

CHAPTER XVI: ZONING AND PLANNING

Article

1. **CITY PLANNING COMMISSION/BOARD OF ZONING APPEALS**
2. **ZONING REGULATIONS**

ARTICLE 1: CITY PLANNING COMMISSION/BOARD OF ZONING APPEALS

Section

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§ 16-101 COMMISSION RE-ESTABLISHMENT.

There is hereby re-established the 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 the designated planning area of the city that is within at least three miles of the corporate limits of the city.

(2005 Code, § 16-101)

§ 16-102 MEMBERSHIP, TERMS, INTEREST, AND COMPENSATION.

The members of the Planning Commission shall be appointed by the Mayor with the consent of the governing body 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. All members shall be appointed for staggered 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 re-establishment 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 of the unexpired term of the member leaving the membership. Should any member have a conflict of interest, either directly or indirectly, 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.

(2005 Code, § 16-102)

§ 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

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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. All actions by the Commission shall be taken by a majority vote of the entire membership of the Commission; except that, a majority of the members present and voting at the hearing shall be required to recommend approval or denial of an amendment to the zoning regulations, a rezoning amendment, or a special use permit. 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.

(2005 Code, § 16-103)

§ 16-104 POWERS AND DUTIES.

The governing body and Planning Commission shall have all the rights, powers, and duties as authorized in K.S.A. 12-741 et seq., and amendments thereto, which are hereby incorporated by reference as part of this section 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 the 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.

(2005 Code, § 16-104)

§ 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 the form of bylaws for its operation which shall include hearing procedures. Such bylaws shall be subject to the approval of the governing body. 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 question or appeal. A majority of the members of the Board present and voting at the hearing shall be required to decide any appeal. Subject to subsequent approval of the governing body, the Board shall establish a scale of reasonable fees to be paid in advance by the appealing party.

(2005 Code, § 16-105)

§ 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 monies are available under the budget, the governing body may appropriate monies 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 monies from the state or federal government or from any other resource for such purposes.

(2005 Code, § 16-106)

ARTICLE 2: ZONING REGULATIONS

Section

16-201 Zoning regulations incorporated

16-202 Floodplain management zoning

§ 16-201 ZONING REGULATIONS INCORPORATED.

There is hereby incorporated by reference for the purposes of amending the existing Zoning Code, that certain document entitled "Zoning Code - City of Scranton Kansas" as amended December 2014. An official copy of said document, to which shall be attached a copy of Ord. 648, shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours, and is hereby adopted as the city code for zoning within the city limits of the City of Scranton. (2005 Code, § 16-201) (Ord. 648, passed 12-2-2014)

§ 16-202 FLOODPLAIN MANAGEMENT ZONING.

(a) The city hereby adopts a Floodplain Management Ordinance, Ordinance No. 607, which reads as follows.

(b) Pursuant to the provisions of K.S.A. 12-3009, 12-3010, and 12-3301, there is hereby incorporated by reference for the purpose of providing floodplain zoning regulations within the city, all of the zoning regulations contained in that document thereafter known and referred to as the "Floodplain Management Ordinance for the City of Scranton, Kansas," which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program.

(c) No fewer than three copies of the Floodplain Management Ordinance for the City of Scranton, Kansas, shall be marked or stamped "Official Copy as incorporated by Ordinance No. 607 of the City of Scranton, Kansas," and such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from city hall. All city officials requiring the use of the Floodplain Management Ordinance for the city, shall be supplied, at the expense of the city, such number of official copies of such ordinance as may be deemed expedient by the governing body.

(Ord. 606, passed 8-18-2009; Ord. 607, passed 8-18-2009)

