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## HOME RULE RESOLUTION NO. H.R. 2010-12

### A RESOLUTION ADOPTING A SHAWNEE COUNTY BUILDING PERMIT PROCEDURE

#### SPONSORED BY COMMISSIONER MILLER

**WHEREAS**, the Board of County Commissioners of the County of Shawnee, Kansas finds that provisions for adequate and reasonable control over buildings in unincorporated areas of Shawnee County is necessary and desirable; that adoption of a County building permit procedure to prevent the development of conditions that are hazardous to health and safety is in the public interest; and, that the use of said building permit procedure to promote the economical and orderly development of the County is in the public interest;

**WHEREAS**, in Home Rule Resolution H.R. 2006-12, the Board of County Commissioners of the County of Shawnee, Kansas adopted a building permit procedure for unincorporated areas in Shawnee County and is proposed to be changed to address deficiencies with respect to existing building permit procedures and practice; and

**WHEREAS**, the Board of County Commissioners of the County of Shawnee, Kansas desires to amend and adopt the building permit procedures for the unincorporated areas of Shawnee County;

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Shawnee, Kansas sitting in regular session on this 11<sup>th</sup> day of October, 2010 and intending to exercise its powers of home rule legislation pursuant to K.S.A. 19-101a, that the Commission hereby adopts the Shawnee County Building Permit Procedure, as such is reflected in the attached Exhibit A, as governing the unincorporated areas of the County of Shawnee, Kansas.

**BE IT FURTHER RESOLVED** that any provisions therein which would solely apply to areas within the City limits of any unincorporated municipality shall be deemed to be of no force or effect.

**BE IT FURTHER RESOLVED** that the provisions of Shawnee County Home Rule Resolution No. H.R. 2006-12 shall hereby be revoked and rescinded.

**BE IT FURTHER RESOLVED** that this Resolution shall supersede any other resolution in conflict herewith and that this Resolution shall become effective upon publication in the official County newspaper.

**BOARD OF COUNTY COMMISSIONERS  
SHAWNEE COUNTY, KANSAS**


  
\_\_\_\_\_  
Michele A. Buhler, Chair

  
\_\_\_\_\_  
Vic Miller, Vice-Chair

  
\_\_\_\_\_  
Theodore D. Ensley, Member



**ATTEST:**

  
\_\_\_\_\_  
Cynthia A. Beck, Shawnee County Clerk

Approved as to Legality  
and Form: Date 10-1-10

  
\_\_\_\_\_  
ASST. CO. COUNSELOR

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# **SHAWNEE COUNTY BUILDING PERMIT PROCEDURES**

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**Exhibit "A"**

**Shawnee County Planning Department  
1515 NW Saline Street  
Topeka, Kansas 66618**

**Prepared by: Shawnee County Planning Department  
Adopted by Shawnee County Commission: ,2006**

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## **ARTICLE I. GENERAL PROVISIONS**

### **1.01 Title.**

This resolution shall be known and may be cited as the "Shawnee County Building Permit Procedure", hereinafter referred to as "the resolution".

### **1.02 Policy.**

- (A) It is the county's policy that the issuance of building permits is subject to the control of the county to assure the orderly, planned, efficient and economical development of the county.
- (B) Before issuing a permit, the property must be able to be used safely without danger to health or peril from fire, flood, slope instability or other menace, and that adequate public facilities and improvements exist or are proposed to be constructed and proper drainage, water, sewerage, and transportation facilities are provided, and improvements comply with the provisions of this resolution and all other applicable rules and regulations of the county.

### **1.03 Purpose.**

The Board of Commissioners of Shawnee County, Kansas finds that the provisions for adequate and reasonable control over improvements in unincorporated Shawnee County is necessary and desirable; that adoption of a county building permit procedure to prevent the development of conditions that are hazardous to health and safety is in the public interest; and, that the use of said building permit procedure to promote the economical and orderly development of the county is in the public interest.

### **1.04 Application.**

The purpose of this resolution is to ensure a thorough and comprehensive review of proposed construction or alteration of a structure, or change of use, for compliance with applicable floodplain, zoning, driveway entrance, subdivision, private sewerage, construction, groundwater regulations, policies or procedures.

**1.05 Area of Applicability.**

This resolution shall be in effect for all unincorporated areas of Shawnee County.

**1.06 Permit Required.**

No building or structure shall hereafter be constructed, placed, altered, moved, occupied, converted, removed or demolished except in conformity with the provisions of this resolution.

**1.07 Use.**

It shall be unlawful to maintain, occupy or use a building or structure, or any part thereof, that has been erected or altered in violation of the provisions of this resolution.

**1.08 Other Permits and Approvals.**

It shall be the responsibility of the property owner, developer, builder or other authorized representative to obtain all required permits. All persons are hereby advised that in instances where a building permit is not required, other permits may still be required from city, county, state or federal agencies.

**1.09 Maintenance.**

All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards that are required by this resolution, or other adopted county resolution, when erected or altered, shall be maintained in good working order. The owner or their designated representative shall be responsible for the maintenance of buildings and structures.

**1.10 Building Affected.**

The provisions of this resolution apply to buildings and structures on land or over water, and to constructions that are above or below ground that are appurtenant to such buildings or structures.

