

ORDINANCE NO. 554 (a)

AN ORDINANCE PROVIDING FOR THE REESTABLISHMENT OF THE UDALL 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.

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

Section 1. Commission Reestablishment. There is hereby reestablished the Udall City Planning Commission which is composed of five members of at least one member shall be a resident of the City and at least one member shall reside outside of the City, but within the City's extraterritorial zoning jurisdiction. The remaining members shall reside in the City Limits and or the City's extraterritorial zoning jurisdiction of Maple and Ninnescah Townships. The zoning board members shall be appointed by Udall City Council to the Udall City Planning Commission. The planning commission was originally created by Ordinance No. 456 which was passed and approved on May 6, 1989.

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 May of each year and take office at the next regular meeting of the Commission. The members appointed to the Commission 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 made so that the terms of office do not expire within the same year. In case of death, incapacity, resignation or disqualification of any member, appointment to such 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 proving for removal of members of the. Commission. Members of the Commission shall be paid the sum of six hundred dollars a year in two bi-annual payments of three hundred dollars July first, and three hundred dollars December thirty first.

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 a chairperson. A secretary shall also be elected by the Commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the secretary. The Commission sha II 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 maintain 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.

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.

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. All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF UDALL, COWLEY COUNTY, KANSAS THIS 11th DAY OF MARCH 2024.



Matt McAllister, Mayor

ATTEST: 
Jennifer L. Mays, City Clerk.

(SEAL)