

Unified Development Regulations

1. Title, Authority, Adoption, and Fees

1.1. Title and Citation

- 1.1.1. This resolution shall be known and cited or pleaded as the Pottawatomie County Unified Development Resolutions, adopted as Resolution Number 2009-1 and Resolution Number 2021-96
- 1.1.2. The Pottawatomie County Unified Development Resolutions, Resolutions Number 2009-1 and 2021-96, enacted on the 5th day of January, 2009 and the 4th day of October, 2021 respectively, repeals all former Unified Development Resolutions and amendments. All resolutions hereby repealed shall allow application of remedies or punishment of a person for the act done or committed prior to the date of these Resolutions and in violation of a resolution hereby repealed.

1.2. Purpose

- 1.2.1. These zoning regulations are adopted, designated and designed to control the density of buildings, undue concentration of population and to ensure adequate provisions for:
 - a. Transportation safety on the county's roads and highways
 - b. Adequate provisions for sanitation and potable waters
 - c. The promotion of open space, public recreation, and rural amenities
 - d. The preservation of valuable agricultural farmland
 - e. The promotion of orderly growth and economic development
 - f. The minimization of conflict between non-farm and farm uses and lands
- 1.2.2. The land subdivision and development regulations are designed to encourage the sound and orderly development of living, workplace and business environments and provide suitable infrastructure and facilities. These regulations are constructed with reasonable care for building lots of adequate size, configuration and utility. The land development portion of these resolutions is intended to preserve significant environmental features of lands, promote harmonious building design with adequate parking and pedestrian connectivity.

1.3. Adoption and Authority

- 1.3.1. These resolutions are adopted under the provisions of Kansas Statutes Annotated (KSA) 12-741 and following; 12-756 and following; 12-757 and associated statutes. The jurisdiction of these resolutions is all unincorporated lands within Pottawatomie County, except those zones (including floodplain) designated as "extraterritorial jurisdiction" for the cities of Wamego and St. Marys and subsequent adoptions and designations.

1.4. Conformance Required

- 1.4.1. No land shall be used, and no buildings or structures, or part thereof, shall be erected, constructed, reconstructed, located, moved, extended, enlarged, structurally altered, or used or occupied except in conformity with these resolutions.

1.5. Violations

- 1.5.1. It shall be unlawful for any person to violate any provision of these



resolutions, to permit or maintain any such violation, to refuse to obey any provision hereof, or to fail or refuse to comply with any such provision except as variation may be allowed under these resolutions or by order of the Zoning Administrator and/or Code Compliance/Enforcement Officer.

- 1.5.2. The Pottawatomie Board of County Commissioners 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, or refusal to obey and adhere to a lawful order of the Zoning Administrator.
- 1.5.3. Any person, the value or use of whose land is or may be affected by such violation, shall have the authority to maintain suits or actions in a court of competent jurisdiction to enforce these adopted regulations and to abate nuisances maintained in violation thereof.
- 1.5.4. Whenever any building or structure is erected, constructed, moved, altered or converted or maintained, or any building, structure or land is purposed to be used in violation of any floodplain regulation contained herein, the county/and or the attorney general and the Chief Engineer of the Kansas Division of Water Resources of the State Board of Agriculture, in addition to other remedies, may institute injunction, or other appropriate action to prevent such violations.
- 1.5.5. Any person or agent who applies for a building permit and/or zoning compliance permit after construction starts* (see note 1 below) shall be required to pay a late charge** (see note 2) in accord with the following schedule:
 - a. The first offense shall result in a \$100 late fee for principal structures or \$50 for accessory structures
 - b. The second offense shall result in a \$200 late fee for principal structures or a \$100 late fee for accessory structures
 - c. The third offense shall result in a \$300 late fee for principal structures or a \$200 late fee for accessory structures
 - d. Subsequent offenses shall result in a \$400 late fee for both principal and accessory structures
- 1.5.6. An additional \$100 late charge will be added to the initial late fee if a building permit is not obtained within 7 working days after construction begins.
- 1.5.7. An additional \$200 late charge will be added to the accumulated late fee if a building permit is not obtained within 14 days when the slab or foundation is poured.

1.6. Severability and Interpretation

- 1.6.1. The intent of these resolutions, regulations and provisions is that they are severable if:
 - a. If any court of competent jurisdiction adjudges any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of these resolutions.
 - b. If any court of competent jurisdiction shall find invalid any provision of these resolutions to a particular lot or tract of land, building or other structure, this judgment shall not affected the application of said provisions to another other lot or tract of land, building or structure.



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- 1.6.2. For the purposes of these resolutions, all words, terms and expressions contained herein shall be interpreted in accordance with the following rules of construction, unless the context requires otherwise:
- a. The particular controls the general
 - b. The "shall" is mandatory, the word "may" is permissive
 - c. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular
 - d. The words "used for" or "occupied for" include the words "intended for", "designed for", "arranged to be used for", "erected for", "constructed for", "reconstructed for", "repaired for", "moved for", "structurally altered for", or "extended for the purpose of"
 - e. The word "person" includes a "firm", "association", "organization", "partnership", "trust", "company", or "corporation" as well as an "individual"
 - f. Any word or term not defined herein shall be used with meaning of common standard use. Any words, terms or phrases not defined herein, shall be construed according to their common, ordinary accepted meaning.

1.7. Fees and Charges

- 1.7.1. All fees are established by separate resolutions
- 1.7.2. All charges (other than late fees) are established by separate resolutions

1.8. Waivers

- 1.8.1. The Pottawatomie County Board of County Commissioners may, by separate resolution, waive the fee for building or compliance permits