**1.11 Interpretation, Conflict and Separability.**

- (A) In their interpretation and application, the provisions of this resolution are the minimum requirements for the promotion of the public health, safety, and general welfare.
- (B) The provisions of this resolution are not intended to interfere with, abrogate, or annul any other resolution, rule or regulation, statute, or other provision of law. Where conflicts occur between the provisions of this resolution and any other adopted rule, regulation or law, the more restrictive shall apply.
- (C) Should any court declare any section, clause or provision of this resolution to be invalid, such decision shall affect only such section, clause or provision so declared and shall not affect any other section, clause or provision of this resolution.

**1.12 – 1.20 Reserved.**

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## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

### **1.21 Authorized Representative.**

The Shawnee County Zoning Administrator is the primary authorized representative of the administrative agency relative to the administration and enforcement of this resolution. It shall be the duty of the zoning administrator to receive applications, issue permits, examine premises, or cause them to be examined by designated representatives of the administrative agency, and shall make necessary inspections to see that provisions of this resolution are complied with. The director of the administrative agency may assign others with responsibilities relative to the administration and enforcement of this resolution.

### **1.22 Right of Entry.**

- (A) Authorized representatives of the administrative agency shall have the right to enter, examine and/or survey at any reasonable time such premises, establishments and buildings as they shall deem necessary for the enforcement of this resolution and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
- (B) For the purpose of identification, authorized representatives of the administrative agency shall have an employee identification card which shall be displayed, upon demand, before entering any building, structure or premises.

### **1.23 Obstruction of Administrative Agency Prohibited.**

No person shall impede or obstruct the administrative agency or its authorized representatives in the discharge of their official duties under the provisions of this resolution.

### **1.24 Validity of Permit.**

- (A) The issuance or granting of a permit or approval of plans, specifications and dimensions will not be construed to be a permit for, or an approval of, any violation of any of the provisions of this resolution, any other County resolution or any other law. Permits presuming to give authority to violate or override the provisions of this resolution, any other County resolution or any other law shall not be valid.

- (B) The issuance of a permit based on plans, specifications or other data will not prevent the administrative agency from requiring the correction of errors in said plans, specification and other data, or from preventing building operations being carried on thereunder when in violation of this resolution or of any other County regulations.

### **1.25 Suspension or Revocation.**

- (A) The administrative agency may, in writing, suspend or revoke a permit issued under the provisions of this resolution whenever the permit is issued in error due to a mistake of law or fact or on the basis of incorrect information supplied, or any permit issued in violation of any County resolution or regulation or any of the provisions of this resolution.
- (B) Where a structure or project remains unfinished after the permit therefore has been revoked, the owner shall, within 60-days after written notice by the building official, demolish and remove the same or obtain a new permit. In order to renew action on a revoked building permit, the applicant shall file a new application and pay a new filing fee.

### **1.26 Stop Work Order.**

Whenever any work is being done contrary to the provisions of this resolution, an approved permit, or other County resolution or regulation, the administrative agency may order the work stopped by notice in writing served on any persons engaged in or causing the work to be done, and any persons must stop work until authorized in writing by the administrative agency to proceed with the work.

### **1.27 Notice of Correction.**

If the administrative agency determines that any improvements required by a building permit have not been or are not being constructed in accordance with the requirements of the permit and the work does not pose a threat to the health, safety and welfare of the public, or threatens the overall integrity of the project, the authorized representative may issue a written notice of correction. The notice of correction must state the nature of the problem, the corrective action to be taken and the time frame in which the corrective action must be taken to resolve the problem.

### **1.28 Emergency Abatement.**

Whenever, in the judgment of the administrative agency, an emergency exists which requires immediate abatement to protect the environment and public health, safety or welfare; an order may be issued directing the owner, occupant, operator or agent to take appropriate action to immediately correct or to immediately cease the construction or use that is causing the emergency. If the owner, occupant, operator or agent does not take immediate action to correct or abate the emergency or is not immediately available, the administrative agency may act to correct or abate the emergency with any costs incurred to be assessed to the legal owner.

### **1.29 Enforcement, Violations and Penalties.**

- (A) No owner, or agent of the owner, of any parcel of land or structure shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this resolution.
- (B) Whenever the administrative agency determines that there has been, or is likely to be, a violation of any provision of this resolution, it shall give notice of such alleged violation to the person responsible therefor. The notice shall:
  - (1) Be in writing;
  - (2) Include a statement of why the notice is being issued;
  - (3) Allow a reasonable period of time for performance of any work required by the notice; and,
  - (4) Be served upon the property owner or their agent by delivery of a copy thereof in person or by posting a copy of the violation notice in a conspicuous place on the property and sending a copy by certified mail to the last known address of the property owner or their agent.
- (C) The Shawnee County Counselor's Office or its designee shall enforce the provisions of this resolution and is hereby authorized and directed to file appropriate actions in any court of competent jurisdiction for such enforcement, upon request of the administrative agency.
- (D) In addition to, and independently of, any enforcement action filed in a court, any violation of any provision of this resolution shall be punishable by a fine of not to exceed \$500 for each offense or imprisonment and each day's violation shall constitute a separate

offense. In addition to the above penalties, any structure constructed or altered without a permit as required by this resolution shall be subject to removal at the owner's expense.

