

HAYSVILLE PLANNING COMMISSION

Agenda

August 26, 2021

7:00 p.m., Municipal Building, 200 W. Grand

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of June 24, 2021
- IV. Special Order of Business
- V. New Business
 - A. Designee for Historic Committee
 - B. Review of Bylaws
 - C. Recess the Planning Commission and Convene the Board of Zoning Appeals
 - i. Review of By-Laws
 - D. Adjourn the Board of Zoning Appeals and Reconvene the Planning Commission
 - E. Review of Historic Master Plan
- VI. Old Business
- VII. Correspondence and Informational Reading
- VIII. Committee Updates
- IX. Off Agenda
- X. Adjournment

HAYSVILLE PLANNING COMMISSION

Minutes

June 24, 2021

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 7:00 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand.

Those members present were: Tim Aziere, Fred Plummer, Debbie Coleman, Nicole Franken, Pat Hatcher, and Mark Williams. Also present was City Clerk/Treasurer Angela Millsbaugh, Deputy Administrative Officer Georgie Carter, and Planning & Zoning Administrator Jonathan Tardiff.

The first item of business were the Minutes of May 27, 2021.

Motion by Coleman

Second by Williams

To approve the minutes as presented.

Aziere yea, Hatcher abstained, Plummer yea, Coleman yea, Franken yea, Williams yea.

Motion carried.

Under Special Order of Business was the Election of Officers Chairperson.

Aziere asked if there were any nominations for chairperson. Coleman nominated Aziere as Chairperson. Aziere asked if there were any other nominations for Chairperson, there were none.

Motion by Coleman

Second by Williams

To nominate Aziere as Chairperson.

Aziere yea, Hatcher yea, Plummer yea, Coleman yea, Franken yea, Williams yea.

Motion carried

Under Special Order of Business was the Election of Officers Vice-Chairperson.

Aziere asked if there were any nominations for vice-chairperson. Aziere nominated Coleman as Vice-Chairperson.

Motion by Aziere

Second by Franken

To appoint Coleman as Vice-Chairperson.

Aziere yea, Hatcher yea, Plummer yea, Coleman yea, Franken yea, Williams yea.

Motion carried

Under Special Order of Business was the Election of Officers Secretary.

Aziere nominated Tardiff as Secretary.

Motion by Aziere

Second by Coleman

To nominate Tardiff as Secretary.

Aziere yea, Hatcher yea, Plummer yea, Coleman yea, Franken yea, Williams yea.

Motion carried

Under New Business was the Plat of Vaden's Little Acres Addition to Sedgwick County.

Tardiff presented the staff report and stated the property owner wanted to build on the property.

- The property is located on S. Seneca, zoned residential outside of city limits, but it is within the Area of Influence.
- The property is 3.199 Acres.
- Haysville Subdivision Regulations requires it to be platted as it is less than 20 acres.
- PEC submitted comments on the plat which have been incorporated in the plats presented to you.
- Sedgwick County Public Works submitted comments which were received after the cutoff date, they are listed in the comments below.
- Staff recommends approval of the Preliminary and Final Plat with the recommended changes based on conformance to the Haysville Subdivision Regulations.

Aziere asked about access control needs along Seneca, Millspaugh said it was noted in Sedgwick County's Public Works comments that it needed to be shown and referenced in the platter's text.

Aziere asked if they were going to connect with city water. Tardiff commented he had not heard, but the property owner would need to sign a Consent to Annex beforehand and pay for any connection fees.

Motion by Coleman

Second by Williams

To approve the Preliminary and Final Plat of Vaden's Little Acres with the recommended changes based on conformance to the Haysville Subdivision Regulations.

Aziere yea, Hatcher yea, Plummer yea, Coleman yea, Franken yea, Williams yea.

Motion carried.

Under New Business was the Plat of Shook Addition to Haysville.

Tardiff presented the staff report and stated the property owner wanted to build on the property.

- The property is located on S. Broadway, zoned Heavy Commercial, and is in the Haysville City Limits.

- The property is 2.291 Acres.
- Haysville Subdivision Regulations requires it to be platted as it is less than 20 acres.
- PEC submitted comments on the plat which have been incorporated in the plats presented to you.
- Sedgwick County Public Works submitted comments which were received after the cutoff date, they are listed in the comments of the staff report.
- Staff recommends approval of the Preliminary and Final Plat with the recommended changes based on the conformance to the Haysville Subdivision Regulations.

