

CHAPTER XVI. ZONING AND PLANNING

Article 1. City Planning Commission

Article 2. Zoning Regulations

Article 3. Subdivision Regulations

ARTICLE 1. CITY PLANNING COMMISSION

16-101. CITY PLANNING COMMISSION; ESTABLISHED. There is hereby established for the City of Horton, Kansas, a city planning commission. (K.S.A. 12-701; Code 1965, 10-101; Code 1992)

16-102. SAME; MEMBERS; TERMS. The city planning commission shall consist of nine electors, seven of whom shall be residents of the city, and two of whom shall reside outside the corporate limits of the city but within three miles of the corporate limits. All of the nine members shall be appointed by the mayor, by and with the consent of the board of commissioners. Three of the members of the city planning commission shall be appointed for the term of one year, three members for the term of two years and three members for the term of three years. Thereafter members shall be appointed for terms of three years each. Vacancies shall be filled by appointment of the unexpired term only. Members of the city planning commission shall serve without compensation for their services. (K.S.A. 12-702; Code 1965, 10-102)

16-103. MEETINGS; CHAIRPERSON; RECORDS. The members of the city planning commission shall meet within two weeks following their appointment and shall organize by selecting one of their number as chairperson and one as vice chairperson who shall serve one year and until their successors have been selected. The city planning commission shall meet thereafter at least once a month at such time and place as they may fix by resolution. Special meetings may be called at any time by the chairperson or in his or her absence by the vice chairperson. A majority of the commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of its proceedings. (K.S.A. 10-103; Code 1965, 10-103)

16-104. POWERS AND DUTIES. The powers and duties of the commission shall be to make plans and maps of the whole or any portion of such municipality, and of any land outside of the municipality, which in the opinion of the commission bears relation to the planning of the city, and to make changes in such plans or maps when it deems the same advisable. Such maps and plans shall show the commission's recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, playgrounds, or any other public ground or public improvements; and the removal, relocation, widening or extension of such public works then existing with a view to the systematic planning of the city, the commission may make recommendations to the governing body, aforesaid, concerning the location of streets, transportation and communication facilities, public buildings and grounds. Whenever the commission shall have made and agreed upon a plan for the development of the city or any portion thereof, such plan or plans shall be submitted to the governing body for their consideration and action. (K.S.A. 12-704, Code 1965, 10-104)

16-105. PLANS AND PLATS. All plans, plats or replats of lands laid out in building lots and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto which is not intended to be platted into lots or other designated tracts, and located within the city limits of the city, or any addition or plans of streets or public ways located outside the city limits of the city, provided such territory is within the County of Brown and State of Kansas and entirely or part within three miles of the nearest point on the city limits of the city, shall be submitted to the city planning commission for their consideration and their recommendation shall then be submitted to the governing body of the city for their official consideration and action. And no such plat or replat or dedication or deed of street or public way shall be filed with the register of deeds as provided by law until such plan or replat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the city planning commission and by the city planning commission to the governing body of such city and by such governing body duly approved. Before exercising the powers referred to above, the city planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper area of streets in relation to other existing or planned streets and to the mapped plan for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots. (K.S.A. 12-705; Code 1965, 10-105)

16-106. BUDGET OF EXPENDITURES. On or before the first Monday in August of each year the city planning commission shall submit to the governing body of the city its budget of expenditures for the ensuing fiscal year, itemizing the expenses and amounts and the purpose. The governing body of the city shall thereupon consider the budget and make such allowances to the city planning commission as it shall deem proper and shall add the same to the general budget of the city. (K.S.A. 12-706, Code 1965, 10-106)

ARTICLE 2. ZONING REGULATIONS

16-201. ZONING REGULATIONS INCORPORATED. There are hereby incorporated by reference as if set out fully herein, the zoning regulations adopted by the governing body of the City of Horton, Kansas, as prepared by the city and Wilson and Company, Engineers and Architects, and consisting of Ordinance Nos. 1006, 1014, 1019, 1020, 1028, 1029, and entitled, "Zoning Regulations of the City of Horton, Kansas." No fewer than three copies of the zoning regulations, marked "Official Copy as Incorporated by the Code of the City of Horton" and to which there shall be a published copy of this section attached, shall be filed with the city clerk to be open for inspection and available to the public at all reasonable business hours. (Ord. 1006; Ord. 1014; Ord. 1019; Ord. 1020; Ord. 1028; Ord. 1029; Code 1996)

16-202. PENALTY PROVISIONS. The owner or agent of a building or premises in or upon which a violation of any provisions of this article has been committed or shall exist; or the lessee or tenant of a violation of any provisions of this article has been committed or shall exist; or the lessee or tenant of an entire building or an entire

premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed \$500. Each and every day that such violation continues shall constitute a separate offense. (Ord.1006, Sec. 2)

ARTICLE 3. SUBDIVISION REGULATIONS

16-301. REGULATIONS INCORPORATED. There are hereby incorporated by reference, as if set out fully herein, certain regulations governing the subdivision of land located within the City of Horton, Kansas and certain surrounding area as described therein, as adopted by the governing body of the City of Horton, Kansas as prepared by the city and Wilson and Company, Engineers and Architects, and consisting of Ordinance No. 930 and entitled "Subdivision Regulations of the City of Horton, Kansas." No fewer than three copies of the subdivision regulations marked "Official Copy as Incorporated by the Code of the City of Horton" and to which there shall be a published copy of this section attached, shall be filed with the city clerk to be open for inspection and available to the public at all reasonable hours. (Ord. 930, Sec. 1; Code 1992)

16-302. PENALTY PROVISIONS. The owner or agent of a building or premises in or upon which an entire building or an entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed \$500. Each and every day that such violation continues shall constitute a separate offense. (Ord. 930, Sec. 2)