Article IV. Interpretation and Construction

SECTION 1. RULES OF INTERPRETATION

When interpreting the provisions of these Regulations, the following shall govern:

1. *Minimum Requirements*. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare of the citizens of the City of Ulysses.
2. *Overlapping or Contradictory Regulations*. Where the conditions imposed by the provisions of these Regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. *Private Agreements*. The provisions of these Regulations are not intended to abrogate any easement, covenant, or other private agreement provided that where the requirements of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement the requirements of these Regulations shall govern.
4. *District Boundary Lines*. Interpretation of zoning district boundary line locations shall be governed by the following:
    a. Where district boundary lines are indicated as approximately following streets and alleys, highways, or railroads, such boundaries shall be construed as following the centerlines thereof.
    b. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.
    c. Where a boundary of a district appears to follow a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the governing body, unless otherwise indicated.
    d. Where a district boundary line divides a lot or un-subdivided property, and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Map.

SECTION 2. RULES OF CONSTRUCTION

Except where clearly required to be otherwise by the context, rules of construction shall include:

1. Words or numbers used singularly or plurals shall include both singular and plural interpretation.
2. The word “may” is permissive; the word “shall” is mandatory.
3. The present tense includes the past and future tenses and the future the present.
4. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
5. The word “person” includes individuals, firms, corporations, associations, governmental bodies, and other legal entities.
6. The words “use,” “used,” “occupy,” or “occupied,” as applied to any land or building, shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.
7. Unless otherwise specified, all distances shall be measured horizontally.

SECTION 3. ZONING PROCEDURE

The requirements of this Zoning Ordinance permit only those uses listed in each district under USE REGULATIONS. Any owner of property desiring to use his property for some use other than the listed uses may proceed as follows:

1. When the proposed use intensity varies slightly from regulation, the property owner may file an application with the Building Official for a hearing with the Board of Zoning Appeals for one (1) of the following:
    a. Variance (height, area and yard).
    b. Exception (special use permit as outlined in the district regulations).
    c. Appeals from Building Official’s decisions.
2. When the proposed use requires a change of Zoning Ordinance and/or change in District Zoning Map, the property owner may file an application for zoning changes and proceed as set out in ARTICLE XXXIV.

3. Any person intending to perform construction of any sort other than for agricultural structures shall provide certification of proof of compliance with Zoning Requirements to the Building Official.
4. Any person intending to construct a residence on an unplatted tract for other than agricultural use shall prepare a plat in accordance with the Subdivision Regulations and shall obtain the approval of the Plat by the Planning Commission and the Governing Body before requesting a zoning permit.

This is an accessible version of the original document, Article IV, Interpretation and Construction, published by the City of Ulysses, Kansas. To request the document in another format, contact City Hall at (620) 356-4600.