

ADMINISTRATION

SECTION 2-1 APPEALS

2-101. Any decision of the City Engineer or County Engineer on matters contained herein may be appealed to the Board of Zoning Appeals. Any decision of the Planning Commission on matters contained herein may be appealed to the Governing Body which may reverse or affirm such decision. Any decision of the Zoning Administrator on matters pertaining to building permits may be appealed to the Board of Zoning Appeals, as provided for by the Emporia Zoning Regulations except as provided otherwise in these regulations.

SECTION 2-2 PENALTIES FOR VIOLATIONS, ACTIONS FOR ENFORCEMENT

2-201. The owners or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which 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 violation has been committed or shall exist, shall be guilty of a misdemeanor and shall be punished by fine not to exceed five hundred (\$500.00) dollars for City violations and two hundred (\$200.00) for County violations. Each and every day that such violation continues shall constitute a separate offense.

2-202 The Governing Body or any person, the value or use of whose property is or may be affected by a violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these Subdivision Regulations, and to abate nuisances maintained in violation thereof.

SECTION 2-3 BUILDING PERMITS

2-301 No building permit shall hereafter be issued by the Building Official for construction on any land subject to these Subdivision Regulations until:

- a. An endorsed copy of the subdivision plat has been recorded in the office of the Register of Deeds of Lyon County.
- b. A recorded plat of the subdivision or an approved lot split, if applicable, is available for the Zoning Administrator's examination.
- c. Required public improvements have been installed or guaranteed in accordance with the provisions of these regulations.
- d. There has been compliance with all of the provisions of these Subdivision Regulations, the conditions of plat approval, and all other applicable state and local laws in effect at the time of the subdivision of said land.

2-302. Lot Splits: No building permit shall be issued for any site which contains a division of a platted lot or an unplatted lot of record, unless such division has been approved in the manner provided by Article 11 (Lot Splits) of these Subdivision Regulations.

2-303. Dwellings Per Lot: Unless otherwise allowed by the Zoning Regulations

for the City of Emporia-Lyon County Metropolitan Planning Area, no more than one building permit shall be issued for a principal structure on each unplatted lot of record, each platted lot created as part of a subdivision, or each lot or tract created by a lot split.

2-304. Administration: Upon receipt of the building permit application and certification by the Building Official that the application is complete, the Zoning Administrator shall affix the date of acceptance on the application. The Zoning Administrator shall authorize the issuance of the building permit within 30 days following examination of the recorded plat. If disapproved, the applicant shall have the right to appeal to the Governing Body within 30 days.

SECTION 2-4 DUTIES OF THE SECRETARY OF THE PLANNING COMMISSION

2-401.

- a. Maintain permanent and current records with respect to these regulations including amendments thereto.
- b. Provide adequate information and assistance in the preliminary conference as needed by the developer to prepare a proper preliminary plat and final plat.
- c. Receive and file, on behalf of the Planning Commission, all applications for preliminary plats and final plats together with other necessary information.
- d. Review all lot splits, preliminary plats, final plats and other supporting data for compliance with these regulations. After determining that all required information is complete as submitted, distribute copies of the plats to other appropriate governmental departments, public utilities, and other agencies for their review, comment and recommendations.
- e. Review final plats for compliance with these regulations of the approved preliminary plat and final plat.
- f. Publish notice of the time, date and subject of public hearings.
- g. Notify all property owners within the specified distance of the proposed subdivision prior to the scheduled Planning Commission public hearing.
- h. Forward preliminary and final plats to the Planning Commission with staff recommendations.
- i. Make such other determinations and decisions as may be required by these regulations, by the Planning Commission, or by the Governing Body.

SECTION 2-5 DUTIES OF THE PLANNING COMMISSION

2-501.

- a. Hold public hearings, review and decide on all preliminary and final plats as presented to it in accordance with the provisions in these regulations.

- b. Transmit all final plats to the Governing Body for its approval of the plat, and acceptance of dedications of streets, alleys and other public ways and sites.
- c. Make such decisions and actions as shall be necessary to insure the integrity of and adherence to these regulations.
- d. Compile a list with the reason(s) for disapproval of any plat reviewed by it and provide the developer with such list.
- e. Hold public hearings, review and decide on any proposed amendments to these regulations.
- f. Make other determinations and decisions as may be required of the Planning Commission from time to time by these regulations, and by the state law.
- g. Review and prepare recommendations concerning proposed annexations to the City, vacations and dedications.

SECTION 2-6 UTILITY ADVISORY COMMITTEE

2-601. A Utility Advisory Committee is hereby created which shall consist of representatives of those public and private agencies having a direct interest in public works, public utilities, health and safety, the enforcement of these regulations and such other persons as the Planning Commission may from time to time deem necessary. The Committee should include, but is not limited to, the following representatives: Zoning Administrator, Public Works Department, County Engineering Department, County Health Department, Police Department, Fire Department, Department of Administration, telephone companies, cable television, gas and power companies. The Zoning Administrator shall serve as Chair of the Utility Advisory Committee and shall be responsible for the preparation of recommendations and reports by the Committee.

SECTION 2-7 DUTIES OF THE UTILITY ADVISORY COMMITTEE

2-701. The Utility Advisory Committee shall meet when called by the Committee Chair. The Committee will review and make appropriate written recommendations to the Planning Commission on all matters referred to the Committee by the Planning Commission. Such matters shall include, but not be limited to annexations, preliminary plats, final plats, planned unit development (PUD) plans, vacations, and dedications.

SECTION 2-8 ADOPTION, AMENDMENT OF SUBDIVISION REGULATIONS

2-801. Consideration of Subdivision Regulations Amendments. Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official newspaper. Such notice shall be published at least twenty (20) days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The hearing may be adjourned from time to time and at the conclusions of the same, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Planning Commission, adopt the same in the form of

proposed subdivision regulations and shall submit the same, together with the written summary of the hearing thereon, to the Governing Body.

2-802. Action by the Governing Body. The Governing Body may either: (1) approve such recommendations by ordinance; (2) override the Planning Commission's recommendation by a 2/3 majority vote; or (3) return the Planning Commission's recommendations, specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore, or submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance, or take no further action. If the Planning Commission fails to deliver its recommendations to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the adopting ordinance as required by law.