

CHAPTER XVI. ZONING AND PLANNING

- Article 1. City Planning Commission /
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ARTICLE 1. CITY PLANNING COMMISSION/ BOARD OF ZONING APPEALS

- 16-101. **COMMISSION RE-ESTABLISHMENT.** There is hereby established the Augusta City Planning Commission which is composed of seven members of which five members shall be residents of the city and two members shall reside outside the city, but within the designated planning area of the city which is within at least three miles of the corporate limits of the city. (Code 2010)
- 16-102. **MEMBERSHIP, TERMS, INTEREST AND COMPENSATION.** The members of the planning commission shall be appointed by the mayor with the consent of the governing body at the first regular meeting of the governing body in May of each year and take office at the next regular meeting of the commission. All members shall be appointed for staggered terms of three years each. The appointments shall be so made that the terms of office of the members residing outside of the corporate limits of the city do not expire within the same year. By the re-establishment of the commission, all current members continue to serve their present terms of office. In case of death, incapacity, resignation or disqualification of any member, appointment to such a vacancy on the commission shall be made of the unexpired term of the member leaving the membership. Should any member have a conflict of interest, either directly or indirectly, in any matter coming before the commission, he or she shall be disqualified to discuss or vote on the matter. The governing body may adopt rules and regulations providing for removal of members of the commission. Members of the commission shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties as deemed desirable by the governing body. (Code 2010)
- 16-103. **MEETINGS, OFFICERS AND RECORDS.** The members of the planning commission shall meet at such time and place as may be fixed in the commission's bylaws. The commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one year and until their successors have been elected. A secretary shall also be elected who may or may not be a member of the commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. The commission shall adopt bylaws for the transaction of business and hearing procedures. All actions

by the commission shall be taken by a majority vote of the entire membership of the commission; except that, a majority of the members present and voting at the hearing shall be required to recommend approval or denial of an amendment to the zoning regulations, a rezoning amendment or a special use permit. A proper record of all the proceedings of the commission shall be kept. The commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the commission. (Code 2010)

16-104. **POWERS AND DUTIES.** The governing body and planning commission shall have all the rights, powers and duties as authorized in K.S.A. 12-741 et seq., and amendments thereto, which are hereby incorporated by reference as part of this section and shall be given full force and effect as if the same had been fully set forth. The commission is hereby authorized to make or cause to be made, adopted and maintained a comprehensive plan for the city and any unincorporated territory lying outside of the city but within Butler County in which the city is located, which in the opinion of the commission forms the total community of which the city is a part. The commission shall also cause to be prepared, adopted and maintained zoning and subdivision regulations on all land within the jurisdiction designated by the governing body. The comprehensive plan and zoning and subdivision regulations are subject to final approval of the governing body by ordinance. Periodically, the governing body may request the commission to undertake other assignments related to planning and land use regulations. (Code 2010)

16-105. **BOARD OF ZONING APPEALS.** The planning commission is hereby designated to also serve as the city's board of zoning appeals with all the powers and duties as provided for in K.S.A. 12-759. The board shall adopt rules in the form of bylaws for its operation which shall include hearing procedures. Such bylaws shall be subject to the approval of the governing body. Public records shall be kept of all official actions of the board which shall be maintained separately from those of the commission. The board shall keep minutes of its proceedings showing evidence presented findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the board present and voting at the hearing shall be required to decide any appeal. Subject to subsequent approval of the governing body, the board shall establish a scale of reasonable fees to be paid in advance by the appealing party. (Code 2010)

16-106. **BUDGET.** The governing body shall approve a budget for the planning commission and make such allowances to the commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate moneys for such purposes from the general fund. The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other resource for such purposes. (Code 2010)

ARTICLE 2. ZONING REGULATIONS

16-201. ZONING REGULATIONS INCORPORATED. (a) There are hereby incorporated by reference as if set out fully herein, the zoning regulations adopted by the governing body of the City of Augusta, Kansas, as prepared by the city and consisting of Ordinance Nos. 1455, 1472, 1480, 1505, 1553, 1582 and entitled, "Zoning Regulations of the City of Augusta, Kansas." No fewer than three copies of the zoning regulations, marked "Official Copy as Incorporated by Ordinance No. 1480" 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.

