

**Article 11: Administration and Procedures****Section 11.01 Zoning Administrator****1. Establishment**

- A. The Governing Body of the City of Victoria has established a Zoning Administrator pursuant to the provisions of this Ordinance. The Zoning Administrator shall be given the responsibility for ensuring orderly and expeditious processing of rezoning and site plan applications.
- B. The duties of the Zoning Administrator shall include all those duties established in said City Ordinance and all amendments or revisions thereto, as well as all those duties outlined in these regulations.

**2. Qualifications**

The Zoning Administrator shall be selected in the manner proscribed by the Governing Body and Administration. The Zoning Administrator must be well versed in the procedures and regulations in this Ordinance and the Subdivision Regulations, in order to assist the Planning Commission and the Governing Body in the proper and expeditious handling of all subdivision and zoning matters brought before the city.

**3. Duties**

- A. In general, the Zoning Administrator shall be responsible for processing, reviewing and recommending to the Planning Commission all subdivisions, site plans, public improvement plans, and zoning cases applied for, pursuant to the provisions of this Ordinance and the Subdivision and Site Plan Regulations of the City of Victoria.
- B. The duties of the Zoning Administrator shall also include those duties specifically defined below:
  - 1) Issue all certificates, keep all records and certificates.
  - 2) Conduct all inspections.
  - 3) Report to the City Attorney for prosecution all violations of these regulations and to sign all complaints to the City Attorney.
  - 4) The Zoning Administrator shall have, after obtaining the necessary court orders, the power to enter all properties within the jurisdiction of this ordinance, at reasonable times, for the purpose of inspection.
  - 5) To issue orders, in the case of violations, requiring a use or activity to cease and desist.
  - 6) To post at proper times a notice (by sign) to the public showing: BUILDING PERMIT ISSUED BY ORDER OF THE ZONING ADMINISTRATOR.
- C. The Zoning Administrator, in concert with the Planning Commission, shall be authorized to select and recommend for the City of Victoria the services of any professional consultant as he may see fit to successfully carry out the duties of his office. These consulting services may include, but are not limited to:
  - 1) Legal Counsel;
  - 2) Architecture;
  - 3) Landscape Architecture;
  - 4) Surveying;
  - 5) Engineering; and
  - 6) Community and Regional Planning.
- D. The Governing Body shall review all proposals by the Zoning Administrator to retain any professional consulting services for the City of Victoria. The hiring of any private consultant to serve the city in this capacity shall require a majority vote by the Governing Body.

**Section 11.02 Enforcement**

It shall be the duty of the Zoning Administrator to enforce the provisions of this Code and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of this Code. It shall also be the duty of all officers and employees of the City of Victoria, 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, moved, altered, repaired or converted or any building or land is used in violation of this Code, the Zoning Administrator is hereby authorized and directed to institute any appropriate action to put an end to such violation.



**Section 11.03 Zoning Permit**

No building, structure, or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of this Code shall be occupied or used for any purpose; and no land vacant on the effective date of this Code shall be used for any other purpose; and no use of any land or structure shall be changed to any other use, unless a building permit shall first be applied for and a Certificate of Occupancy be obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of this Code.

**Section 11.04 Application for Building Permit**

The application for a building permit 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 buildings, 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 highways.
5. Sufficient grades and elevations to establish the proper placement of buildings, adequate sewage disposal systems, the proper drainage of the property, and the applicability of possible floodplains.
6. Location and specifications of all signs, lighting, 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 building permit applications shall be kept on file in the Office of the Zoning Administrator.

**Section 11.05 Issuance of Building Permit**

A building permit shall be either issued or refused by the Zoning Administrator within 10 working days after the receipt of the application for said building permit, or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to issue a building permit, the applicant shall be advised of the reasons for the refusal in writing.

**Section 11.06 Revocation of Building Permit**

A building permit issued in accordance with the provisions of this Code may be revoked by the Zoning Administrator if he finds that prior to the completion of the structure for which the building permit was issued there is a departure from the approved plans, specifications and/or requirements or conditions required under the terms of the building permit, or the same was issued under false representation, or that any other provisions of this Code are being violated.

**Section 11.07 Stop Order**

Failure, refusal or neglect of any property owner, or his authorized representative, to apply for and secure a valid building permit, including the payment of the prescribed fee, shall be reason for the issuance of a "stop order" 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 is in violation of Codes of the City. Said stop order shall be posted on or near the property in question, in a conspicuous place and 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 building permit shall be quadrupled.

**Section 11.08 Period of Validity**

A building permit shall become null and void 90 days after the date on which it is issued unless within such 90-day period construction, building, moving, remodeling or reconstruction of a structure is commenced or a Certificate of Occupancy is issued. A building permit shall expire upon issuance of a Certificate of Occupancy as specified herein, or within one year from the date of issuance of the building permit, regardless of the state of completion of the construction authorized by said building permit. Any construction not completed when a building permit expires shall cease and no new construction may commence until such time as a newly issued building permit is issued in conformance with this Article and this Code.



### **Section 11.09 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 this Code and other applicable city rules and regulations.

### **Section 11.10 Reports**

The Zoning Administrator shall periodically report in writing to the Governing Body and Planning Commission a summary of all building permits and Certificates of Occupancy issued during the preceding period, giving details of any permitted variations, 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 this Code which may need correction by amendment to this Code.

### **Section 11.11 Administrative Permit**

A manufactured home on an individual lot may be authorized by the Zoning Administrator by issuance of an Administrative Permit on an emergency basis for a period not to exceed one year, on any lot where the permanent dwelling unit has been destroyed by fire, storm or other such calamity and the dwelling unit has been rendered uninhabitable. If the need for the emergency placement of such mobile home unit lasts longer than one (1) year, a Special Exception may be granted by the Board of Zoning Appeals for an additional period of time, provided, the procedures in Article 11 herein are followed.

### **Section 11.12 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 five 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 in one of the following forms:
    - 1) signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, dated and recorded with the Register of Deeds; or,
    - 2) recorded Restrictive or Protective Covenants for the development which describes the individual lots said Covenants are applicable to; or,
    - 3) recorded deeds conveying land; or,
    - 4) recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
  - B. Within said five-year period actual sales occur resulting in separate owners on the tracts of land.
  - C. The division of land was legally done in conformance with the then Victoria 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 five-year period shall be considered an unplatted lot and subsequent divisions of said lot shall be in conformance with the Victoria Subdivision Regulations then in effect.
3. Properties divided or platted for any use other than agricultural or residential purposes shall not be permitted to develop or further develop except in conformance with this Code and the Victoria Subdivision Regulations. Persons who obtain a validly issued permit under any previous rules of the City of Victoria shall be permitted to develop the property so long as the permit issued under the previous rules 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 this Code or the Victoria Subdivision Regulations then in effect.