

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 re-established the Osborne 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. The planning commission was originally created by Ordinance No. 874 which was passed and approved on December 6, 1995. (Code 2008)

- 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 2008)

- 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 2008)

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 Osborne 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 2008)

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 2008)

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 2008)

ARTICLE 2. ZONING REGULATIONS

- 16-201. ZONING REGULATIONS INCORPORATED. There are hereby adopted and incorporated by reference for the City of Osborne, Kansas, zoning regulations to be known as "Zoning Ordinance for the City of Osborne, Kansas", prepared and published in book form by Earles & Riggs, Engineers, Planners and Landscape Architects of Lindsborg, Kansas. No fewer than three (3) copies of the zoning regulations in book form with zoning district maps, marked or stamped "Official Copy as Adopted by Ordinance No. 861, and in which there shall be attached a published copy of this section, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.
(Ord. 861, Sec. 1; Code 2008)
- 16-202. COMPREHENSIVE PLAN INCORPORATED. There are hereby adopted and incorporated by reference for the City of Osborne, Kansas, a comprehensive plan to be known as "Comprehensive Plan, 1995-2015 for the City of Osborne, Kansas", prepared and published in book form by Earles & Riggs, Engineers, Planners and Landscape Architects of Lindsborg, Kansas. No fewer than three (3) copies of Comprehensive Plan, 1995-2015, in book form, marked or stamped "Official Copy as Adopted by Ordinance No. 873, and in which there shall be attached a published copy of this section, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.
(Ord. 873, Sec. 1; Code 2008)

ARTICLE 3. SUBDIVISION REGULATIONS

16-301. SUBDIVISION REGULATIONS INCORPORATED. There are hereby adopted and incorporated by reference for the City of Osborne, Kansas, subdivision regulations to be known as "Subdivision Regulations for the City of Osborne, Kansas", prepared and published in book form by Earles & Riggs, Engineers, Planners and Landscape Architects of Lindsborg, Kansas. No fewer than three (3) copies of the subdivision regulations in book form, marked or stamped "Official Copy as Adopted by Ordinance No. 874, and in which there shall be attached a published copy of this section, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.
(Ord. 874, Sec. 1; Code 2008)

ARTICLE 4. NEIGHBORHOOD REVITALIZATION

- 16-401. REVITALIZATION PLAN APPROVED AND ADOPTED. The four (4) page document produced and present at this meeting of the Governing Board entitled "Revitalization Plan" and each and every part thereof is, in all respects, approved, authorized, confirmed and adopted by the City of Osborne as the Revitalization Plan for the City of Osborne, County of Osborne, Kansas, such Plan to be in force and effect on and after June 1, 2007. A fully executed copy of such Revitalization Plan shall be filed in the office of the City Clerk and shall be available for inspection by the public at any time during regular business hours.
(Ord. 950, Sec. 1; Code 2008)
- 16-402. EXECUTION OF INTER-LOCAL AGREEMENT. The City is hereby authorized to enter into, execute and deliver an Inter-local Agreement with Osborne County, Kansas under which the City, County, and all participating public agencies shall cooperate in the consideration, adoption, and coordination of a Neighborhood Revitalization Plan, and the establishment of a Neighborhood Revitalization Fund, upon the terms and condition as set forth in said Agreement.
(Ord. 950, Sec. 2; Code 2008)
- 16-403. EXECUTION OF REVITALIZATION PLAN AUTHORIZED. The City shall, and the officers, agents and employees of the City are hereby authorized and directed to take such action, spend such funds and execute such other documents, certificates and instruments as may be necessary and desirable to carry out and comply with the provisions of this Article, and to carry out, comply with and perform the duties of the City with respect to the Inter-local Agreement, all as necessary to carry out and give effect to the terms of the Agreement.
(Ord. 950, Sec. 3; Code 2008)
- 16-404. AUTHORITY FOR ADOPTION. This Article is adopted pursuant to the provisions of the Kansas Neighborhood Revitalization Act, as set forth in K.S.A. 12-17,114. (Ord. 950, Sec. 4; Code 2008)