
Article 1: Title and Purpose

Section 1.01 Title

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Victoria, Kansas.

Section 1.02: Purpose and Intent

The Victoria Zoning Ordinance is intended to aid in the proper and harmonious development of the City of Victoria and the area as defined in the Comprehensive Plan. The regulations included in the text of this ordinance have been duly adopted by the Governing Body for the following purposes:

1. Promote the health, safety, morals, comfort and general welfare of all the citizens of Victoria, Kansas.
2. Create zoning districts sensitive to the needs of the citizens while protecting and enhancing the small-town values of the city. Also, to create zoning districts sensitive to the needs of the rural residents and properties surrounding the City of Victoria in Ellis County, while protecting and enhancing the rural values of the area and encouraging as much non-agricultural development as possible to occur within the City.
3. Encourage and promote agricultural development and productivity, and to protect agricultural land, including the natural resources associated with the fertility and productivity of agricultural land, from the intrusion of uses which are incompatible, inconsistent, or which otherwise detract from, limit, restrict, or diminish agricultural productivity within the environs of Victoria, Kansas.
4. Encourage and promote family farms.
5. Regulate the height, number of stories, and size of buildings; the percentage of lots that may be occupied by buildings and other structures; size of yards, courts, and other open spaces for the general welfare of the citizens of the City of Victoria and its extraterritorial jurisdiction.
6. Provide for adequate light and air, and acceptable noise levels.
7. Avoid the undue concentration of populations and prevent overcrowding in the use of land and community facilities.
8. Provide adequate notice on subsequent changes to this Code and an opportunity for interested parties to be heard.
9. Provide information regarding possible flood hazards.
10. Facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the Comprehensive Plan for Victoria and its extraterritorial jurisdiction.
11. Promote the achievement of the Future Land Use Plan for Victoria and its extraterritorial jurisdiction.
12. Inform the public regarding future development in the City of Victoria and its extraterritorial jurisdiction, thereby providing a basis for wise decisions with respect to such development.

The provisions in this ordinance shall supplement and facilitate the provisions in the comprehensive plan, the subdivision regulations and the capital budget.

Section 1.03 Authority and Jurisdiction

1. Authority: The Regulations set forth herein are adopted under authority of K.S.A §12-753 and are in accordance with the adopted Land Use Plan for the City of Victoria, Kansas.
2. Jurisdiction: These Regulations shall apply to all structures and land within the incorporated area of the City of Victoria, Kansas, and such unincorporated areas as may be added to the zoning jurisdiction within Ellis County by Ordinance.
3. Agricultural Exclusion: Except for flood plain regulations in areas designated as a flood plain, nothing in this Regulation shall be construed as authorizing regulations applying to or affecting any land in excess of three acres under one ownership which is used only for agricultural purposes. For agricultural purposes, see definition in Article 2.

Section 1.04 Feeding Livestock as Agricultural Pursuit; Zoning

Pursuant to K.S.A. §47-1502, feeding of livestock, and animal husbandry, for the purpose of this Ordinance shall be considered to be, and shall be construed to be, an agricultural pursuit: Provided, such agricultural pursuit may be subject to any city zoning provisions created under the laws of Kansas or any subdivision thereof.

Section 1.05: Zoning Procedure

This Ordinance permits only those uses in each district under Article 5. Any owner of property desiring to use their property for some use other than the listed uses may proceed as follows:

1. When the proposed use intensity varies slightly from the Regulation, the property owner may file an application with the Zoning Administrator for a hearing with the Board of Zoning Appeals for one of the following:
 - a. Variance (i.e. height, area, and yard);
 - b. Exception (Conditional Use Permit) as outlined in the district regulations.
 - c. Appeal the Zoning Administrators decision.
2. When the proposed use requires a Conditional Use Permit, the property owner may file an application with the Zoning Administrator for a hearing with the Planning Commission.
3. When the proposed use requires an amendment to the text of these Regulations and/or change in Zoning District Map, the property owner may file an application and proceed as set out in Article 13.
4. Any person intending to perform construction other than for agricultural purposes shall be in compliance with these Regulations and shall obtain a zoning permit from the Zoning Administrator.
5. Any person intending to construct on an unplatted tract other than agricultural uses shall prepare a plat in accordance with the City of Victoria Subdivision Regulations and shall obtain the approval of the Plat by the Planning Commission and the City Council before requesting a zoning certificate.

Section 1.06 Comprehensive Plan Relationship

These zoning ordinances are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

Section 1.07 Enforcement and Penalties

1. It shall be the duty of the Zoning Administrator (as established in Section 11.01 of the *Zoning Ordinance* of the *City of Victoria*) to enforce the provisions of this ordinance and to bring to the attention of the Planning Commission and the Governing Body any violations or lack of compliance.
2. Violation of the provisions of this ordinance shall be deemed a misdemeanor, punishable as provided by law and with each day such violation continues constituting a separate offense. The Governing Body shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of these regulations.

Section 1.08 Interpretation, Conflict, and Separability

The rights of landowners of properties platted or subdivided for residential purposes prior to the adoption of this Code shall be protected from the requirements of this Code for use of said land for the intended residential purposes for a period of five years from the time in which such property was first platted or subdivided, provided:

1. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be:
 - a. signed and sealed plats recorded with the Register of Deeds.
 - b. recorded deeds conveying land.
 - c. recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
2. Within said five-year period actual sales occur resulting in separate owners on the tracts of land.
3. The division of land was legally done in conformance with the then Victoria Subdivision Regulations.

Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five-year period shall be considered an unplatted lot, as defined in this Code, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations then in effect.

Properties divided or platted for any use other than residential purposes shall not be permitted to develop or further develop except in conformance with this Code and the Victoria Subdivision Regulations. Persons who obtained a validly issued permit under the previous Victoria Land Development Code shall be permitted to develop the property so long as the permit issued under the previous Victoria Land Development Code does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of this Code, the Victoria Subdivision Regulations, or any other applicable Codes or regulations then in effect.

Section 1.09 Interpretation and Conflict

1. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
2. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule, regulation, easement, or covenant of any kind, public or private, the regulations which are more restrictive and impose higher standards or requirements shall govern.