

**ARTICLE 14
ADMINISTRATION**

1. Legislative and Quasi-Judicial Regulation of Land Use: The City shall regulate land use as provided by K.S.A. 12-741, et.seq., and appoint a Planning Commission by City ordinance; which Planning Commission shall prepare and adopt bylaws for the conduct of their business, including adoption of a comprehensive plan.

2. Department of Planning and Zoning:
 - A. Authorization: The Department of Planning and Zoning shall be authorized by the City Council to administer and enforce these regulations.

 - B. Duties of the Planning and Zoning Department: The Planning and Zoning Department shall enforce these regulations and, in addition thereto and in furtherance of said authority, they shall:
 - (1) Approve and issue all zoning and occupancy certificates and make and maintain records thereof.

 - (2) Conduct inspections of structures and uses of land to determine compliance with the provisions of the zoning regulations.

 - (3) Receive, file, and forward to the Board of Zoning Appeals the records in all appeals and all applications for variances.

 - (4) Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, variances, appeals and applications therefore and records of hearing thereon.

 - (5) Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Board of Zoning Appeals.

3. Applications:
 - A. Submittal: All applications for any planning and zoning action within the City shall be subject to the following:

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- (1) Applications shall be completed in their entirety, as specified in the application. If any item is felt by the applicant to be inapplicable to the proposed action, the applicant shall provide a written explanation of why such item is inapplicable and thus not completed;
- (2) Applications are not deemed acceptable until all required items on the application are met or written explanation is submitted;
- (3) Following the submittal of an application, staff shall have 14 calendar days to respond to the application submittal and determine its acceptability; and
- (4) The application, if incomplete or deemed to be unacceptable by City Staff, shall result in the application being excluded from public meeting agendas indefinitely until all requirements are met.

B. Submittal Dates: Applications and all required materials and supplemental data shall be submitted in accordance with the City’s Application and Review Schedule.

C. Required Copies: Copies of all required materials and supplemental data shall be submitted in accordance with the City’s Application and Review Schedule.

D. Fees: Application fees shall be required in accordance with the City’s Fee Resolution.

4. Building Permits:

A. Building Permits: Unless a building permit shall first have been obtained from the Office of the Building Inspector:

- (1) The construction, structure, moving, remodeling or reconstruction of any structure shall not be commenced; and,
- (2) The improvement of land preliminary to any use of such land shall not be commenced.

Any building permit issued in conflict with the provisions of these regulations shall be null and void.

B. Application for Building Permit: Every application for a building permit shall include at least the following:

- (1) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.
- (2) A plot plan, in duplicate, drawn to scale and in such form as may, from time to time, be prescribed by the Building Inspector, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, the structure lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Building Inspector for the proper enforcement of these regulations.

One copy of both the plat and the plot plan shall be retained by the Building Inspector as a public record.

- C. Issuance of Building Permit: A building permit shall be issued or refused by Building Inspector within ten days after the receipt of an application or within such further period as may be agreed to by the applicant. No occupancy permit shall be issued unless all the zoning requirements of these regulations are met and “As Built” drawings showing any deviation from the official construction documents have been approved.

“As Built” drawings must include results of a post-construction survey. The post-construction survey shall include, but not be limited to, the following:

- (1) Elevation of all structures, including sanitary sewer manholes, storm sewer inlets, pipe inverts, and structure top elevations;
- (2) Final adjusted stationing of all structures, including, but not limited to, valves, hydrants, and blow-off assemblies; and
- (3) Final adjusted contours as featured in the approved grading and drainage plans.

- D. Period of Validity: A building permit shall become null and void six months after the date on which it is issued unless within such six-month period construction, structure, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

- E. Occupancy Certificates: No 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

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purpose; and no use of any land or structure shall be changed to any other use, unless an occupancy certificate shall first have been obtained from the office of the Building Inspector certifying that the proposed use or occupancy complies with all the provisions of these zoning regulations.

- F. Application for Occupancy Certificate: Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no building permit is required shall be filed with the Office of the Building Inspector and be in such form and contain such information as the Building Inspector shall provide by general rule.

- G. Issuance of Occupancy Certificate: No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises inspected and certified by the office of the Building Inspector to be in full and complete compliance with the plans and specifications upon which the building permit was issued. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the office of the Building Inspector to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within ten days after the receipt of an application therefore, or after the office of the Building Inspector is notified in writing that the structures or premises are ready for occupancy.

- H. Violation and Penalty: The owner or agent of a structure or premises in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire structure or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, structure or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not to exceed \$200.00 for each offense. Each and every day that such violation continues shall constitute a separate offense.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said structure or land.