

CHAPTER XVI. ZONING AND PLANNING

- Article 1. City Planning Commission
- Article 2. Board of Zoning Appeals
- Article 3. Zoning Regulations
- Article 4. Subdivision Regulations

ARTICLE 1. CITY PLANNING COMMISSION

- 16-101. **COMMISSION ESTABLISHED.** Under the authority of K.S.A. 12-701 there is hereby created a "planning commission" for the City of Sabetha. (Ord. 962, Sec. 1; Code 1986)
- 16-102. **MEMBERSHIP.** The planning commission shall consist of seven members, two of whom shall reside outside the city limits and within a limit of three miles from the city limits.
 The members of the planning commission shall be appointed by the mayor with the approval of the other city commission. The members of the commission first appointed shall serve respectively for terms of one year, two years, and three years, divided equally or as nearly equal as possible between these terms as one, two and three years. Thereafter members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. No member shall serve more than two terms or six years, whichever is longer. Members of the commission shall serve without compensation for their service. (K.S.A. 12-702; Ord. 962, Sec. 2; Code 1986)
- 16-103. **POWERS, DUTIES.** The powers and duties of the planning commission shall be as established by the Kansas Statutes Annotated. (Ord. 962, Sec. 4; Code 1986)
- 16-104. **ORGANIZATION; MEETINGS, QUORUM; RECORDS.** The members of the city planning commission shall meet within two weeks following their appointment and organize by selection of one of their members a chairperson and one as vice-chairperson, who shall serve one year and until his or her successor has been selected and qualified. The city planning commission shall meet thereafter at least once each month at such time and place as it may fix by resolution. Special meetings may be called by the chairperson or in his or her absence by the vice-chairperson. A majority of such commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of all the proceedings. (K.S.A. 12-703; Ord. 962, Sec. 3; Code 1986)

16-105. **COMPENSATION.** All members of the commission shall serve without compensation, but they may be reimbursed for their expenses actually incurred in the performance of their duties. (K.S.A. 12-702; Ord. 962, Sec. 2; Code 1986)

16-106. **REMOVAL OF MEMBERS.** No member of the commission shall be removed during his or her term of office, except for cause, and after a hearing held before the governing body by whom he or she was appointed, or in case of disqualification by moving out of the city, or by moving out of the area represented by him or her on the planning commission. (Code 1986)

ARTICLE 2. BOARD OF ZONING APPEALS

16-201. **BOARD CREATED.** (a) A five member board of zoning appeals is hereby created. The board shall consist of four members to be appointed by the mayor with the approval of the city commission and the fifth member shall be the chairperson of the planning commission. All of the members of the board shall be residents of the city. None of the members shall hold any other public office of the city except that one member will be the chairperson of the city planning commission.

 (b) The member of the planning commission shall be appointed to the board in the same manner as other members of the board of zoning appeals. In the event such member's term on the planning commission shall expire prior to the expiration of the term on the board of zoning appeals, and in the event such member is not reappointed on the planning commission, his or her position on the board of zoning appeals shall become vacant simultaneously with the expiration of the appointment to the planning commission.
(Code 1986)

16-202. **VACANCY.** In the event of the death, resignation, disqualification or removal of any member before the expiration of his or her term, a successor shall be appointed by the mayor and confirmed by the city commission to serve the unexpired term. (Code 1986)

16-203. **OFFICERS.** (a) The board of zoning appeals shall annually elect a chairperson, a vice-chairperson and secretary. The secretary may be an officer or employee of the city.

 (b) The chairperson, or in his or her absence the vice-chairperson, shall preside at all meetings, shall decide all points of order or procedure.
(Code 1986)

16-204. **RULES AND MEETINGS.** The board may adopt rules to govern its proceedings in accordance with the provisions of this article. Meetings of the board shall be held at any time at the call of the chairperson and at such other times as the board may determine. The board shall keep minutes of its proceedings, showing evidence

presented, findings of fact by the board, decisions of the board, and the vote upon each question. (Code 1986)

16-205. POWERS, DUTIES. The board of zoning appeals shall administer the details of appeals from the provisions of the zoning ordinance, or other matters referred to it regarding the application of the zoning ordinance. In exercising these powers, the board, in conformity with the provisions of this article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and attach appropriate conditions, and may issue or direct the issuance of a permit. (Code 1986)

16-206. FEE. The fee for an application for appeal to the board shall be \$50, no part of which shall be refundable. The fee shall be used to compensate the city for costs associated with the appeal. The city clerk shall be responsible for the collection of the application fee. (Code 1986)

ARTICLE 3. ZONING REGULATIONS

16-301. ZONING REGULATIONS INCORPORATED. There are hereby incorporated by reference as if set out fully herein, the zoning regulations adopted by the governing body of the City of Sabetha, Kansas, as prepared by the city and consisting of Ordinances No. 1035, 1107, 1111, 1121, 1191, 1249 and 1257 and entitled, "Zoning Regulations of the City of Sabetha, Kansas." No fewer than three copies of the zoning regulations, marked "Official Copy as Incorporated by the Code of the City of Sabetha" 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. (Ord. 1035; Ord. 1107; Ord. 1111; Ord. 1121; Ord. 1191; Ord. 1249, Ord. 1257; Code 1996)

ARTICLE 4. SUBDIVISION REGULATIONS

16-401. REGULATIONS INCORPORATED. There are hereby incorporated by reference, as if set out fully herein, certain regulations governing the subdivision of land located within the City of Sabetha, Kansas and certain surrounding area as described therein, as adopted by the governing body of the City of Sabetha, Kansas and prepared by the Sabetha City Planning Commission with the assistance of Foster and Associates, Planning Consultants, Wichita, Kansas. No fewer than three copies of the subdivision regulations marked "Official Copy as incorporated by the Code of the City of Sabetha" 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. (Ord. 1034; Code 1986)