

## Chapter 400

### ZONING AND PLANNING

Cross Reference — Zoning and subdivision regulations are on file in the city offices.

#### ARTICLE I

##### City Planning Commission

**Section 400.010. Commission Re-Establishment.** [CC 1985 §19-101; Amended Ord. No. 932, 12-2-1991]

There is hereby re-established the Mulvane City Planning Commission which is composed of nine (9) members of which five (5) members shall be residents of the City and two (2) members shall reside in the designated Planning Area outside the City in Sedgwick County and two (2) in Sumner County within the City's extraterritorial zoning jurisdiction.

**Section 400.020. Membership, Terms, Interest and Compensation.** [CC 1985 §19-102; Amended Ord. No. 932, 12-2-1991]

The members of the Planning Commission shall be appointed by the Mayor with the consent of the City Council at the first (1st) regular meeting of the Council in May of each year and take office at the next regular meeting of the Commission. The members of the Commission first (1st) appointed shall serve respectively for terms of one (1) year, two (2) years and three (3) years, divided equally or as nearly equal as possible between those terms. Thereafter, all members shall be appointed for terms of three (3) 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 for 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/she shall be disqualified to discuss or vote on the matter. Provided however, that any such disqualified member shall retain the same rights to comment and question the Planning Commission as would any other interested person on a given 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.

**Section 400.030. Meetings, Officers and Records.** [CC 1985 §19-103; Amended Ord. No. 932, 12-2-1991]

The members of the Planning Commission shall meet at such time and place as may be fixed in the Commission's by-laws. The Commission shall elect one (1) member as Chairperson and one

(1) member as Vice-Chairperson who shall serve one (1) 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 by-laws for the transaction of business and hearing procedures. All actions by the Commission shall be taken by a majority vote of the members present and voting at the hearing. 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.

**Section 400.040. Powers and Duties.** [CC 1985 §19-104; Amended Ord. No. 932, 12-2-1991]

The Governing Body and Planning Commission shall have all the rights, powers and duties as authorized in Kansas Statutes Annotated 12-741, et seq., and amendments thereto, which are hereby incorporated by reference as part of this Article and shall be given full force and effect as if the same had been fully set forth herein. 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 Sedgwick and Sumner Counties in which the City is located, which 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.

**Section 400.050. Board of Zoning Appeals.** [CC 1985 §19-105.1; Ord. No. 932, 12-2-1991]

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 by K.S.A. 12-759, et seq. The Board shall adopt rules in the form of by-laws for its operation which shall include hearing procedures. Such by-laws 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. The present membership of the Board of Variances, Exceptions and Appeals shall be disbanded effective December 31, 1991.

**Section 400.060. Budget.** [CC 1985 §19-106; Ord. No. 932, 12-2-1991]

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 monies are available under the budget, the Governing Body may appropriate monies for such purposes. The Governing Body may enter into such contracts as it deems necessary and may receive and expend funds and monies from the

State or Federal Government or from any other source for such purposes.

**Section 400.070. Invalidity of a Part.** [CC 1985 §19-107; Ord. No. 932, 12-2-1991]

Any provisions of this Article which shall be declared to be unconstitutional or otherwise invalid shall not affect the validity and authority of any such remaining Sections of said Article.