Aziere asked if the property to the north and south were already split in this fashion based on what he saw on the map. Tardiff replied yes. Williams asked if this would need to be rezoned. Tardiff said yes. Williams asked about the access to Broadway. Access would be from South A Street.

Motion by Coleman

Second by Williams

To approve the Preliminary and Final Plat of Shook Addition with the recommended changes based on conformance to the Haysville Subdivision Regulations.

Aziere yea, Hatcher yea, Plummer yea, Coleman yea, Franken yea, Williams yea.

Motion carried.

Under Old Business Aziere stated that they are looking for representation on the Planning Commission for Area of Influence.

There was no Correspondence and Informational Reading.

There was no Committee Updates

There was nothing for Off Agenda.

Motion by Coleman

Second by Plummer

To adjourn tonight's meeting.

Aziere yea, Meyer yea, Williams yea, Plummer yea, Coleman yea, Franken yea.

Motion carried.

The meeting adjourned at 7:16 PM.

HAYSVILLE PLANNING COMMISSION & BOARD OF ZONING APPEALS BYLAWS BYLAWS

THE HAYSVILLE PLANNING COMMISSION HAS ADOPTED THE FOLLOWING BYLAWS FOR THE TRANSACTION OF BUSINESS AND HEARING PROCEDURES AS REQUIRED BY K.S.A. 12-741, ET. SEQ. 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

ARTICLE I MEMBERS

- A. MEMBERSHIP COMPOSITION. The Haysville Planning Commission shall consist of ~~eleven seven~~ (7H) members who shall be appointed by the Mayor, with the consent of the City ~~Council~~Council, in all respects as required by law. FiveNine (59) members must be residents of the City of Haysville, and two (2) members must reside outside of the City, but within the City's zoning area of influence~~within the City's Urban Growth Area~~, as designated in Haysville's current Comprehensive Plan. Appointment to a vacancy caused by the death, incapacity, resignation or disqualification of any Member of the Planning Commission shall be made for that Member's unexpired term.

- B. VACANCIES. Vacancies occurring other than through the expiration of the term shall be filled by appointment for the departing member's unexpired term.

- C. TERMS OF OFFICE. Members shall serve staggered three (3) year terms which shall expire on June 30 of the third year after appointment. Members may serve successive terms. At the end of the three year term, the member may be reappointed with the approval of the City council. Vacancies shall be filled for unexpired terms only. The terms of the two members residing outside of the City's corporate limits must not expire within the same year. Members shall take office on the first meeting of the Planning Commission in July.

- D. COMPENSATION. Commission members shall serve without compensation, except that all members shall be reimbursed for approved travelling expenses.

- E. ATTENDANCE. Regular attendance is an important responsibility of membership in order to maintain a quorum for voting. Members of the Planning Commission shall make it a regular practice to attend the full length of regular meetings, special meetings, and workshops. If, for any reason, a Commissioner cannot attend the scheduled meetings, it is the Commissioner's responsibility to notify the Secretary of the absence prior to the meeting. If a Planning Commissioner is absent from three consecutive meetings without notifying the Secretary prior to the meeting or is absent from 20 percent of the meetings with notification to the Secretary (approximately four times) in a calendar year, then upon

a motion by the Planning Commission, the name of the Planning Commissioner will be forwarded to the Mayor for removal from the Planning Commission.

- F. REMOVAL. Planning Commissioners may be removed by the Mayor for failure to attend meetings, trainings and workshops; neglect of duty; or malfeasance in office.

ARTICLE II ORGANIZATION

- A. OFFICERS. The officers of the Commission shall be a Chairperson, a Vice-Chairperson, and a Secretary. The Chairperson, Vice-Chairperson and Secretary shall be elected by the Commission annually at its first meeting after July 1. Their term of office shall be one (1) year. The Planning and Zoning Administrator or his/her selected representative may serve as Secretary to the Commission.

1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Commission, appoint committees, decide all points of order and procedure, and perform other duties as may be assigned by the Planning Commission. The Chairperson retains his or her ability to discuss, make motions, and vote on issues before the Commission.
2. VICE-CHAIRPERSON. The Vice-Chairperson shall act as Chairperson in the absence of the Chairperson. In the event the office of the Chairperson becomes vacant, the Vice Chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new Vice-Chairperson for the unexpired term at the next regular meeting. The Vice-Chairperson shall perform other duties as may be assigned by the Commission.
3. CHAIRPERSON PRO TEM. When both the Chairperson and Vice-Chairperson are absent from a hearing or meeting, a Chairperson Pro Tem shall be elected from the remainder of the members of the Planning Commission by majority vote to perform the duties and responsibilities of the Chairperson.
4. SECRETARY. The Secretary shall be responsible for keeping the minutes of the Planning Commission; sending agendas to members of the Planning Commission; carrying out written correspondence; maintaining the records of the Commission; and performing such other duties as the Planning Commission may require.