(b) Aforementioned zoning regulations are amended and supplemented by ordinances 1632, 1662, 1696, 1719, 1758, 1800, 1870, 1929, 1949, 1954, 1955, 1974, 1977, 1982, 1994 and 1995.
(Ord. 1455; 1472; 1480; 1505; 1553; 1582; 1632; 1662; 1696; 1719; 1758; 1800; 1870; 1929; 1949; 1954; 1955; 1974; 1977; 1982; 1994; 1995; Code 2010)

ARTICLE 3. SUBDIVISION REGULATIONS

- 16-301. REGULATIONS INCORPORATED. (a) There are hereby incorporated by reference, as if set out fully herein, certain regulations governing the subdivision of land located within the City of Augusta, Kansas and certain surrounding area as described therein, as adopted by the governing body of the City of Augusta, Kansas and prepared by the city and consisting of Ordinance Nos. 1481, 1506, 1552 and 1578, and entitled "Subdivision Regulations of the City of Augusta, Kansas." No fewer than three copies of the subdivision regulations marked "Official Copy as incorporated by Ordinance No. 1481" 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.
- (b) Aforementioned subdivision regulations are amended and supplemented by ordinances 1643,1661, 1697, 1759, 1789, 1813, 1834, 1872, 1933 and 1943. (Ord. 1552; 1578; 1661; 1834; 1872; 1933; 1943; Code 2010)

ARTICLE 4. FLOOD PLAIN ZONING

16-401.

Pursuant to the provisions of K.S.A. 12-3009, 12-3010 and 12-3301, there is hereby incorporated by reference for the purpose of providing floodplain management regulations within the City of Augusta, Kansas, all of the regulations contained in the document known as the "Floodplain Management Ordinance for the City of Augusta, Kansas", which is known as The Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program. No fewer than three copies of the Floodplain Management Ordinance for the City of Augusta, Kansas, shall be marked or stamped "Official Copy as incorporated by Ordinance No. 1982 of the City of Augusta, Kansas," and such copies shall be filed with the city clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from city hall. All city officials requiring the use of the Floodplain Management Ordinance for the City of Augusta, Kansas, shall be supplied, at the expense of the City, such number of official copies of such ordinance as may be deemed expedient by the Governing Body. (Ord. 1982; Code 2010)

ARTICLE 5. PUBLIC BUILDING COMMISSION

- 16-501. **CREATION.** Under the authority of the Act there is hereby created by the Governing Body a municipal corporation to be known as the “City of Augusta, Kansas Public Building Commission” (the PBC). (Ord. 1822; Code 2010)
- 16-502. **COMPOSITION.** The PBC shall be composed of nine (9) members (the “Members”). The members of the Governing Body and the Mayor are hereby appointed as Members and the terms of office of the Members shall be co-terminus with such Members’ terms of office as members of the Governing Body, or as Mayor, respectively, and terms of office for such future Members shall be co-terminus with such Members’ terms of office as members of the Governing Body, or as Mayor respectively. In the event that the PBC provides building or structures that are leased to governmental entities other than the City, the composition of the PBC shall be modified by subsequent ordinance of the Governing Body to conform to the requirements of the Act. (Ord. 1822; Code 2010)
- 16-503. **PURPOSE, POWERS AND FUNCTIONS.** The PBC is created for the purposes of and shall have the powers and shall perform the functions set forth in, the Act, as may be amended or supplemented, including by home rule action of the City. The Governing Body, by ordinance or charter ordinance hereafter taking effect, shall have the authority to limit, expand or otherwise alter the purposes, powers, and functions of the PBC. (Ord. 1822; Code 2010)
- 16-504. **SUPPORT SERVICES.** Unless otherwise approved by the Governing Body, the City administrative staff shall provide administrative services to the PBC and the City’s financial advisor, bound counsel and City Attorney shall provide legal services to the PBC. (Ord. 1822; Code 2010)
- 16-505. **FURTHER ACTION.** The PBC shall have the authority to adopt bylaws, resolutions or other official actions authorized by the Act and not inconsistent with the provisions of this Article to govern its actions. (Ord. 1822; Code 2010)