

## APPENDIX

### TABLE OF COMPARABILITY FOR ZONING DISTRICTS

In accordance with provisions provided for in K.S.A. 12-757(b) and in Section 11-100E6 of the Zoning Regulations of the City of Victoria, Kansas, the Victoria City Planning Commission hereby establishes a "Table of Comparability for Zoning Districts" as listed below. This table designates the zoning districts which are considered to be "lesser changes" due to their more restrictive characteristics as set forth in the Zoning Regulations.

When considering zoning district amendments, the Planning Commission and the Governing Body may recommend and approve a lesser change in zoning districts for the property already advertised for a public hearing without republication of a notice or redistribution of notices to property owners when such change is more restrictive than the district which is applied for as shown on the table below; provided, however, that such recommendation and approval shall not be for a lesser classification than the existing zoning district. If the applicant at the Governing Body meeting at which a zoning amendment is being considered desires to amend the application and/or the Governing Body desires to consider a "lesser" zoning change, then such a proposed change shall be returned to the Planning Commission for reconsideration and further recommendation to the Governing Body without further publication or notice as provided for in K.S.A. 12-757(c) and in Section 11-104 of the Zoning Regulations.

#### **MOST RESTRICTIVE:**

- R-1 Single-Family Residential District
- R-2 Single and Two-Family Residential District
- R-3 Single and Multiple-Family Residential District
- C-2 General Commercial District
- C-3 Central Business District
- I-2 Heavy Industrial District

#### **LEAST RESTRICTIVE:**

Because of the uniqueness and special purpose for which the MH-1 Manufactured Home Subdivision, MH-2 Manufactured Home Park and C-1 Limited Commercial districts serve, these districts are excluded from the Table of Comparability.

Although the notification for a "Special Use" is processed in the same manner as a zoning district amendment, it is not an actual change in zoning districts and, therefore, the Table of Comparability does not apply and reapplication is necessary for consideration of a different "Use" even if in the same zone. Part of the property considered for a Special Use, however, may be withdrawn by the applicant or a lesser amount recommended for approval without renotification.

EXAMPLE: If an application is advertised for a public hearing requesting a change from R-1 Single-Family Residential District to I-1 Industrial District, the Planning Commission may recommend the lesser, i.e., more restrictive C-3 Business District without republication or mailing of new notices.

If an application, however, is advertised for a public hearing requesting a change from the existing C-2 Business District to the I-1 Industrial District, the recommending of the lesser R-3 Single and Multiple-Family Residential District shall not be valid without republication and the mailing of new notices.

## ORDINANCE INCORPORATING AND ADOPTING ZONING REGULATIONS

(Published in The Ellis County Star,  
Thursday, April 23, 1998)

ORDINANCE NO. B-421

AN ORDINANCE ENACTED AND APPROVING AND INCORPORATING BY REFERENCE CERTAIN MODEL ZONING REGULATIONS GOVERNING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN THE CITY OF VICTORIA, KANSAS, AS PREPARED AND PUBLISHED IN BOOK FORM BY THE VICTORIA CITY PLANNING COMMISSION PURSUANT TO K.S.A. 12-741, AS AMENDED, 12-736, 12-742, 12-753 TO 12-761 INCLUSIVE, 12-763, 12-764, 12-3009 TO 12-3012 INCLUSIVE, 12-3301 AND 12-3302; ESTABLISHING ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATIONS OF SUCH DISTRICTS; ADOPTING BY REFERENCE AN OFFICIAL MAP OF ZONING DISTRICTS; DEFINING CERTAIN TERMS USED IN SAID REGULATIONS; REGULATING THE MAXIMUM DIMENSIONS OF BUILDINGS AND OTHER STRUCTURES THROUGH BULK REGULATIONS AND LOT AREAS; REGULATING THE LOCATION AND SIZE OF SIGNS; PROVIDING FOR AND REGULATING VEHICULAR PARKING SPACE; REESTABLISHING THE BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES; PROVIDING FOR THE APPOINTMENT OF A ZONING ADMINISTRATOR AND PRESCRIBING HIS OR HER DUTIES; PROVIDING FOR FEES TO BE CHARGED FOR AMENDMENTS, APPEALS AND PERMITS; ESTABLISHING A MEANS FOR AMENDING SAID REGULATIONS, MAP AND ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATIONS OF ITS PROVISIONS AND A MEANS OF ENFORCEMENT; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. Adoption: Zoning regulations are hereby approved and adopted by the Governing Body of the City of Victoria, Kansas, as prepared and published in book form as model regulations by the Victoria City planning Commission with the technical assistance of Foster & Associates, Planning Consultants of Wichita, Kansas, and the City Zoning Administrator under the date of March 4, 1998 and entitled "Zoning Regulations of the City of Victoria, Kansas" and the same are hereby incorporated by reference as fully as if set out herein.

