

(First Published in the Western Butler County Times, June 15, 1972)

ORDINANCE NO. 175

AN ORDINANCE ENACTED PURSUANT TO K.S.A. 1969 SUPP. 12-707 THROUGH 12-715, AND 12-725 THROUGH 12-733, APPROVING AND ADOPTING BY REFERENCE CERTAIN MODEL ZONING REGULATIONS GOVERNING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN THE CITY OF ANDOVER, KANSAS, PREPARED AND PUBLISHED IN BOOK FORM BY C. BICKLEY FOSTER, PLANNING CONSULTANT, WICHITA, KANSAS, FOR THE ANDOVER CITY PLANNING COMMISSION PURSUANT TO K.S.A. 1969 SUPP. 12-3009, 12-3010 and 12-3301: SAID REGULATIONS TO REPEAL THE PRESENT ZONING ORDINANCE AND ESTABLISH NEW ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS: ADOPTING BY REFERENCE TO A MAP DISTRICT BOUNDARIES AND THE CLASSIFICATION OF SAID DISTRICTS, WHICH MAP IS FILED IN THE OFFICE OF THE CITY CLERK AND IS MARKED "OFFICIAL COPY", REGULATING AND RESTRICTING THE DIMENSIONS OF BUILDINGS AND OTHER STRUCTURES: DETERMINING THE AREAS OF YARDS AND SETBACKS: REGULATING THE DIMENSIONS AND LOCATIONS OF SIGNS: REGULATING AND RESTRICTING THE DENSITY OF POPULATION: PROVIDING FOR AND REGULATING VEHICLE PARKING: DEFINING CERTAIN TERMS USED IN SAID REGULATIONS: ESTABLISHING A BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES: PROVIDING FOR THE APPOINTMENT OF ADMINISTRATIVE OFFICIALS AND PRESCRIBING THEIR DUTIES: PROVIDING FOR FEES TO BE CHARGED FOR AMENDMENTS, APPEALS, AND CERTIFICATES, PROVIDING FOR REGULATIONS AND REVIEW OF PLANNED UNIT DEVELOPMENTS: ESTABLISHING A MEANS FOR AMENDING SAID REGULATIONS, MAP AND ORDINANCE: AND PROVIDING FOR PENALTIES FOR VIOLATION OF ITS PROVISIONS, AND A MEANS OF ENFORCEMENT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

Section 1. That there is hereby adopted and incorporated by reference for the City of Andover, Kansas, zoning regulations as prepared and published in book form as a standard or model ordinance by C. Bickley Foster, Planning Consultant of Wichita, Kansas, for the Andover City Planning Commission under date of May 11, 1972 and entitle, "Zoning Regulations for the City of Andover, Kansas," and the same is adopted by reference as fully as if set out herein.

Section 2. That not less than three copies of said regulations in book form marked or stamped "Official Copy as Incorporated by Ordinance No. 175" and to which there shall be a published copy of this ordinance attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours.

Section 3. That there is further herein incorporated by reference, and adopted, an official map defining the boundaries of zones and showing the district boundaries and the classification of such districts, which map shall be marked "Official Copy as Incorporated by Ordinance No. 175" and shall be filed in the Office of the City Clerk of the City of Andover, to be open for inspection and available to the public at all reasonable business hours.

Section 4. That a public hearing required by Kansas law was duly held on May 11, 1972 by the Andover City Planning Commission, and a full and complete discussion and review of said zoning regulations was made at said meeting; that the zoning ordinance herein adopted is a true and correct copy of those regulations as adopted by the Andover City Planning Commission; and that such regulations are based on the "Comprehensive Development Plan, 1971-1990, City of Andover, Kansas, adopted by the Andover City Planning Commission on January 25, 1972.

Section 5. That the zoning ordinance and map herein adopted by reference shall govern all land use and improvements in the City of Andover, Kansas, placed thereon as herein provided from the effective date of this ordinance.

Section 6. That a schedule of fees for certain applications are hereby established as follows; All applications for appeals, variances, and conditional use permits shall be \$35.00 each, all amendments for changes in the zoning district boundaries shall be \$50.00 each except that all planned unit development district applications shall be \$100.00 each; and, the fee for all applications for zoning certificates and occupancy certificates shall be included in the payment for a building permit under the City Building Code.

Section 7. Any person, or persons, firms or corporations making application for any zoning change or classification or use before the Planning Commission or Governing Body of said City, or any applicant making any application to the Board of Zoning Appeals for any relief under this Ordinance shall tender with such application either an abstract of title, extended and certified to date, or a certificate of title from a bonded abstractor, evidencing that such applicant has an estate or interest in the real property involved in said application sufficient to sustain his, her, or its right to make such application.

Section 8. The owner or agent of a building or premises in or upon which a violation of any provision of the ordinance herein adopted by reference has been committed, or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation, or

who maintains any building or premises in or upon which violation has been committed, or shall exist, shall be punished by fine not to exceed \$500.00 for each offense. Each and every day that such violation continues shall constitute a separate offense and in case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of these regulations, the appropriate authorities of said area, 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, or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure, or land.

Section 9. That any provision of this ordinance which shall be declared to be invalid shall not affect the validity and authority of any other sections of said ordinance.

Section 10. That Ordinances No. 38 and 100 are hereby repealed and any other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 11. That this ordinance shall be effective upon its publication once in the official city paper of the City of Andover, Kansas.

THE ABOVE ORDINANCE DULY PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS, THIS 10th DAY OF JUNE, 1972.

Eugene Miller
Mayor

Patricia M. Stueckle
City Clerk