**1.30 Equitable Enforcement.**

In addition to or in lieu of other remedies, the county may initiate any appropriate action or proceeding to prevent, restrain, correct or abate the violation or to prevent the occupancy of the building involved.

**1.31 Judicial Review.**

When a decision to deny, suspend, or revoke a permit becomes final, any person whose application for a permit has been denied or whose permit has been suspended or revoked, shall have the right to appeal such action to a court of competent jurisdiction within 20-days of such determination.

**1.32 Non-Liability of County.**

This resolution must not be construed to relieve from responsibility any party owning, operating, controlling or installing any improvement for damages to persons or property caused by any defect therein, nor shall the county be liable for any such damages by reason of the issuance of a building permit.

**1.33 – 1.45 Reserved.**

## ARTICLE III. PERMITS

### 1.46 When Required.

- (A) Building Permit. Except as specified in section 1.47 of this resolution, it shall be unlawful to commence construction, enlargement, placement, alteration, conversion, removal or demolition of a building or structure or cause or allow the same to be done without first filing an application for a building permit with the administrative agency and obtaining a permit therefor. A separate building permit shall be required for each such building or structure. No person, firm, corporation, owner of the land, or possessor shall maintain or occupy such building or structure without obtaining all required permits.
- (B) Moving of Buildings. No building or part of any building shall be moved through or across any street, sidewalk, alley or highway without first obtaining a permit from the Shawnee County Public Works Department. If authorized, a building permit will need to be obtained from the administrative agency for the new location in addition to a demolition permit for the removal from the existing location. A building and demolition permit shall be obtained prior to the building being moved.
- (C) Demolition of Buildings. No building or structure shall be demolished or removed from property without first applying for and obtaining a demolition permit issued by the administrative agency. A demolition permit shall be processed in like manner as a building permit application except that a site plan will not be required provided the applicant can adequately document and identify which, among many structures occupying a parcel, is proposed to be demolished or removed.
- (D) Fence Permit. No fence may be installed or extended without first applying for and obtaining a fence permit issued by the administrative agency. A fence permit is processed in like manner as a building permit application. More specifically, a fence permit is required when:
- (1) A new fence is being constructed;
  - (2) An existing fence is being extended; or
  - (3) An existing fence is being replaced with a new fence that is a different size, or in a different location.
- (E) Sign Permit. No sign shall be erected, installed, replaced, relocated, altered or enlarged without first applying for and obtaining a sign permit

issued by the administrative agency. A sign permit is processed in like manner as a building permit application.

**1.47 When Not Required.**

- (A) A building permit shall not be required for the following:
- (1) One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses provided the projected roof area does not exceed 150 square feet, and provided that zoning setback requirements shall be met.
  - (2) Retaining walls not over four (4) feet in height measured from the bottom of the footing to the top of the wall.
  - (3) Exterior alterations that do not enlarge or expand an existing structure and interior alterations, except that any alterations in excess of 50% of the value of a structure located in the 100-year floodplain shall require a building permit.
  - (4) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
  - (5) Sidewalks and driveway not more than 30" above adjacent grade and not over any basement or story window. All new driveway entrances and culverts or modifications thereof must be approved and permitted by the public works department pursuant to Shawnee County Home Rule Resolution 2002-10.
  - (6) Painting, papering, tiling, carpeting, counter tops and similar finish work.
  - (7) Prefabricated swimming pools that are less than 24" deep and the capacity does not exceed 5,000 square feet in which the pool walls are entirely above the adjacent grade.
  - (8) Swings and other playground equipment accessory to a single- or two-family dwelling.
  - (9) Window awnings supported by an exterior wall which do not project more than 54" from the exterior wall and do not require additional support.

- (10) Decks, stoops and porches less than 150 square feet in area which is not more than 30" above grade without overhead structures.
  - (11) Ordinary repairs that are nonstructural and do not include the addition to or alteration of the existing construction. Ordinary repairs includes repair or replacement of roofing and/or siding materials provided it does not extend the projected roofline or enlarge the exterior dimensions of the structure.
  - (12) Emergency board-up, securing temporary bracing or a building after a fire, storm or vehicle damage or other disaster which caused the building to be open or unsafe.
  - (13) Interior remodeling that does not involve the conversation of floor area from unfinished to finished floor space.
- (B) Exemption from the permit requirements of this resolution shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this resolution or any other local, state or federal requirements.

**1.48 Issuance of Permit in Advance of Permit for Main Building.**

- (A) Where no building is located on a lot or parcel, no building permit shall be issued for a septic system or accessory building prior to issuance of a building permit for a main building to be located on the same lot or parcel in accordance with Section 48-29.02(a)(1) of the Shawnee County Zoning Regulations. The purpose of this provision is to furnish the administrative agency with sufficient information concerning the size, uses, area of coverage, or location of any main building that will or maybe constructed thereon, in relation to septic system or accessory building.
- (B) A temporary power pole may not be installed on a lot or parcel without a main building except during time of construction provided the following conditions are met:
  - (1) An application for a building permit has been filed and found complete.
  - (2) The building permit application fee has been paid.
- (C) As used in this section, certain terms are defined as follows:

- (1) *Accessory building* means and includes any building or structure the use of which is incidental and subordinate to that of a main building or a main use of a certain kind of lot or parcel, for example, a garage or storage building.
- (2) *Main building* means and includes a building or structure which is customarily used to carry out the main use of a lot or parcel of a certain kind and is compliant with the zoning district in which located.
- (3) *Main use* means and includes the principal or dominant use for which a lot or parcel of a certain kind is customarily used and is compliant with the zoning district in which located.
- (4) *Temporary power pole* means and includes any pole placed for the conveyance of electrical energy by the electrical service provider for a limited period of time and is used in preparing the main use of a certain kind of lot or parcel.