Section 2. Official Map: There are further herein incorporated by reference and adopted an Official Zoning Map delineating the boundaries of zoning districts and the classification of such districts, which map shall be marked "Official copy of zoning district map incorporated into zoning regulations by adoption of Ordinance No. B-421 by the Governing Body of the City of Victoria on the 13th day of April, 1998; and filed with the Zoning Administrator to be open for inspection and available to the public at all reasonable business hours.

Section 3. Public Hearing: The advertised public hearing required by Kansas law was duly held on March 4, 1998 by the Victoria City Planning Commission, and discussion of said Zoning Regulations and map was had at the hearing; and the Zoning Regulations and map in model code form herein adopted are a true and correct copy of those regulations as adopted by the Planning Commission.

Section 4. Jurisdiction: From the effective date of this Ordinance, the Zoning Regulations and Official Zoning Map herein incorporated by reference shall govern all use of the land and the location of buildings and other structures placed within the City of Victoria, Kansas.

Section 5. Official Copies: Not less than three copies of the Zoning Regulations in book form marked "Official Copy as incorporated by Ordinance No. B-421" 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 business hours.

Section 6. Invalidity of a Part: Any provisions of this Ordinance which shall be declared by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other sections of said Ordinance.

Section 7. Repeal: Ordinance No. B-194 is hereby repealed and any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 8. Effective Date: This Ordinance shall take effect from and after its passage, approval and publication once in the official city newspaper.

PASSED BY THE CITY COUNCIL  
this 13th day of April, 1998.

APPROVED BY THE MAYOR this  
13th day of April, 1998.

Allen P. Dreiling, Mayor

ATTEST:  
Marla K. Robben, City Clerk

**A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR CHARGES FOR PROCEEDINGS GOVERNED BY THE ZONING REGULATIONS AND SUBDIVISION REGULATIONS OF THE CITY OF VICTORIA, KANSAS**

**WHEREAS**, the City of Victoria has adopted Zoning Regulations for the City pursuant to Ordinance No. B-421 which creates the need for a fee schedule to wholly or partially defray the costs for administration and enforcement of such regulations; and

**WHEREAS**, the City is authorized pursuant to K.S.A. 12-757(a) to establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment; and

**WHEREAS**, the City is authorized pursuant to K.S.A. 12-759(a) to establish a scale of reasonable fees to be paid in advance by the party appealing and has created the need for such a fee schedule in Ordinance No. which reestablishes the Board of Zoning Appeals; and

**WHEREAS**, the City is authorized pursuant to K.S.A. 12-752(d) to establish a scale of reasonable fees to be paid to the Secretary of the City Planning Commission by the applicant for approval for each plat filed with the Planning Commission;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS:**

Section 1. That the following fees are hereby established for the purpose of wholly or partially defraying costs for proceedings under the City Zoning Regulations for amendments to zoning district classifications and for special use applications:

- Amendment to District Classification . . . . . \$ 85.00
- Special Use Application . . . . . \$ 60.00 \*

\* If an amendment to a district classification and a special use application are concurrently processed for the same zoning lot, only one fee is to be charged which would be the higher of the two fees listed.

If notifications have been given for an amendment to a district classification or a special use application and the applicant requests a deferral of the hearing, the applicant will be charged the direct cost of renotification.

Section 2. That the following fees are hereby established for the purpose of wholly or partially defraying costs of proceedings before the City Board of Zoning Appeals for appeals from the determination of the Zoning Administrator, variances and conditional uses:

Appeal ..... \$ 60.00  
 Variance ..... \$ 60.00  
 Conditional Use ..... \$ 60.00

If notifications have been given for an appeal, variance or conditional use and the applicant request a deferral of the hearing, the applicant will be charged the direct cost of renotification.

Section 3. That the following fees are hereby established for the purpose of wholly or partially defraying costs of administration and enforcement under the Zoning Regulations for various permits and certificates:

Zoning Permits and Occupancy Certificates

Principal Structure or Use ..... \$ 20.00 \*  
 Accessory Structure or Use ..... \$ 10.00 \*  
 Sign Only ..... \$ 10.00 \*

\* This fee is not separately required if an application is concurrently made and a fee paid for a Building Permit. When an application for a permit is concurrently made for any combination of principle, accessory or sign structures or uses, the highest fee applicable to any one of the structures will apply.

If there is a failure to apply for a zoning permit **prior to commencing** the construction, structural alteration, enlargement or moving of a structure or the establishment, change to another, extension or enlargement of a use which upon investigation would otherwise have been permitted by the Zoning Regulations, there shall be an investigation charge added to the above permit fee which doubles the cost of the fee.

Section 4. That no part of the fees in Sections 1-3 shall be refunded after payment is made in advance of filing an application, except when a zoning permit is not approved by the Zoning Administrator in Section 3. A written receipt shall be issued by the City to the person making the payment and records thereof shall be kept in such manner as prescribed by law.

Section 5. That the foregoing fees shall become effective on September 25,  
1998.

PASSED BY THE CITY COUNCIL this 10th day of August, 19 98.

APPROVED BY THE MAYOR this 15th day of September, 19 98.

  
Allen P. Dreiling, Mayor



  
Jeannie Burkhardt, City Clerk