- B. COMMITTEES. The Planning Commission may establish committees as necessary to study, facilitate, and/or make recommendation of specific issues. Each establishment will include purpose, members, and presiding officer. No committee shall have more than four (4) planning commissioners appointed to it.

ARTICLE III
MEETINGS

~~A.~~ A. REGULAR MEETINGS. The Planning Commission shall meet at 7:00 p.m. on the second and fourth Thursday of every month at the Haysville Municipal Building when needed. ~~; except, during the months of November and December when the Planning Commission will only meet on the second Thursday of the month.~~ The Chairperson or Secretary may cancel a regular meeting with at least three (3) days prior notice for the following reasons:

1. It is determined that a quorum will not be present;
2. No subjects are scheduled for the agenda; or,
3. Other reasonable circumstances.

B. BOARD OF ZONING APPEALS (BZA) MEETINGS. BZA meetings take place as needed, at the same date, time, and location as Planning Commission meetings. Therefore, when the Commission must act as the Board of Zoning Appeals, the Planning Commission must recess by motion, the Chairperson must then open the BZA meeting, the BZA must act on their agenda items, the BZA must then adjourn by motion, and the Chairperson must then reconvene the Planning Commission by motion.

Unless otherwise decided by the Commission, the order of business must be as follows:

1. Roll call.
2. Approval of the agenda.
3. Approval of the minutes.
4. Public agenda.
5. Committee and staff reports.
6. Communications.
7. Public hearings (including BZA Meeting, if necessary).
8. Plats.
9. Screening plans.
10. Miscellaneous.
11. Adjournment.

~~3.~~

BC. SPECIAL MEETINGS. Special meetings can be held at any time and may be called by the Chairperson or upon request to the Secretary by at least two members of the Planning Commission. Special meetings are noticed official meetings and open to the public, during which the Planning Commission deliberates and may take votes on specific items. If a special meeting of the Commission is held because of an individual request, that individual

shall pay the cost of advertising the meeting and administrative costs.

Notice of special meetings shall be given to the members of the Planning Commission at least twenty-four (24) hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act. No business shall be transacted at the meeting except such as is stated in the notice.

DC. WORKSHOPS/WORKING SESSIONS. Workshops or working sessions are noticed official meetings open to the public to discuss specific matters before the Commission. The intent of the working session is informational, and the Planning Commission may neither deliberate nor take a vote during the working session.

ED. JOINT MEETING. Joint meetings are noticed official meetings, open to the public, during which the City Council and Planning Commission discuss specific planning related matters. Neither the Planning Commission nor City Council may deliberate or take a vote during the meeting.

FE. MEETINGS HELD ELECTRONICALLY. Meetings of the Commission may be held electronically or by telephone when:

1. The Chairperson or Vice-Chairperson has obtained written consent for this from a majority of the Planning Commission;
2. Directed by the Mayor due to health or safety concerns;
3. In the case of special meetings, when so directed by those calling the special meeting;

Electronic or telephone meetings shall be subject to all rules adopted by the Planning Commission to govern such meetings. Any such rules shall supersede any conflicting rules in the parliamentary procedures, but may not otherwise conflict with or alter any rule or decision of the Planning Commission.

GF. OPEN MEETINGS ACT. All meetings shall be open to the public and shall be compliant with the Kansas Open Meetings Act (KSA 75-4317 et seq)

HG. AGENDA. Agendas shall be transmitted electronically to the members of the Planning Commission at least three (3) days prior to the Planning Commission meeting. The agenda shall also be made available to the public and posted to the Planning Commission page on the City's website. The agenda may be updated and posted to the website by 5:00 PM on the meeting date.

IH. QUORUM. ~~FourSix~~ (64) members, a majority of the Commission, shall constitute a quorum for the transaction of business. The Commission shall assemble for all regularly scheduled meetings with a published agenda. If a quorum of the Commission is not present, no business shall be conducted and the matters for consideration shall be

postponed to the next regularly scheduled Commission meeting. Further legal notifications or notification of surrounding property owners shall not be required for those cases postponed due to lack of a quorum.

