

(First published in the Western Butler County Times January 14, 1971)

ORDINANCE NO. 150

AN ORDINANCE REPEALING ORDINANCES 69, 71, AND 74 OF THE CITY OF ANDOVER, KANSAS, AND PROVIDING FOR THE AMENDMENT OF ORDINANCES 5, 12, AND 26 OF THE CITY OF ANDOVER, KANSAS AND GRANTING AND CONFERRING POWERS AND DUTIES UNTO THE GOVERNING BODY AND CITY PLANNING COMMISSION UNDER THE AUTHORITY OF K.S.A. 12-701 THRU 12-713 AND PROVIDING FOR THE RE-ORGANIZATION AND CREATION OF THE CITY PLANNING COMMISSION FOR SAID CITY, ESTABLISHING THE NUMBER OF MEMBERS THEREOF AND PROVIDING FOR THEIR TERMS OF OFFICE AND THE MANNER AND METHOD OF APPOINTMENT, AND PRESCRIBING THE POWERS AND DUTIES OF SAID PLANNING COMMISSION AND DIRECTING THE MAKING A COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF SAID CITY AND CERTAIN UNINCORPORATED TERRITORY LYING OUTSIDE THEREOF, AND DIRECTING THE PROCEDURE FOR THE ADOPTION OF THE SAME AND PROVIDING FOR A PUBLIC HEARING AND SUBMISSION OF THE SAME TO THE GOVERNING BODY OF SAID CITY FOR ADOPTION OR REJECTION, AND PROVIDING FOR THE ADOPTION OF REGULATIONS GOVERNING THE SUBDIVISION OF LAND BOTH INSIDE AND OUTSIDE THE CORPORATE LIMITS OF SAID CITY AND WITHIN THREE MILES OF SAID CITY AND MAKING SPECIFIC REFERENCES TO CERTAIN SPECIFIC STATUTORY AUTHORITIES, GRANTING AND CONFERRING THE DUTIES AND AUTHORITY OF THE CITY GOVERNING BODY AND ITS PLANNING COMMISSION

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

Section 1: That the following ordinances enacted on the following dates by the Governing Body of the City of Andover, Kansas, are hereby repealed in full:

Ordinance No. 69 enacted on the 11th day of February, 1967.  
Ordinance No. 71 apparently enacted and posted on a date prior hereto.  
Ordinance No. 74 enacted on the 26th day of June, 1967.

Section 2. That any portions of the following ordinances enacted on the following dates by the Governing Body of the City of Andover, Kansas, inconsistent or in conflict with the terms of this ordinance are hereby amended to make the same consistent with the terms of this ordinance:

Ordinance No. 5 enacted on the 20th day of April, 1957.  
Ordinance No. 12 enacted on the 26th day of July, 1958.  
Ordinance No. 26 enacted on the 11th day of February, 1961.

Section 3. That it is expressly declared to be the intention of the Governing Body of the City of Andover, Kansas, by its enactment of this ordinance to place said city within the scope of and to grant and confer unto the Governing Body and its City Planning Commission hereinafter created all of the powers and duties as authorized by K.S.A. 12-701 thru 12-713.

Section 4. That there is hereby re-organized and created pursuant to K.S.A. 12-701, a city Planning Commission of the City of Andover, Kansas, and that pursuant to K.S.A. 12-702, said Planning Commission shall consist of eight members, two of which

members shall reside outside the corporate limits of the City of Andover, Kansas, but within three miles of the present corporate limits of said City and within Butler County, Kansas. The remaining six members of said Commission shall reside within the corporate limits of said City at the time of their appointment. All such members shall be appointed by the Mayor, by and with the consent of the City Council. The first two members appointed residing within the corporate limits of said City and the first member appointed residing outside the corporate limits of said City shall serve for respective terms of one year each from the effective date of their appointment. Said date of all such appointments shall be on the 1st day of February, 1971 except that the first such appointees shall serve until the 1st day of May, 1972. The second two members initially appointed and residing within the corporate limits of said City, and the other member appointed and residing outside the corporate limits of said City shall serve for a term of two years from the said effective date of their appointment except that the first such appointees shall serve until 1st day of May, 1973. The last two members appointed residing inside the corporate limits of said City shall serve a term of three years from the effective date of their appointment except that the first such appointees shall serve until the 1st day of May, 1974. After the expiration of any initial term set out above, all successive terms shall be for two years and the terminal dates of appointments and the new appointment dates for all terms shall be on the 1st day of May after the initial appointments.

Section 5. The said Planning Commission shall have all the powers and duties prescribed for City Planning Commissions under the authority of K.S.A. 12-704, and is hereby directed and authorized to make or cause to be made a comprehensive plan for the development of such city and any unincorporated territory lying outside of the city but within Butler County, in which such city is located, which in the opinion of the Commission forms the total community of which the city is a part. In the preparation of such plan, the Planning Commission shall make or cause to be made comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources, and may include any other element deemed necessary to the comprehensive plan. Then the comprehensive plan is adopted by an affirmative vote of the majority of its members either as a whole by single resolution or by successive resolutions, the same shall be submitted at a public hearing as prescribed in K.S.A. 12-704 and thereafter submitted to the Governing Body of said City in accordance with such statutory authority.

Section 6 After the adoption of said comprehensive plan by the Governing Body, said Planning Commission shall proceed forthwith to adopt regulations governing the subdivision of land located within the area which shall be designated as aforesaid by resolution of the Governing Body of the said City and for that purpose such area shall include the corporate area of the City and the lands lying outside of, but within three miles of the said corporate limits, but cannot extend more than half the distance to the corporate limits of another City all in accordance with K.S.A. 12-703, 12-705b, 12-705c. The said comprehensive plan shall include recommendation to the Governing Body of said City for the regulation and restriction of location and use of buildings and the uses of the land in accordance with K.S.A. 12-707, as amended, and K.S.A. 12-708.

The above ordinance duly adopted the 9th day of January 1971.

Eugene Miller  
Eugene Miller, Mayor

ATTEST

(Seal)

Patricia M. Steunkel  
Patricia M. Steunkel, City Clerk