ARTICLE 10

ADMINISTRATION

PART 1

OFFICE OF THE ZONING ADMINISTRATOR

10-101 **AUTHORIZATION:** A Zoning Administrator shall be appointed to carry out the duties contained in these Regulations.

10-102 **DUTIES OF THE ZONING ADMINISTRATOR:** The duties of the Zoning Administrator shall include:

A. Issuing construction permits and maintain records pertaining to zoning matters.

B. Conducting inspections of buildings, structures and uses of land for compliance.

C. Submitting to the board of zoning appeals records in all appeals and variances, and submit to the planning commission records for zoning amendments, subdivision of land and conditional uses.

D. Maintaining permanent and current records pertaining to these Regulations, including but not limited to, zoning cases, zoning maps, maps, amendments, conditional uses, variances, appeals, subdivision applications and comprehensive planning.

E. Providing clerical and technical assistance to the governing body, planning commission, board of zoning appeals and other boards or committees and City officials in the exercise of their duties relating to these Regulations.

F. Assuming leadership role in future planning for land use.

G. Enforcement of these Regulations and the Subdivision Regulations.

PART 2

BOARD OF ZONING APPEALS

10-201 **AUTHORIZATION:** A board of zoning appeals is established under Chapter 20, Article III, Merriam Code of Ordinances, and the composition, meetings and administration of the board is contained therein.

10-202 **APPLICATIONS:**

A. The board is authorized to decide appeals from decisions of the zoning administrator.

B. The board is authorized to grant variances as permitted in section 20-27 (c) of Chpater 20, Planning and Development, of the Code of Ordinances, City of Merriam, Kansas, including variances from bulk regulations.

C. Applications for appeals and variances shall be filed with the zoning administrator, be accompanied by a $100.00 filing fee, and shall clearly state the purpose of the request.

PART 3

THE PLANNING COMMISSION

10-301 **AUTHORIZATION:** A planning commission is established under Chapter 20, Article II, Merriam Code of Ordinances and the composition, meetings and administration of the commission are contained therein.

10-302 **APPLICATIONS:**

A. Applications pertaining to the following matters shall be filed with the Zoning Administrator for consideration by the Planning Commission.

1. Rezoning;

2. Conditional Uses;
   a. Exceptions:
   1) Home Office, which shall be filed for consideration by the Zoning Administrator per Section 5-305 subsection 2.
   2) Home Day Care, which shall be filed for consideration by the Zoning Administrator per Section 3-601.(Ord. No. 1614 §, 10; 2-23-09)

3. Preliminary and Final Plans for Planned Unit Development zoning districts;

4. Preliminary and Final Plans for Planned Districts;

5. Site Development Plans where required;

6. Subdivision plats and lot splits; and

7. Special Use Permits.

B. Applications shall include necessary documents, drawings, specifications and calculations as determined by the zoning administrator.

C. Applications shall clearly state the purpose of the request.

D. Applications shall be accompanied by filing fees as established by the adopted City of Merriam, Kansas Fees and Charges for City Services Schedule (Ord. No. 1529, § 2, 03-13-06).

E. In the event an application is denied by the Planning Commission or City Council, a reapplication or new application substantially the same as the denied application shall not be accepted for a period of one (1) year from the date of denial. The Zoning Administrator shall determine whether or not a reapplication or new application is substantially similar to a denied application. (Ord. No. 1327, δ1, 6-22-98)

PART 4

PENALTIES

10-401 **PENALTIES:**

A. Any owner, lessee or tenant of land who shall construct, reconstruct, alter, relocate or maintain any building or other structure or use such land in violation of any of the provisions of these Regulations shall upon conviction be guilty of a misdemeanor.

B. Any owner, lessee or tenant of land having been served with an order in writing signed by the zoning administrator or deputy to correct or remove any violation, who shall fail to comply with such order within the time specified therein, or who shall continue to violate any of the

provisions of these Regulations named in such order, or who shall construct, alter or use and occupy any plot, building or structure or part thereof in a manner not permitted by an approved construction permit, certificate of occupancy, conditional use approval, variance approval, preliminary plan approval, final plan approval or site development plan approval, shall upon conviction be guilty of a misdemeanor.

C. The owner (including his or her agent) of any land, building, structure or premises where a violation of the provisions of these Regulations or order of the zoning administrator or deputy has been committed or shall exist, or the lessee or tenant of any building or portion committing such violation, or any other person who knowingly commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall upon conviction be guilty of a misdemeanor.

D. Any person, firm or corporation violating any of the provisions of these Regulations shall upon conviction, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding $500.00 or shall be imprisoned not exceeding 6 months or by both fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a new and separate offense and shall be punishable as such hereunder.

10-402 **ABATEMENT AND INJUNCTIVE RELIEF**: In the event that any building or structure is constructed, reconstructed, relocated or maintained, or any building, structure lot or land is used in violation of any of the provisions of these Regulations, the governing body, the zoning administrator, the planning commission, the prosecuting attorney or the owner of any private property or any public body the property of whom or which is or may be affected by any such violation, may institute in the District Court any appropriate action or proceeding in law or in equity to prevent such unlawful development or erection, construction, reconstruction, alteration, relocation,or maintenance or use, or to restrain, abate, enjoin or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land and to prevent illegal act, conduct, business or use in or about the premises and these remedies shall be in addition to the penalties prescribed above.