

**ORDINANCE NO. 1503**

**AN ORDINANCE ESTABLISHING A CITY PLANNING COMMISSION  
PURSUANT TO K.S.A. 12-741, *et. seq.***

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

**SECTION 1. AUTHORITY.** The City of Columbus, Kansas, (hereinafter "City"), by the power vested in it by K.S.A. 12-744, hereby establishes a City Planning Commission.

**SECTION 2. COMMISSION ESTABLISHMENT.** There is hereby established the Columbus City Planning Commission which shall be composed of seven members who shall reside within the City or within 3 miles of the City.

**SECTION 3. 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 June 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. 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.

**SECTION 4. 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. 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.

**SECTION 5. 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 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 Cherokee 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 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 6. 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.

**SECTION 7. 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 resource for such purposes.

**SECTION 8. STATUTORY AUTHORITY.** The provisions of this ordinance shall at all times be consistent with K.S.A.12-741, *et. seq.* and amendments thereto.

**SECTION 9.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 10.** This ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Columbus, Kansas.

**PASSED and APPROVED** by the Governing Body this 3rd day of October, 2022.

Approved and signed by the Mayor this 3<sup>rd</sup> day of October, 2022.

  
Grant Spieth, Mayor

ATTEST:

  
Cherri Chancellor, City Clerk

