

ORDINANCE NO. 3317

AN ORDINANCE APPROVING A TEXT AMENDMENT TO ARTICLE 25, SECTIONS 1 AND 2 OF THE ZONING REGULATIONS OF THE CITY OF ABILENE, KANSAS CONCERNING THE PLANNING COMMISSION AND BOARD OF ZONING APPEALS

WHEREAS, the Planning Commission conducted a public hearing on a proposed text amendment to Article 25, Section 1 and 2 of the Zoning Regulations of the City of Abilene, Kansas on December 13, 2016;

WHEREAS, no public comments were provided in opposition to the proposed text amendment and the Planning Commission recommended approval of the proposed amendment; and

WHEREAS, the City Code needs to be amended to reflect the changes made to the aforementioned section of the Zoning Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION ONE. Findings of Fact. That the governing body hereby concurs with the Planning Commission's recommended Findings of Fact that the proposed text amendment is in the best interests of the City and is not anticipated to produce any affects that would diminish the well-being of its citizens.

SECTION TWO. Amendment. That Section 25-1 of the Zoning Regulations of the City of Abilene, Kansas, is hereby amended to include the following:

25-101.

- a. The City of Abilene Planning Commission is created in accordance with K.S.A. 12-741 *et seq.*, and amendments thereto and in accordance with the Abilene City Code. All members of the Planning Commission shall be residents of the City. The full membership of the Commission shall consist of seven members.
- b. Members of the Planning Commission shall be appointed by the Mayor by and with the consent of the City Commission. Members shall serve terms of three years. Vacancies shall be filled by appointment only for the unexpired term. Commission members shall serve without compensation. Any commission member may be removed from the Commission for repeated absences from Commission meetings or malfeasance in the duties of the office by a majority vote of a quorum of the City Commission.
- c. The Planning Commission shall establish a monthly regular meeting date and shall meet as necessary to consider the business before it. They shall select one of their number as a chair and one as vice-chair who shall serve one year and until their successor has been selected. Special meetings may be called at any time by the chair or in the chair's absence by the vice-chair. A majority of the Commission shall constitute a quorum for the transaction of business. The

Commission shall a proper record to be kept of its proceedings. No Commission member shall vote or act on any matter in which the Commission member has a direct or indirect personal or financial interest.

25-102. Powers and duties.

- a. The Planning Commission shall recommend approval of plans and maps of the whole or in any portion of the City and of any land outside of the City, which in its opinion bears relation to the planning of the City, and make changes in such plans or maps when it deems the same advisable. Such plans or maps shall show the Commission's recommendation for new streets, alleys, ways, viaducts, bridges, parks, parkways, playgrounds, or any other public grounds or public improvements, and the removal, relocation, widening or extension of such public works then existing with a view to the systematic planning of the City.
- b. The Commission may make recommendations to the City Commission concerning the location of the streets, transportation and communication facilities, public buildings, and grounds.
- c. The Commission shall serve as the Board of Zoning Appeals, and shall have and exercise all powers conferred to said Board by local ordinance or state law.

25-103. Budget. In compliance with budgeting deadlines set for all city departments, the Planning Commission shall submit to the City Commission a budget of expenditures for the next fiscal year itemizing the expenses, the amount and purpose. The City Commission shall consider the submitted budget, determined an appropriate budget the Planning Commission, and add it to the general budget of the City.

SECTION TWO. Amendment. That Section 25-2 of the Zoning Regulations of the City of Abilene, Kansas, is hereby amended to include the following:

25-201. Membership and Meetings. The Board of Zoning Appeals shall consist of the seven members of the Planning Commission, all of whom shall be appointed by the Mayor by and with the consent of the City Commission. None of the members shall hold any other public office of the City except as members of the Planning Commission. The members shall serve their terms simultaneously with their terms on the Planning Commission. Vacancies shall be filled by appointment for the unexpired term. The members shall serve without compensation. The Board shall annually elect one of its members as Chair, one as vice-chair, and shall appoint a Secretary who may be an officer or an employee of the City. The Board shall also adopt rules in accordance with the provisions of the City Code. Meetings of the Board shall be held at the call of the Chair 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. Records of all official action of the Board shall be filed in the office of the City Clerk and shall be a public record.

SECTION THREE. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Abilene, Kansas this 9th day of January, 2017.



CITY OF ABILENE, KANSAS

By: _____

Dee Marshall
Dee Marshall, Mayor

ATTEST:

Penny Soukup, CMC
Penny Soukup, CMC
City Clerk

APPROVED AS TO FORM:

Aaron O. Martin
Aaron O. Martin, City Attorney