J. VOTING. Unless otherwise provided for in the state statutes, an affirmative vote of the majority of the members of the Planning Commission who are present and voting shall be necessary to authorize any action of the Commission. (At the passage of these by-laws, the only exceptions are in the cases of adopting and amending a comprehensive plan (KSA 12-747(b)), amending subdivision regulations (KSA 12-749(d)) and establishing or amending a zoning ordinance (KSA 12-756(b).) When such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the City Council with an explanation of the failure to establish an official vote on the subject in question. All members, including the Chairman, shall have a vote and shall vote when present except that any member shall automatically not vote on any decision in which there might be a conflict of interest. All votes shall be taken by roll call.

K. ABSTENTION. Members of the Planning Commission have a duty to vote unless they have an actual conflict of interest. Members may routinely abstain from voting upon the adoption of minutes from a prior meeting at which the member was not in attendance, or upon their own nomination to the office of Chairperson or Vice-Chairperson.

L. PARLIAMENTARY PROCEDURE. All meetings of the Commission and of its committees shall be conducted in accordance with the current edition of Robert's Rules of Order Newly Revised.

ARTICLE IV MATTERS TO BE CONSIDERED

- A. ITEMS TO BE CONSIDERED. The Commission shall consider matters relating to the Comprehensive Plan, including zoning, subdivision, and other regulatory measures relating to the Comprehensive Plan and the physical development of the city and its area of influence. A specific list of matters to be considered by the Commission is as follows:
1. Rezoning proposals, Conditional Use Permits, Special Use Permits, and Subdivision plats and associated requests for variances or vacations;
 2. Annexation proposals;
 3. Comprehensive Plan amendments or revisions;
 4. Text Amendments to adopted ordinances and resolutions;
 5. Capital Improvement Plans, and;
 6. Such other matters as City Staff may bring before the Commission or that the governing body may assign to the Commission or the Commission shall deem relevant or appropriate.

The Commission shall not consider any proposal, request, application, or plat which is contrary to or in conflict with provisions of the Kansas Statutes Annotated, as amended, or contrary to or in conflict with city ordinances.

ARTICLE V
CALENDAR

- A. CALENDAR. The Secretary shall prepare and submit to the Commission, for its consideration and adoption, a list of closing and hearing dates for the following year. The list shall be submitted to the Commission at its last scheduled meeting in each calendar year. Applications shall then be placed on the calendar of the Commission for hearing, in accordance with said schedule. Study items may be, but need not be, placed on the calendar.

ARTICLE VI
PROCEDURES FOR PUBLIC HEARINGS

- A. INTENT. On any matter that requires a public hearing, it is the Planning Commission's intent to provide adequate legal notice to all concerned parties, and to hold a fair and impartial hearing. Commissioners should discourage any ex parte contacts, and should:
1. Come to a hearing favoring neither side.
 2. Have no personal interest in the outcome other than that shared by the community-at-large.
 3. Treat both sides alike.
 4. Base their decision solely on the facts presented as evidence before the Commission.
- B. DISCLOSURE. Commissioners must disclose any ex parte contacts or information that may have a bearing on their decisions, prior to any motion.
- C. ORDER OF PROCEEDINGS FOR ZONING HEARINGS. Applications for rezoning amendments, conditional use permits and special use permits that are site-specific land use decisions are considered quasi-judicial proceedings. Such proceedings require due process, including proper notice to concerned parties, and the opportunity to be heard in a fair, open and impartial hearing. At the end of the hearing, the Commission must adopt a written report or place a statement in the minutes which summarizes the evidence and states the factors that were considered in arriving at its decision.

The following order of proceedings must be used for all such rezoning and special use hearings:

1. Determine that a quorum is present.
2. Determine that proper notice has been given.
3. Have Commission members report any ex parte contacts.
4. Planning and Zoning Administrator introduction of the application.
5. Applicant's presentation.
6. Commission and staff questions to applicant.
7. Presiding officer opens hearing for public comments on proposed application.
8. Written communications or petitions received.
9. Applicant's final comments.
10. Presiding officer closes hearing. (No public comments will be received after this, although the Commission may question any participant at any time during the proceedings.)
11. Planning Commission deliberations.
12. Review findings and factors on which recommendation is based.
13. Motion to recommend to the Governing Body the approval, disapproval or modification of the application, or to defer the agenda item to a specific date, time and place.

D. ORDER OF PROCEEDINGS FOR LEGISLATIVE HEARINGS. Hearings for the adoption of comprehensive plans, and for adoption of zoning and subdivision regulations or their amendments, are considered to be legislative in nature. At the end of the hearing, the Commission must make a written recommendation to the Governing Body, including a summary of the hearing.

