

CHAPTER XVI. ZONING AND PLANNING

Article 1. City Planning Commission/
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ARTICLE 1. CITY PLANNING COMMISSION/ BOARD OF ZONING APPEALS

- 16-101. **COMMISSION RE-ESTABLISHMENT.** There is hereby re-established the Cheney City Planning Commission which is composed of twelve members of which ten members shall be residents of the city and two members shall reside outside the city, but within the designated planning area of the city which is within at least three miles of the corporate limits of the city. The planning commission was originally created by Ordinance No. 457 which was passed and approved on August 7, 1975. (Code 2016)
- 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. (Code 2005)
- 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 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. (Code 2005)

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 Sedgwick 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. (Code 2005)

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. The present membership of the board of zoning appeals shall be disbanded effective May 1, 2005. (Code 2005)

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 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. (Code 2005)

ARTICLE 2. ZONING REGULATIONS

- 16-201. ADOPTION. Zoning regulations are hereby approved and adopted by the Governing Body of the City of Cheney, Kansas, as prepared and published in book form, adopted by the Cheney City Planning Commission and entitled "City of Cheney Zoning Ordinance 2006". The "City of Cheney Zoning Ordinance 2006" is hereby incorporated by reference as fully as if set out herein.
(Ord. 811; Code 2016)
- 16-202. OFFICIAL MAP. Within Chapter 6 of the "City of Cheney Zoning Ordinance 2006" is incorporated by reference and adopted an Official Zoning Map designated as the Zoning District Map and delineating the boundaries of zoning districts and the classification of such districts. Said Zoning District Map shall be marked "Official copy of zoning district map incorporated into zoning regulations by adoption of Ordinance No. 801 by the Governing Body of the City of Cheney on the 14th day of January, 2006" and shall be filed with the City Clerk, to be open for inspection and available to the public at all reasonable business hours.
(Ord. 811; Code 2016)
- 16-203. JURISDICTION. From the effective date of Ordinance No. 801, the Zoning Regulations and Official Zoning Map herein incorporated by reference shall govern all use of the land and the location of buildings and other structures placed within the corporate limits of the City of Cheney, Kansas. (Ord. 811; Code 2016)
- 16-204. OFFICIAL COPY. One of the "City of Cheney Zoning Ordinance 2006" shall be marked "Official Copy as incorporated by Ordinance No. 801", attached to a copy of Ordinance No. 801 and filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.
(Ord. 811; Code 2016)
- 16-205. INVALIDITY OF A PART. Any provisions of the "City of Cheney Zoning Ordinance 2006" which shall be declared by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other sections of the "City of Cheney Zoning Ordinance 2006".
(Ord. 811; Code 2016)

ARTICLE 3. SUBDIVISION REGULATIONS

16-301. REGULATIONS INCORPORATED. There are hereby incorporated by reference, as if set out fully herein, certain regulations governing the subdivision of land located within the City of Cheney, Kansas and certain surrounding area as described therein, as adopted by the governing body of the City of Cheney, Kansas and prepared by _____. One copy of the subdivision regulations marked "Official Copy as incorporated by the Code of the City of Cheney" and to which there shall be a published copy of this section attached, shall be filed with the city clerk to be open for inspection and available to the public at all reasonable hours. (Code 2016)

ARTICLE 4. FLOODPLAIN ZONING REGULATIONS

- 16-401. **INCORPORATING MODEL FLOODPLAIN MANAGEMENT ORDINANCE.**
There is hereby incorporated by reference, for the purpose of regulating and managing floodplains within the corporate limits of the City of Cheney, Kansas, a "Model Floodplain Management Ordinance." One copy of said Model Floodplain Management Ordinance shall be marked "Official copy as adopted by Ordinance No. 802", and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. (Ord. 802, Sec. 1; Code 2008)