

## ORDINANCE NO. 2617

AN ORDINANCE DESIGNATING THE CITY PLANNING COMMISSION AS THE CITY'S BOARD OF ZONING APPEALS AND ADOPTING REVISIONS TO THE LAND DEVELOPMENT CODE TO PROVIDE FOR SUCH DESIGNATION.

WHEREAS, pursuant to K.S.A. 12-759(g) the City of Gardner, Kansas is permitted to designate its planning commission as the City's board of zoning appeals for the purposes of exercising those duties and obligations provided by City code, ordinance and by State statute;

WHEREAS, the governing body of the City deems it advisable to designate the City's planning commission as its board of zoning appeals;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER KANSAS:

SECTION ONE. GMC 17.01.040 Subsection D. shall be amended in its entirety to provide as follows:

D. **Board of Zoning Appeals.** The Board of Zoning Appeals of the City of Gardner, Kansas, is hereby continued in accordance with the provisions of K.S.A. 12-759.

1. *Membership.* The Board of Zoning Appeals shall be composed of the members of the Planning Commission of the City.
2. *Officers.* The members of the Board shall elect from their membership a Chairman and shall appoint a Secretary, each of whom shall serve for a term of one year from the date of their election or appointment by the Board.
3. *Rules of Procedure.* The Board shall adopt rules of procedure in accordance with the authority conferred by K.S.A. 12-759.
4. *Meetings.* While the members shall serve both the Planning Commission of the City and the Board of Zoning Appeals, they shall hold a separate meeting, which may be of a time of their choosing, as the Board of Zoning Appeals. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Secretary of the Board shall keep minutes of its proceedings and official actions, and shall keep records of its examinations and findings, and shall file the same in the office of the Board or such other public place within the City where public records are filed. The presence of four members of the Board shall constitute a quorum for transacting business and a majority vote of the Board with no less than four concurring votes shall be necessary to effect a ruling of the Board.
5. *Powers and Duties.* The Board shall administer the following matters under the procedures and standards of these regulations:
  - a. Appeals of administrative decisions;
  - b. Variances; and

- c. Any other exceptions or relief specifically referred to it under the procedures and standards of these regulations.

SECTION TWO. The Board of Zoning Appeals as previously formulated prior to adoption of this Ordinance is hereby dissolved and its membership is hereby relieved from their held Board positions.

SECTION THREE. All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

SECTION FOUR. This ordinance shall take effect and be in force following its publication in the official newspaper of the City as required by law.

PASSED by the Governing Body this 3rd day of June, 2019.

APPROVED by the Mayor, this 3rd day of June, 2019.

CITY OF GARDNER, KANSAS

---

Steve Shute, Mayor

Attest:

---

Sharon Rose, Interim City Clerk

Approved as to form:

---

Ryan B. Denk, City Attorney