

**ORDINANCE NO. 3497**

**AN ORDINANCE COMBINING THE CITY PLANNING COMMISSION AND THE BOARD OF ZONING APPEALS PURSUANT TO K.S.A. 12-744 AND K.S.A. 12-759.**

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

- (a) Continuation. The combined planning commission and board of zoning appeals is continued in accordance with the authority of K.S.A. 12-744 and 12-759, and amendments thereto.
  
- (b) Membership, terms and vacancies.
  - 1) Appointments. The planning commission/board of zoning appeals shall consist of seven members, each of whom shall be a resident of the city, except that up to two members may reside outside the city limits provided they reside within three miles of the city limits. Members shall be appointed by the governing body and shall serve without compensation.
  - 2) Terms. Members of the planning commission/board of zoning appeals shall be appointed for minimum terms of three years, which should overlap based on the expiration dates of the original terms of appointment.
  - 3) Vacancies. Vacancies shall be filled for the unexpired terms by appointment by the governing body.
  
- (c) Rules of procedures.
  - 1) Officers: The planning commission/board of zoning appeals shall elect one of its members as chairperson, one as vice-chairperson, and one as secretary. The procedure for choosing each officer and the terms of each office shall be in accordance with the planning commission/board of zoning appeals by-laws.
  - 2) Meetings: The planning commission/board of zoning appeals shall hold regular meetings and special meetings in accordance with the planning commission/board of zoning appeals by-laws and shall adopt rules for the transaction of business. All meetings of the planning commission/board of zoning appeals shall be open to the public, and notice shall be given thereof as provided by law.

- 3) Records: The planning commission/board of zoning appeals shall keep a record of its proceedings. This record shall be a public record.
- 4) Conflict of interest: When a planning commission/board of zoning appeals member has a conflict of interest or stands to profit directly from any decision or recommendation made by the planning commission/board of zoning appeals, that member shall promptly declare of conflict of interest upon the opening of the item for public consideration and shall not thereafter engage in the discussion of the issues or vote on any motion related to the decision.
- 5) Ex-parte contacts: When a planning commission/board of zoning appeals member has been contacted in person, by phone, mail or any other way outside of an official meeting by any person who has a financial interest or stands to profit directly from any decision to be made by the planning commission/board of zoning appeals, that member shall be obligated to promptly disclose the nature of the ex-parte contact and all information received. Such disclosure shall promptly be made upon the opening of the item for consideration so that each planning commission/board of zoning appeals member and all interested parties will be fully informed regarding the factors being considered in any planning commission/board of zoning appeals decision.

(d) Powers and duties. The powers and duties of the planning commission/board of zoning appeals shall be those authorized by Kansas State Statutes, as amended. More specifically, the planning commission/board of zoning appeals shall have the following powers and duties unless otherwise directed by the governing body.

(e) Planning Commission.

- 1) Comprehensive plan: The planning commission shall prepare and recommend to the governing body a comprehensive plan for the future development and growth of the community. The planning commission shall periodically review such plan and make recommendations to the governing body for such revisions as deemed necessary and appropriate.
- 2) Recommendations: The planning commission shall review and make recommendations of approval, approval with conditions or disapproval to the governing body on the following:
  - A. Comprehensive plan amendments;
  - B. Zoning map amendments (rezoning);
  - C. Text amendments to this Unified Development Code;

- D. Special use permits;
- E. Preliminary plats;
- F. Final plats;
- G. Site plans.

3) Final action: The planning commission shall hear and take final action on the following:

- A. Appeals from decisions of the planning director.

- 4) Make such other determinations and decisions as may be required of the planning commission from time to time.
- 5) In general, have the power necessary to enable it to perform its functions and promote municipal planning.
- 6) Make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the city.
- 7) Comment on the development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizen.
- 8) Contract with planners and other consultants for services the commission may require.

(f) Board of Zoning Appeals.

- 1) Appeals: Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the administrative official in the enforcement of this Unified Development Code.
- 2) Variances: To authorize in specific cases a variance from the specific terms of this Unified Development Code that will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of this Unified Development Code will, in an individual case, result in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. The board of zoning appeals shall not have authority to grant a variance which will allow a non-

permitted use, as outlined by the zoning regulations, to be permitted in the specified zoning district.

Passed by the City Council of the City of Iola, Kansas, this 12<sup>th</sup> day of April, 2021.

Approved by the Mayor this 12<sup>th</sup> day of April, 2021.



Jonathan P. Wells  
Jonathan Wells, Mayor

ATTEST

Roxanne Hutton  
Roxanne Hutton, City Clerk