

ORDINANCE NO. B-391

AN ORDINANCE PROVIDING FOR THE REESTABLISHMENT OF THE VICTORIA CITY PLANNING COMMISSION; PRESCRIBING THE NUMBER, QUALIFICATIONS AND MANNER OF APPOINTMENTS OF ITS MEMBERS; DESCRIBING ITS POWERS AND DUTIES; DESIGNATING IT AS THE BOARD OF ZONING APPEALS AND PROVIDING FOR THE EXPENSES OF ITS OPERATION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS:

Section 1. Commission Reestablishment. There is hereby reestablished the Victoria City Planning Commission which is composed of seven members of which five members shall be residents of the City and two members shall reside outside the City, but within three miles of the corporate limits of the City. The Planning Commission was originally created by Ordinance No. B-159 which was passed on August 12, 1980 .

Section 2. 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 February of each year and take office at the next regular meeting of the 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 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 of the members residing outside of the corporate limits of the City do not expire within the same year. By the reestablishment 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. 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.

Section 3. 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.

Section 4. 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 Ellis 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 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 5. 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 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. The present membership of the Board of Zoning Appeals shall be disbanded effective December 19, 1996.

Section 6. 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.

Section 7. Invalidity of A Part. Any provisions of this Ordinance which shall be declared to be unconstitutional or otherwise invalid shall not affect the validity and authority of any other sections of said Ordinance.

Section 8. Repeal. Ordinance No. B-159 is hereby repealed and all other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. Effective Date. This Ordinance shall take effect after its passage, approval and publication once in the official city newspaper.

PASSED BY THE CITY COUNCIL this 9th day of December, 1996.

APPROVED BY THE MAYOR this 9th day of December, 1996.

(S E A L)

/s/ Allen P. Dreiling
Allen P. Dreiling, Mayor

ATTEST:

/s/ Alice K. Sander
Alice K. Sander, City Clerk

APPROVED AS TO FORM: /s/ Donald F. Hoffman
Donald F. Hoffman, City Attorney

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