#### **1.49 Permit Application.**

The property owner or authorized representative must tender a complete building permit application with the administrative agency on a form furnished by the administrative agency. The application must contain or be accompanied by the following information:

- (A) The applicant's full name, address and phone number.
- (B) A legal description of the land on which the proposed work is to be done, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (C) The use or occupancy for which the proposed work is intended.
- (D) Evidence that the tract of land has been recorded with the Shawnee County Register of Deeds Office.
- (E) Evidence that all real property tax and special assessments regarding the subject property are current and up-to-date.
- (F) A site plan, drawn to scale and with clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this resolution and all adopted County rules

and regulations. The site plan shall be prepared in accordance with section 1.50 of this resolution.

- (G) The valuation of the proposed work as set by section 1.51(A) of this resolution.
- (H) The entire building permit application fee as set forth in this resolution.
- (I) Commercial structures shall include submission of a drainage report which shall be reviewed and approved by the Shawnee County Public Works Department.
- (J) Commercial structures shall include documentation certifying the proposed work is compliant with the Americans with Disability Act.
- (K) The signature of the property owner, or the owner's authorized representative.
- (L) Any other data or information as deemed relevant by the administrative agency.

### **1.50 Site Plan.**

- (A) Submission Requirements. Application for a building permit shall be accompanied by a site plan representing the subject property and the location and dimension of existing and proposed improvements and other site features. Sample residential and commercial site plans are provided in Appendix B & C, respectively. The site plan shall:
  - (1) Be drawn to scale or as accurately as possible to be able to duplicate measurements on the site. Indicate the scale of the drawing (for example: 1"=10', etc.).
  - (2) Be prepared on a plan sheet measuring at least 8½" by 11" or larger depending on the magnitude of the project and to ensure readability.
  - (3) Identify the date of preparation and revision dates.
  - (4) Identify the name, address and phone number of person preparing the site plan.
  - (5) Provide a north arrow.

- (6) Show boundaries and dimensions graphically of the subject property, and contain a written legal description of the property.
- (7) Show the size, location and distance between existing buildings, structures, property lines and easements.
- (8) Show the size, location and distance between proposed improvements and existing buildings, structures, property lines and easements.
- (9) Identify the front face and orientation of the structure including the location of the front door.
- (10) Show location and dimension of platted building setback lines, utility easements, drainage easement, and other plat features which encumber the subject property.
- (11) Show the size, location, and distance between an existing or proposed septic tank and lateral field system and existing and proposed buildings, structures, property lines, easements, water wells and bodies of water.
- (12) Show the location, width and distance from nearest property corner of existing and proposed driveways.
- (13) Show the defined limit and base flood elevation of the 100-year floodplain and floodway. Improvements located within the floodplain shall require submission of a Floodplain Development Permit Application and accompanying Elevation Certificate prepared by a Kansas registered land surveyor. Floodplain forms may be obtained through and submitted to the administrative agency.
- (14) Show the location of distinguishing physical features located on the property, including, but not limited to: streams, culverts, drainageways, wetlands, slopes, stands of timber, etc.
- (15) Demonstrate compliance with applicable requirements of the plat of subdivision if so located.
- (16) Show by directional arrow, the proposed flow of stormwater from the site and how it will tied into a storm drain system or drainageway to avoid concentration of stormwater onto adjacent property.

- (17) For commercial projects (i.e. multi-family residential, office, institutional, commercial, industrial, etc.), the following information shall be included:
- (a) Show the location and dimension of existing and proposed off-street parking spaces and aisles, loading zones and walkways.
  - (b) Show the location, height and material for screening walls and fences.
  - (c) List the type of surfacing and base course material proposed for all parking, loading and walkways.
  - (d) Show the location and size, and provide a landscape schedule for all perimeter landscaping.
  - (e) Identify location, type, height, square footage and illumination of existing and proposed signage.
  - (f) Show and dimension the required number of off-street parking spaces and aisles.
  - (g) Show the proposed type, location, height, direction and intensity of illumination of existing and proposed exterior lighting.
  - (h) Show the location, size and method of screening trash enclosures.
  - (i) Be accompanied by a code footprint as set forth by the Kansas State Fire Marshal and reviewed and approved by the applicable fire district.
- (B) Effect of Approval. The location of all new construction and proposed additions as shown on the approved site plan or an approved amendment thereof, shall be strictly adhered to. It shall not be permitted to change the location, orientation, configuration or setback of the proposed improvement, nor reduce or diminish the area of a lot or plot of which a site plan has been filed and used as the basis for a permit, unless a revised site plan showing the proposed change and conditions shall have been filed and approved; provided that this shall

not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

- (C) Amendments. Following permit approval, any change in location, orientation, configuration or setback of a proposed improvement, include site improvements such as off-street parking, landscaping, etc., shall require submission and approval of an amended site plan. After approval, such amended site plan shall be filed with and be deemed a part of the original application.

