. They are not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the full force and effective date of these regulations. Any use or occupation of land previously approved as a permitted use shall be permitted to continue as a lawful use or occupation. Any lawful use or occupation of land existing at the time of adoption of this UDC shall not be affected, except as otherwise noted herein.
2. Conformance. No land, building, or structure, shall be used or occupied nor shall any sign be erected except in conformity with all the regulations of this ordinance, unless a variance is granted.
3. Exemptions. The following structures and uses are exempt from the provisions of this ordinance.
 - a) Land in excess of three acres, under one ownership, which is used only for agricultural purposes in the A-1 agricultural zone in the extra-territorial zone.
 - b) Railroad tracks, signals, bridges and similar facilities located on a railroad right-of-way.
 - c) Public information signs usually erected and maintained by a public agency that provide the public with information and in no

way relates to a commercial activity. Includes, but not limited to, speed limit signs, stop signs, city limit signs, street name signs, and directional signs.

- d) Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution of electricity, gas, or water, or the collection of sewage or storm water operated or maintained by a public utility.
- 4. Multiple Buildings on Single Lots. In no case, shall there be more than one main use, building, or structure on one lot, except when a single lot is used or zoned for multi-family, R-2 and R-3, commercial, or industrial purposes. In such cases, all buildings shall collectively comply with all front, side and rear yard requirements for the zoning district where the lot is located.
- 5. Exemption for Existing Lots of Record. A building permit shall be issued to an applicant who is owner of a legally created "lot of record" (established prior to the effective date of this ordinance). Development may be permitted in any zone on a lot, which is substandard with regard to width, depth, or area provided the development meets all other requirements of these regulations.

1.105 Enforcement and Penalties

- 1. It shall be the responsibility of the Zoning Enforcement Officer [the Zoning Administrator] to interpret and administrate the rules and regulations contained in these regulations.
- 2. The City may institute appropriate action, including injunction and mandamus, to prevent unlawful erection, construction or alteration of structures, use of the land, occupation of buildings, abatement of nuisances, failure to obtain permits, sale of land for development purposes without reference to a valid plat, refusal to obey and adhere to a lawful order of the Zoning Administrator, or any other violation of the UDC.
- 3. Any person or agent who fails to apply for a building permit before construction starts including any dirt work, footing, slab, support or foundation shall be required to pay a late charge in accord with the following schedule:

New or Relocated Principal Buildings		Additions to Structures or Accessory Buildings
First Offense	\$10	\$10
Second Offense	\$20	\$20
Third Offense	\$30	\$30
Thereafter	\$40	\$40

- 4. The Zoning Administrator, upon finding a violation of these regulations (or if a proposed action would constitute a violation), shall have the power to:

- a) Issue a Notice of Violation that shall specify the offense, the name of the property owner or agent and/or occupant, the legal description of the property, and the remedy.
 - b) Issue a Stop Work Order that commands any person to immediately cease and desist from any unlawful construction, use or alteration of any building or land.
5. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a complaint with the Zoning Administrator stating fully the facts or grounds upon which the complaint is based. The Zoning Administrator shall promptly record and investigate such complaint and take appropriate action as provided in this ordinance.
6. Whenever any provision of this ordinance is violated, the Zoning Administrator shall promptly notify in writing the person(s) responsible for the violations. The notification shall contain the nature of the violation and any corrective orders.
7. The Zoning Administrator shall have the following remedies without limitations:
 - a) No Action. Following any complaint, and after careful consideration, the Zoning Administrator may issue a "No Conflict" opinion.
 - b) Informal Contact. The Zoning Administrator shall have the authority to abate the zoning violation through informal meetings or conversations.
 - c) Agreement to Abate. The Zoning Administrator may enter into an agreement with a violator to abate or remedy a violation within a period not to exceed six (6) months, unless extended by the Planning Commission.
 - d) Notice and Order. (See #4. a and b) listed above.
 - e) Permits. The Zoning Administrator may refuse to issue any required permits on tracts, parcels, or lots cited for active violations of this ordinance.

1.106 Zoning of Annexed Lands

All lands hereafter annexed to the City of St. Marys shall carry the county zoning designation upon annexation into the city for 60 days following the effective date of annexation. Any owner of land within the area annexed may apply for rezoning any time following the effective date of annexation. During the 60 days following the effective date of annexation, the Planning Commission shall prepare, or cause to be prepared a zoning map of the annexed area, conduct the necessary public hearing, and submit the same to the Governing Body for adoption. Upon adoption of the zoning map, all zoning requirements and regulations of the city shall take effect, and the regulations of the prior zoning jurisdiction shall terminate as affects the annexed area.

1.107 Vesting

1. For the purpose of single-family residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire. Construction commencement shall mean the start of the construction of infrastructure (road and utilities) as necessary to allow for the construction and occupation of residences.
2. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by a city or county and construction has begun and substantial amounts of work have been completed under a validly issued permit. Substantial amount of work shall mean installation of a foundation and the expenditure of at least \$2,500.00.

1.108 Repeal of Previous Regulations

The previously adopted St. Marys Unified Development Code, adopted on the 21st day of March, 2006 (Ordinance #1172), and all amendments are hereby repealed effective from and after the date of the approval and adoption by the City Commission and publication of the adopting ordinance for this UDC.

1.109 Severability

The intent of the City Commission of the City of St. Marys is that the provisions of this UDC are separable, in accord with the following:

- a) If a court of competent jurisdiction adjudges any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance.
- b) If any court of competent jurisdiction shall find invalid the application of any provision of this ordinance to a particular parcel of land, building, or other structure, this judgment shall not affect the application of said provisions to any other parcel of land, building, or structure.

1.110 Effective Date

The provisions of this ordinance shall become effective from and after the date of their approval and adoption by the City Commission and publication of the adopting ordinance. All zoning actions taken under prior regulations are hereby affirmed with zoning district classifications assigned as indicated on the official zoning map adopted with these regulations.