

## ARTICLE 22 ADMINISTRATION

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### **22-101 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 Marion County, 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 these Regulations, the Zoning Administrator is hereby authorized and directed to institute any appropriate action to put an end to such violation.

### **22-102 Zoning Certificate:**

No building, structure, or addition thereto constructed, built, moved, 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. No agricultural use or farm dwelling proposed to be established shall be required to pay any fee for said certificate.

### **22-103 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 buildings, structures, yards and open space.
3. Width and length of all entrances and exits to and from said real estate.

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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 zoning certificates shall be kept on file in the Office of the Zoning Administrator.

### **22-104 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.

### **22-105 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.

### **22-106 Revocation of Zoning Certificate:**

A zoning certificate issued in accordance with the provisions of these Regulations may be revoked by the Zoning Administrator if he finds that prior to the completion of the structure for which the permit was issued 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.

### **22-107 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, 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 regulations of the County. 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 zoning certificate shall be quadrupled.

### **22-108 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, building, moving, remodeling or reconstruction 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 certificate, regardless of the state of completion of the construction authorized by said certificate. Any

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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.

### **22-109 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 Marion County rules and regulations. This shall not apply to the occupancy of a structure needing only minor interior finish, such as painting, carpeting, final trim work and similar finish work that does not endanger occupancy.

### **22-110 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 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 these Regulations which may need correction by amendment to these Regulations.

### **22-111 Administrative Permit:**

A manufactured home or recreational vehicle on an individual lot may be authorized by the Zoning Administrator, on an emergency basis for a period not to exceed one (1) 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 authorization for the emergency placement of such manufactured home or recreational vehicle 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 for approval of Special Exceptions outlined in Article 23 herein are followed.

### **22-112 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 five (5) 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.

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- B. Within said five (5) 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 Marion County 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 five (5) year period shall be considered an unplatted lot and subsequent divisions of said lot shall be in conformance with the Marion County 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 these Regulations and the Marion County Subdivision Regulations. Persons who obtain a validly issued permit under the previous Marion County Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous Marion County Zoning Regulations 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 the Marion County Subdivision Regulations then in effect.