### **1.51 Permit Fee.**

For each application for a building permit, a non-refundable permit fee shall be charged based on the value of the work to be performed except as noted herein. The fee schedule is set forth in Appendix A.

- (A) Value. The determination of value or valuation under any of the provisions of this resolution is made by the authorized representative of the administrative agency. The value to be used in computing the building permit is the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. The authorized representative shall, when deemed necessary, require reasonable substantiation of value stated in any application for a building permit.
- (B) Fee Refund. The administrative agency may authorize refunding of any fee paid hereunder which was erroneously paid or collected.
  - (1) The administrative agency may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this resolution.
  - (2) The administrative agency shall not authorize refunding of any fee paid except on written request filed by the original permittee not later than 180 days after the date of fee payment.
- (C) Penalty. Any person, firm or corporation who performs or causes to be performed any work for which a permit is required prior to obtaining such permit, shall be subject to double the normal fee for such permit. The payment of the penalty shall not relieve any person, firm or corporation from full compliance with the requirements of this resolution in the execution of the work.

## **1.52 Permit Issuance.**

- (A) Action on Building Permit Application. Upon receipt of an application for a permit, the administrative agency shall review the application to determine compliance with the provisions of this resolution. In addition, the administrative agency shall make a determination whether the proposed structure is in accordance with the Shawnee County Zoning Regulations; the Shawnee County Subdivision Regulations; the Forbes Field and Philip Billard Airport Hazard Zoning Regulations; the Shawnee County Flood Protection and Prevention Regulations; and, any other applicable regulations as adopted by the County. If deemed necessary by the administrative agency, the permit shall also be reviewed by townships, cities, state agencies, federal agencies, school districts and utility companies that may be impacted by the proposed work. If the administrative agency determines that the applicable requirements of this resolution have been met and the proposed work is properly zoned, a building permit shall be issued limited to staking the location of the proposed improvement subject to verification of compliance. The proposed work authorized by the building permit cannot proceed until issuance of a Certificate of Completion by the administrative agency which verifies compliance with the building permit and all applicable county regulations. If the administrative agency determines that the application for a permit is non-compliant, the authorized representative will reject such application and note their findings in a report to be attached to the application and returned to the applicant.
- (B) Site Survey and Stormwater Pollution Prevention Plan.
- (1) Site Survey. Improvements proposed to be located upon a tract of land of 10-acre or less in size shall be required to submit a site survey to verify compliance with the approved building permit site plan. Prior to pouring the foundation, footing, post holes, etc., the applicant shall have the location of the proposed improvement staked and surveyed by a Kansas licensed registered land surveyor. Adjustments shall be made to achieve compliance with the approved building permit site plan. The surveyor shall prepare and seal a survey document which shall certify the location of the proposed improvement relative to lot lines, required setbacks, platted or dedicated easements, distance from nearest on-site structures and any other on-site encumbrances. The survey shall be returned to the administrative agency along with a form, provided by the administrative agency, from the

applicant indicating that the improvement(s) have been sited as referenced on the accompanying survey.

- (2) Stormwater Pollution Prevention Plan. In accordance with Shawnee County Resolution No. 2005-36, storm water pollution/erosion controls will be installed before any clearing of the ground can take place. Storm water pollution/erosion controls may take the form of any of the best management practices, such as preserving the existing vegetation as a buffer, silt fences, straw or hay bales or the use of detention ponds. Access drives are a must using two to three inch rock, six inches deep and seven feet wide. A storm water pollution prevention plan shall be prepared and returned to the administrative agency indicating the pollution/erosion control measures that have been put in place at the construction site. The plan shall be forwarded to the public works department for review and approval.

It shall be the responsibility of the applicant to inspect silt fences, straw/hay bales and access drives weekly or after every half-inch or more of rain and repair as required. Any noticeable mud, sediment, dirt or soil tracked onto the street shall be removed immediately by the applicant. Construction debris, ready-mix concrete, asphalt or any material resulting from the cleaning of vehicles or equipment shall be contained on the construction site or within the subdivision/development for proper disposal. The lawn or grass shall be started as soon as possible and maintain pollution/erosion controls until vegetation is established.

- (C) Certificate of Completion. Upon verification that the site survey is in compliance with the approved building permit site plan, and the storm water pollution prevention plan is approved, the administrative agency shall issue a Certificate of Completion. The certificate entitles the applicant to commence construction of the proposed improvement as per the approved building permit and site survey. If the site survey or stormwater pollution prevention plan is rejected for non-compliance, the same shall be placed in writing to the applicant stating the reasons for non-compliance. A certificate of completion shall not be issued until the areas of non-compliance are resolved to the satisfaction of the administrative agency. If a certificate of completion has not been issued within six (6) months of the date of building permit approval, the building permit shall expire without limitation.

