

CHAPTER XVI. ZONING AND PLANNING

Article 1. City Planning Commission/
Board of Zoning Appeals

Article 2. Zoning Regulations

Article 3. Subdivision Regulations

ARTICLE 1. CITY PLANNING COMMISSION/ BOARD OF ZONING APPEALS

- 16-101. **COMMISSION RE-ESTABLISHMENT.** There is hereby reestablished the Udall City Planning Commission which is composed of seven members of which at least four members shall be residents of the City and at least two members shall reside outside the City, but within the City's extraterritorial zoning jurisdiction. Of the two members living outside the City, one shall be appointed who resides in Maple Township and one shall be appointed who resides in Ninnescah Township. The seventh, at large member, may be a resident of the City, Maple Township or Ninnescah Township, as long as such member resides within the City's extraterritorial zoning jurisdiction. The planning commission was originally created by Ordinance No. 456 which was passed and approved on May 6, 1989. (Ord. 554, Sec. 1; Code 2006)
- 16-102. **MEMBERSHIP, TERMS, INTEREST AND COMPENSATION.** The members of the Planning Commission shall be appointed by the Mayor with the consent of the City Council at the first regular meeting of the Governing Body in May of each year and take office at the next regular meeting of the Commission, with the exception of the Planning Commission's initial appointments. The initial appointments made to the Planning Commission shall be made no later than January 7, 2004. 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 those terms. Thereafter, all members shall be appointed for terms of three years each. The appointments shall be so made that the terms of office do not expire within the same year for the two members residing outside of the corporate limits of the City specifically appointed as residents from Maple and Ninnescah Townships. 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. If any member has a conflict of interest in any matter coming before the Commission, he or she shall be disqualified to discuss or vote on the 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. (Ord. 554, Sec. 2; Code 2006)

- 16-103. MEETINGS, OFFICERS AND RECORDS. The members of the Planning Commission shall meet at such time and place as may be fixed in the Commission's bylaws. The Commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one 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 bylaws for the transaction of business and hearing procedures which shall be subject to the approval of the Governing Body. 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.
(Ord. 554, Sec. 3; Code 2006)
- 16-104. POWERS AND DUTIES. 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 Ordinance and shall be given full force and effect as if the same had been fully set forth. 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 Cowley County in which the City is located, which in the opinion of the Commission 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 extraterritorial 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. (Ord. 554, Sec. 4; Code 2006)
- 16-105. BOARD OF ZONING APPEALS. 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 in K.S.A. 12-759. The Board shall adopt rules in for the form of bylaws for its operation which shall include hearing procedures. 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 appeal. The Governing Body shall establish a scale of reasonable fees to be paid in advance by the appealing party. (Ord. 554, Sec. 5; Code 2006)
- 16-106. BUDGET. 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 moneys are available under the budget, the Governing Body may appropriate moneys for such purposes from the general fund. The Governing Body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other source for such purposes. (Ord. 554, Sec. 6; Code 2006)

ARTICLE 2. ZONING REGULATIONS

- 16-201. 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 Udall, Kansas, as prepared by the city and consisting of Ordinance Nos. 376, 396, 486, 513, 514, 515, 516, 519, 521, 546, 564, 565, 566, 581, 583 and entitled, "Zoning Regulations of the City of Udall, Kansas." No fewer than three copies of the zoning regulations, marked "Official Copy as Incorporated by the Code of the City of Udall" 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. (Code 2006)
- 16-202. COMPREHENSIVE PLAN. (a) The Comprehensive Plan for Udall, Kansas is hereby incorporated by reference and declared to be the official guide for future development of the City.
(b) The Comprehensive Plan shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditures of public funds.
(Ord. 589, Secs. 2:3; Code 2006)

ARTICLE 3. SUBDIVISION REGULATIONS

- 16-301. 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 Udall, Kansas and certain surrounding area as described therein, as adopted by the governing body of the City of Udall, Kansas and prepared by the Udall/Cowley County Joint Planning Commission, with the technical assistance of Foster and Associates , Planning Consultants of Wichita, Kansas. No fewer than three copies of the subdivision regulations marked "Official Copy as incorporated by the Code of the City of Udall" 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. 552, Code 2006)