

## **CHAPTER XVI. ZONING AND PLANNING**

- Article 1. City Planning Commission/  
Board of Zoning Appeals
- Article 2. Zoning Regulations
- Article 3. Subdivision Regulations
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### **ARTICLE 1. CITY PLANNING COMMISSION/ BOARD OF ZONING APPEALS**

- 16-101.           **COMMISSION RE-ESTABLISHMENT.** There is hereby re-established the Carbondale 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 which is within at least three miles of the corporate limits of the city. The planning commission was originally created by Ordinance No. 198, which was passed and approved on April 5, 1971, Ordinance No. 198 was later amended by Ordinance No. 357, which was passed and approved on October 4, 1999.  
(Ord. 198; Ord. 357; Code 2014)
- 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.  
(Ord. 357; Code 2014)
- 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 2014)

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 Osage 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 2014)

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 2014)

## **ARTICLE 2. ZONING REGULATIONS**

- 16-201. ZONING REGULATIONS INCORPORATED. There are hereby incorporated by reference as if set out fully herein, the zoning regulations adopted by the governing body of the City of Carbondale, Kansas, as prepared by the city and consisting of Ordinances Nos. 444-2010 and 450-2010 entitled, "City of Carbondale Planning Commission Zoning Regulations 2009." One copy of the zoning regulations, marked "Official Copy as Incorporated by the Code of the City of Carbondale" 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 business hours.  
(Ord. 444-2010; 450-2010; Code 2014)

### **ARTICLE 3. SUBDIVISION REGULATIONS**

16-301. REGULATIONS INCORPORATED. There are hereby incorporated by reference, as if set out fully herein, the "Carbondale Planning Commission Subdivision Regulations 2009" adopted by the governing body of the City of Carbondale, Kansas. One copy of the subdivision regulations marked "Official Copy as incorporated by the Code of the City of Carbondale" 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.  
(Ord. 444-2010; Code 2014)

#### **ARTICLE 4. FLOOD PLAIN MANAGEMENT**

- 16-401.       REGULATIONS INCORPORATED.   That there is hereby adopted, incorporated by reference herein and made a part of this article the “The Flood Plain Management, of the City Carbondale, Kansas”, pursuant to K.S.A. 12-3009, 12-3010, and 12-3301, inclusive. One copy of said comprehensive plan shall be marked and stamped as “Official copy as adopted by Ordinance No. 447-2010,” to which shall be attached a copy of this ordinance, and the same shall be filed with the city clerk and shall be open to the inspection by the public at all reasonable hours. (Ord. 447-2010; Code 2014)
- 16-402.       SEVERABILITY. In case any section, clause, sentence, or paragraph or part hereof be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate the remainder of the flood plain management regulations. (Ord. 447-2010; Code 2014)