### **1.53 Grounds for Mandatory Permit Denial.**

The following shall constitute grounds for mandatory denial of a building permit application:

- (A) The owner of the premises for which a building permit application has been requested owes delinquent real estate taxes, personal property taxes or special assessments on the premises for which the building permit has been sought.
- (B) The owner of the premises for which a building permit has been requested owes any delinquent real estate taxes or special assessments on any parcel(s) of real estate located in the unincorporated area of Shawnee County and contained in the same subdivision for which final plat approval has been given.
- (C) Nothing contained in this section shall prohibit the issuance of a building permit to perform repairs to an existing structure which is unsafe within the meaning of this resolution if the administrative agency determines such repairs should be performed immediately to protect the safety of either the building's occupants or the public.

### **1.54 Conditions of Permits.**

A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, conceal, alter or set aside any provisions of this resolution, nor shall issuance of a permit prevent the administrative agency from thereafter requiring a correction of errors in permit documents or in construction, or of violations of this resolution. All work performed under a permit shall conform to the approved application, plans, and amendments thereto.

In addition to other factors, the following conditions shall be addressed as part of the permit application and will be a condition of approval:

- (A) Plat Restrictions. Within subdivisions where conditions are required to be met, no building permit may be issued until the noted condition(s) has been accepted or approved by the entity responsible for the requirement. Example of noted conditions include, but are not limited to, access restrictions, minimum opening elevations, utility installation, payment of connection fees, installation of streets, etc.
- (B) Access. Each parcel on which a building or structure is to be constructed or placed shall have its frontage and access on either an

improved public street which has been opened and accepted for public maintenance or on a private street which has been approved as part of a planned unit development. New points of access shall require issuance of a Highway Entrance Permit by the Shawnee County Public Works Department.

- (C) Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (D) Sewage Disposal. Prior to issuance of a permit, the approval of the Shawnee County Health Agency shall be required for use of an on-site septic system where connection to a centralized sewer system is not available.

#### **1.55 Posting of Address.**

Following issuance of a permit by the administrative agency, the address of the building or structure shall be posted by the applicant in a location visible and readable from the fronting street.

#### **1.56 Changes in Work.**

After a permit has been issued, no change or deviations from the terms of the application, plans and specification of the permit shall be made until specific written approval of such changes or deviations have been obtained from the administrative agency.

#### **1.57 Permits Nontransferable.**

No permit issued pursuant to this resolution shall be transferable.

#### **1.58 Expiration of Permit.**

- (A) Every building permit issued by the administrative agency under the provisions of this resolution shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within twelve (12) months from the issue date of such permit, or if the building or work authorized by such permit is suspended or abandoned for a period of sixty (60) days or more at any time after work is commenced. Before such work can be recommenced, a new permit for such work shall first be obtained to do so, and the fee

therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and, provided further that such suspension or abandonment has not exceeded eighteen (18) months from date of issue.

- (B) Applications for which no permit is issued within sixty (60) days following the date of application, due to an incomplete submittal or lack of authorizations from other entities as required, shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the administrative agency. The administrative agency may extend the time for action by the applicant for a period not exceeding thirty (30) days upon request by the applicant showing that circumstances beyond their control have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new permit fee.

#### **1.59 Extension of Time.**

Any person holding an unexpired permit may apply for an extension of the time which work may commence under that permit when the permit holder is unable to commence work within the time required by this section for good and satisfactory reasons. The administrative agency may extend the time for action by the permit holder for a period not exceeding six (6) months on written request by the permit holder showing that circumstances beyond the control of the permit holder have prevented the action from being taken. Lack of funds shall not be valid grounds for extending a permit. No permit shall be extended more than once.

#### **1.60 Noncompliance.**

In the event the administrative agency has determined that an owner, contractor or permittee to whom a permit has been issued has failed to comply with the provisions of this resolution and has either issued a stop work order; revoked the permit; directed the applicant to correct the defect or issued a notice of correction, which order or notice has not been complied with, the administrative agency shall not thereafter issue to the same owner, contractor, or permittee any other permit for construction of any structure in the county until the owner, contractor, or permittee has taken whatever action is necessary to correct the defects cited by the administrative agency.

### **1.61 Certificate of Occupancy.**

No building or addition hereinafter erected or altered, or conversion of use, shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued to the permit holder certifying that such building, addition or alteration, or conversion of use conforms to the provisions of this resolutions and all other rules and regulations of the county.

- (A) Subdivisions. No certificate of occupancy shall be issued upon completion of a building located in a new subdivision until a hard surfaced, permanently paved roadway access is provided by the developer to permit ingress and egress of the residents and by emergency vehicles. Hard surface permanent pavement shall be identified as, at a minimum, the first course of asphaltic concrete pavement or other permanent pavement approved by the public works department.
  
- (B) Smoke Detectors. All residential occupancies shall be subject to installation of U.L approved smoke detectors in accordance with H.R. Resolution No. 1994-3. The applicant shall be required to submit documentation satisfactory to the authorized representative that smoke detectors have been installed in accordance with the referenced resolution.
  
- (C) Temporary Certificate of Occupancy. Upon request of the permit holder, the authorized representative may issue a temporary certificate of occupancy for a portion of a building or structure, provided that the portion occupied is considered safe and sanitary and will not jeopardize life of property. The applicant shall submit a letter to the administrative agency requesting a temporary certificate of occupancy which contains the following information:
  - (1) Name, building description, address and building permit number.
  - (2) Desired date of early occupancy
  - (3) The necessity for early occupancy
  - (4) Date the project will be completed, including a description of the items to be completed

The written request should be received at least two-weeks prior to the date requested for issuance of a temporary certificate of occupancy. If granted, a temporary certificate of occupancy is not renewable beyond 180-days.

