

# **Planning Commission Bylaws**

## **Abilene, Kansas**

### **ARTICLE I – NAME AND AUTHORITY**

#### **Section 1 – Name**

The Name of this organization shall be known as the Abilene Planning Commission, herein called the Commission or Planning Commission.

#### **Section 2 – Authority**

Pursuant to Kansas Statutes, as amended, the Commission was established by Ordinance No. 628 of the Abilene City Commission (formerly known as the Abilene Board of Commissioners) on June 21, 1926.

### **ARTICLE II – POWERS AND DUTIES**

The Commission shall:

- A. Prepare plans for the City of Abilene, which are directed toward the best development of the City;
- B. Hold public hearings as provided by law;
- C. Make and recommend policy to the City Commission in areas of the communities physical, infrastructure and fiscal development;
- D. Evaluate and recommend necessary rule and regulations as provided by law;
- E. Hear and make final judgment on applications for Home Occupation Permits, Preliminary Plats, and Lot Splits and other development applications as provided by ordinance;
- F. Hear and make recommendations to the City Commission on applications for Zoning Amendments, Final Plats, Text Amendments, Conditional Use Permits, amendments or addendums to the Comprehensive Plan and other development applications as provided by ordinance; and
- G. Exercise all other powers provided by law.

### **ARTICLE III – MEMBERS**

#### **Section 1 – Composition**

The Planning Commission shall consist of seven (7) members appointed by the City Commission.

#### **Section 2 – Term of Office**

Commissioners are appointed by the City Commission to a term of office for three (3) years. In the event that a Commissioner resigns, a successor is appointed for the remainder of the term.

#### **Section 3 – Voting**

At all meetings of the Commission, each member attending shall be entitled to cast one (1) vote. Voting shall be by voice or by roll call as determined by the Chairman. The number of votes needed to adopt motions on specific items of business shall be in conformance with the following table.

**Table 1: Affirmative Votes Required**

<b>Affirmative Votes Required</b>	
<b>6 or 7 Members Appointed (Quorum = 4)</b>	
<b>Number of Members Present</b>	<b>Votes to Approve or Make a Recommendation</b>
7	4
6	4
5	3
4	3

In the event that an item of business receives a majority of the votes cast, but such majority does not consist of the minimum required, such action shall be considered a failure to recommend. The number of votes cast for and against each motion shall be recorded in the minutes.

**Section 4 – Conflict of Interest**

Any member of the Commission who feels that he or she has a conflict of interest (as defined by K.S.A. 75-4301 et. seq.) on any matter that is on the Commission’s agenda shall voluntarily vacate his seat and refrain from discussion and voting on said item. Any member may raise the question of conflict of interest or possible conflict of interest with respect to any other member present. The question raised must be decided by majority vote of the members present, excluding the member in question.

**Section 5 – Absences**

The Commission may recommend to the City Commission replacement of any member who has three (3) consecutive absences from regular meetings.

**Section 6 – Vacancy**

Any vacancy of a Commission position shall be filled by City Commission appointment for the remainder of the normal term.

**Section 7 – Ex-Parte Communication**

The Kansas Supreme Court has ruled that recommendations and decisions made by local governments on private land use matters (Zoning Changes, Plats, Conditional Use Permits, Home Occupation Permits, Variances, Appeals, etc.) are “quasi-judicial”. By their nature, quasi-judicial proceedings require that recommendations and decisions are arrived at in a fair and equitable manner, that all interested parties (pro, con, or neutral) are given ample opportunity to present their case, and that the record clearly show all evidence that was considered in arriving at Commission recommendations and decisions.

The Planning Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. Ex-parte communications are contacts between individual commissioners and the general public in which information and evidence regarding a development application is conveyed to the commissioner. Commissioners who experience ex-parte communication must disclose the details of the communication at the Commission meeting after the introduction of the item about which the ex-parte communication pertained.

## **ARTICLE IV -OFFICERS**

### **Section 1 – Positions**

The officers of the Planning Commission shall be Chairman, Vice-Chairman and Secretary.

### **Section 2 – Elections**

The Chairman and Vice-Chairman shall be elected at the annual meeting and shall serve for a term of one (1) year, and until their successors are elected.

### **Section 3 – Secretary**

The Community Development Director, or his designee, shall serve as Secretary.