### **1.62 – 1.75 Reserved**

## **ARTICLE IV. ADDRESS ASSIGNMENTS**

### **1.76 Purpose And Intent.**

The purpose of assigning an address system to property is to bring all properties in Shawnee County into a uniform numbering system and in compliance with the enhanced 911 Emergency Response Location System. The county commission finds that the public interest, safety, welfare and convenience requires the establishment of a uniform street and structure numbering system for all of Shawnee County. The process involves providing each department with the correct information so that each department's records may be adjusted accordingly.

### **1.77 Addressing System.**

The numbering system consists of "base lines" from which all individual property numbers will be established. Kansas Avenue and First Avenue in the City of Topeka are the established base lines for Shawnee County. Kansas Avenue is the dividing line east and west, and First Avenue is the dividing line north and south, for the number of property. The numerical system by which individual properties are addressed will be based upon an addressing standard as adopted by Shawnee County and the City of Topeka and as subsequently amended. Generally, even numbers are assigned to all properties on the north and west tending sides of all streets and odd numbers are assigned to all properties along the south and west tending sides of streets. Each property constituting a part of the county, excluding the cities of Auburn, Rossville, Silver Lake and Willard, is assigned a number in accordance to this system.

### **1.78 Enforcement.**

The authorized representative is the enforcing officer for this system, and is responsible for the maintenance of maps, issuance of appropriate numbers and enforcement of the numbers and other regulations. Every new building or use of land must be issued a number at the time of issuance of the original building permit, which shall become part of the construction process and be in place at the start of construction. The authorized representative shall furnish the owner, occupant or agent of such building with its proper number; and it shall be the duty of such owner, occupant or agent to install or mark such proper number in a conspicuous place, plainly visible from the public right-of-way.

**1.79 Display.**

Upon due notice by the authorized representative, each owner or occupant of land must, within a period of thirty (30) days of the notice, display the number assigned on the building or on the land so that it is readily visible from the public right-of-way which the land or building fronts, and must remove any presently existing conflicting number or designation not in accordance with this system. Nothing contained in this section shall be construed to prohibit the display of a properly assigned number on an entrance or driveway leading to a building removed from the fronting right-of-way.

## **ARTICLE V. DEFINITIONS**

*Administrative agency* means the Shawnee County Planning Department which shall be responsible for administering and enforcing this resolution.

*Alter* means to change, modify or rearrange the structural parts of an existing structure, or to enlarge by extending the sides or increasing the height or depth, or to move a structure from one location to another, or to demolish a structure.

*Authorized representative* means the Shawnee County Zoning Administrator or designee as directed by the administrative agency director to administer this resolution.

*Board* means the Board of County Commissioners of the County of Shawnee, Kansas.

*Certificate of Completion* means an authorization to proceed with construction following verification, by site survey, that the proposed improvement is located in accordance with the approved building permit and otherwise compliant with all applicable county rules and regulations. The certificate of completion is issued by the administrative agency.

*Commercial structure* means any non-residential and non-agricultural structure.

*County*, for the purpose of this resolution, means the unincorporated areas of Shawnee County, Kansas.

*Fence* means a structure serving as an enclosure, a barrier, or a boundary, usually made of posts secured into the ground; and, constructed of wood, metal, wire, mesh, masonry, or other material.

*Manufactured home* means a structure which is constructed in accordance with the federal manufactured home construction and safety standards established pursuant to 42 USC 5403. A manufactured home is a self-contained unit as built and sealed by the manufacturer and may not be altered. For purposes of this resolution, a manufactured home may only be used for purposes of residential occupancy as originally intended. A manufactured home may not be located on property for the purpose of an accessory structure.

*Permanent foundation* means a foundation built on-site and constructed of durable materials to provide a permanent attachment of a structure to the ground. All structures over 150 square feet in size must be constructed with a permanent

foundation. For a manufactured home as defined herein, a permanent foundation shall be designed and built in accordance with the *Permanent Foundation Guide for Manufactured Housing (HUD-007487)* by the U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

*Permit* means a Shawnee County Building Permit as provided for in this resolution.

*Person* means any individual, person, firm, partnership, company, corporation or other entity.

*Structure* means a combination of materials constructed and erected permanently on or in the ground or attached to something having a permanent location on or in the ground, including, but not limited to a building, home, single-family dwelling, duplex, manufactured home, fence, retaining wall, above ground gas or liquid storage tank, swimming pool, billboard, sign or wind charger.

## APPENDIX A. FEE SCHEDULE

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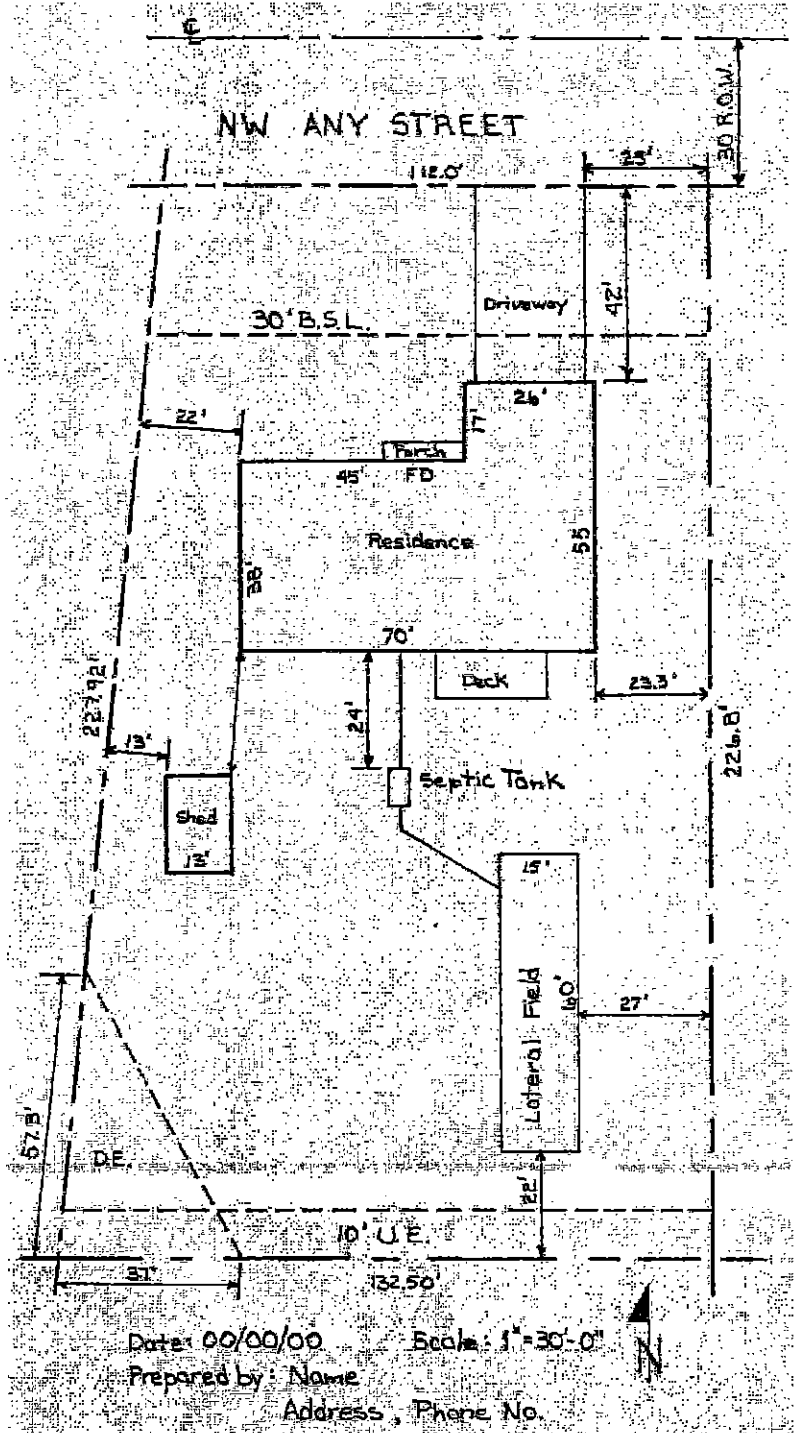
1. The following fee schedule applies to all structures:

Structure Valuation	Fee Schedule
0 - \$1,000	\$15.00
\$1,001 - \$10,000	\$15 for the first \$1,000 plus \$1 for each additional \$1,000
\$10,001 - \$25,000	\$24 for the first \$10,000 plus \$5 for each additional \$1,000
\$25,001 - \$50,000	\$99 for the first \$25,000 plus \$4 for each additional \$1,000
\$50,001 - \$100,000	\$199 for the first \$50,000 plus \$3 for each additional \$1,000
\$100,001 and up	\$349 for the first \$100,000 plus \$2 for each additional \$1,000

## APPENDIX B. SAMPLE RESIDENTIAL SITE PLAN

### Site Plan Requirements:

- Scale and North Arrow
- Date of Preparation
- Name, Address and Phone No. of Person Preparing Site Plan
- Lot Dimensions  
Identify perimeter lot dimensions; type, location and width of easements; adjoining street names and right-of-way dimensions; and, location of driveway and existing structures.
- Building Footprint  
Include porches, decks, overhangs. Identify perimeter wall dimensions.
- Setback Measurements  
Identify distance to property and right-of-way lines; between buildings; and, easements.
- Septic System  
Identify location, dimension and setback of septic tank and lateral field system.
- Plat Restrictions  
Include plat restrictions, if any, such as minimum opening elevations, connection



## APPENDIX C. SAMPLE COMMERCIAL SITE PLAN

### Site Plan Requirements:

- Same as Residential Site Plan
- Trash Enclosure  
Show the location, size and method of screening trash enclosures.
- Lighting  
Show proposed type, location, height, direction and intensity of illumination of existing and proposed exterior lighting.
- Signage  
Identify location, type, height, square footage and illumination of existing and proposed signage.
- Landscaping  
Show location and size, and provide a landscape schedule for all perimeter landscaping.
- Parking  
Show the location and dimension of existing and proposed off-street parking spaces and aisles, loading zones and walkways. List the type of surfacing and base course material proposed for all parking, loading and walkways.