### **Section 4 – Vacancies**

Any vacancy resulting from resignation, removal or death of a member serving as Chairman, shall cause the Vice-Chairman to automatically assume the position of Chairman and a new Vice-Chairman shall be elected. Vacancies shall be filled by appointment by the City Commission.

### **Section 5 – Terms**

No person shall be eligible to hold the office of Chairman or Vice-Chairman for more than two (2) full consecutive one-year terms.

## **ARTICLE V – DUTIES OF OFFICERS**

### **Section 1 – Chairman**

The Chairman shall preside at all meetings of the Commission and shall be eligible to vote on all matters coming before the Commission. The Chairman has a right to abstain from voting. However, the Chairman must vote in the event of a tie vote or when a motion is one vote short of adoption. He shall appoint all committees and is responsible for conducting all meetings in an orderly manner. The Chairman shall sign all minutes and other approved records, papers, and documents of the Commission.

### **Section 2 – Vice-Chairman**

The Vice-Chairman shall perform the Chairman's duties in the absence of the Chairman.

### **Section 3 – Secretary**

The Secretary shall keep accurate records of all proceedings of the Commission. He shall be responsible for issuing all necessary correspondence, notices, and agendas. He shall be responsible for compiling reports and keeping attendance records. The Secretary, or his designee, shall present Commission

actions and recommendations to the City Commission. The Secretary shall sign and note approval of the minutes of the Commission and shall, when required by law, authenticate the signature of the Chairman.

## **ARTICLE VI – MEETINGS**

### **Section 1 – Regular Meetings**

Regular meetings of the Commission shall be held on the first (1<sup>st</sup>) Tuesday of each month, unless such date is a legal holiday, in which case the meeting will be rescheduled. Unless otherwise publicly announced by the Chairman, all meetings shall be held in the Abilene Public Library, 209 NW 4<sup>th</sup> Street, Abilene, Kansas. Any such change shall be given public notice for the convenience of persons having business before the Commission.

### **Section 2 – Agenda**

The Secretary, or other authorized officer, shall prepare an agenda of all matters to come before the Commission no later than the Monday preceding the next regular or special meeting. All requests for inclusion on the agenda must be made known to the Secretary by 5:00 p.m. on the 30<sup>th</sup> day prior to the meeting of which the agenda pertains.

### **Section 3 – Special Meetings**

Special meetings may be called by the Chairman, or in his absence, the Vice-Chairman, or upon written request of any three (3) members of the Commission. Notice received by letter or phone by Commission members and the news media twenty-four (24) hours prior to the scheduled time shall be considered ample notice.

### **Section 4 – Annual Meeting**

The regular February meeting shall be designated as the annual meeting, at which time officers for the coming year shall be elected. In addition, the Comprehensive Plan will be open to review at the annual meeting.

### **Section 5 – Quorum**

A quorum shall consist of a majority of the members of the Commission appointed and qualified at any given time. In the absence of a quorum at any meeting, the presiding officer may adjourn the meeting to a specific time, date and place which shall be publicly announced.

### **Section 6 – Open Meetings**

All meetings of the Commission shall be open to the public and to attendance by representatives of the news media.

### **Section 7 – Minutes Available to Public**

The Secretary and the City Clerk shall prepare and permanently maintain the Commission's official minutes, which are available for public view and use.

## ARTICLE VII – PARLIAMENTARY AUTHORITY

The procedure followed by the Planning Commission will be standard parliamentary procedure consisting of the following chronological events.

- A. Determination if the applicant or his/her representative is present.
- B. Staff report and recommendation.
- C. Open the public hearing.
- D. Comments by the applicant.
- E. Comments by interested citizens (for, against, or neutral).
- F. Additional comments by the applicant and/or citizens, as appropriate.
- G. Closing of public hearing by the Chairman.
- H. Planning Commission discussion and action.

## ARTICLE VIII – AMENDMENTS

These Bylaws may be amended at any regular meeting of the Commission by a two-thirds (2/3) vote of the members present and voting, provided that any proposed amendment has been submitted in writing at the previous regular meeting.

ADOPTED BY THE CITY OF ABILENE PLANNING COMMISSION ON THE 10<sup>TH</sup> DAY OF FEBRUARY 2004 AND AMENDED THIS 4<sup>TH</sup> DAY OF NOVEMBER 2020.

APPROVAL CERTIFICATION:

  
Travis Sawyer, Chairman  
Brenda Finn-Bowers, Vice Chair  
Planning Commission

ATTEST:

  
Kari Zook  
Planning & Zoning Administrator