The following order of proceedings must be used for all such legislative hearings:

1. Determine that a quorum is present.
2. Determine that proper notice has been given.
3. Have Commission members report any ex parte contacts.
4. Planning and Zoning Administrator introduction of the matter, and any associated presentation.
5. Commission and staff questions to staff or consultant.
6. Presiding officer opens hearing to public comments on proposed plan or regulations.
7. Written communications received.
8. Staff's final comments.

9. Presiding officer closes public hearing. (No public comments will be received after this, although the Commission may question any participant at any time during the proceedings.)
10. Planning Commission deliberations.
11. Motion to recommend approval, disapproval or modification of the plan or regulations to the Governing Body, or to defer the agenda item to a specific date, time and place.

**ARTICLE VII
RECOMMENDATIONS TO COUNCIL**

- A. **RECOMMENDATIONS.** All recommendations to the City Council shall be transmitted in writing stating the meeting date, motion and vote. A record of the Findings of Fact shall also accompany the recommendations.

**ARTICLE VIII
RECORDS**

- A. **RECORDS.** The Planning Commission shall keep a record of its recommendations, resolutions, transactions, findings, and determinations. All records shall be available for public review.

**ARTICLE IX
CODE OF CONDUCT**

- A. **QUASI-JUDICIAL CONDUCT.** A Planning Commission is expected to act like a judge, or function in a “quasi-judicial” capacity, when reviewing matters that affect a specific party’s land use rights. Quasi-judicial conduct must be above reproach and within the law. Quasi-judicial conduct demands that Commissioners provide interested parties with “procedural due process.” Procedural due process includes the following:
 1. Proper notice of the hearing;
 2. A proper hearing where interested parties are permitted to present their case;
 3. A fair and impartial decision maker that reviews the evidence and makes its decision based on substantial competent evidence in the record
- B. **ACTIVE REQUEST.** An item is an active request until such time as the Planning Commission has completed deliberations on the item, forwarded a recommendation to the Governing Body(ies) and a ‘final action of approval’ has been taken. A ‘final action of

approval' shall be construed to mean, for the purposes of this document, the adoption of an ordinance or resolution by the Governing Body(ies) to enact a zoning or text change, the filing of a plat or development plan at the Register of Deeds, the denial of a request, or the issuance of a building permit based on an approval of an "active request." An item is an active request at least from the time that any filing or request is received by the Planning Office, or any action has been initiated by the Planning Commission or by a Governing Body.

- C. EX PARTE COMMUNICATIONS. An ex parte communication is a communication - written, electronic, oral, or otherwise - that is relevant to the merits of a quasi-judicial proceeding, that is not in the record, and that occurs between a Commissioner and a person who is not on the Commission. Communications between Commissioners, communications between Commissioners and Planning Staff, communications on issues that are not quasi-judicial in nature, and communications on purely procedural matters are not ex parte communications.
- D. DISCLOSURE OF EX PARTE COMMUNICATIONS. Any ex parte communication shall be disclosed at any meeting as part of the Communications section, at the beginning of each quasi-judicial item on the agenda, or earlier. The Commissioner receiving the ex parte communication shall disclose the full nature of the communication including the identity of the individual(s) participating in the communications and any information obtained through the communications so that all Commissioners have the same information upon which to make their decision and so that the applicant, City Staff, interested parties, and the general public are provided a fair opportunity to respond meaningfully to the information. Commissioners continue to be subject to the ex parte disclosure requirements until a final action of approval has been taken on an active request.
- E. REQUEST FOR ADDITIONAL INFORMATION BY COMMISSIONERS. The ex parte communication restriction shall not preclude any Commissioner from requesting additional information as long as the requests for information are in writing and a copy of the request and the response are forwarded to staff and made part of the public record on that quasi-judicial matter.
- F. CONFLICT OF INTEREST. A Commissioner shall declare a conflict of interest and shall not participate in, discuss, or vote on any matter in which he or she has a conflict of interest. Any Commissioner declaring a conflict of interest with respect to an item before the Commission shall physically leave the meeting room during the discussion and the vote on the item.

— For the purposes of these Bylaws, "conflict of interest" is defined as:

- ~~1.~~—An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as "a planning commissioner's spouse, mother, father, sister, brother, son, or daughter, including an adopted child, or a relative of any degree residing in the same household."

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2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
3. The planning commission member owns or has a financial interest in adjacent property or any property that is within the notification radius for the subject request under the applicable zoning regulations;
4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

G. CONDUCT. Commissioners shall refrain from making use of special knowledge or information before it is made available to the general public; shall refrain from making decisions involving business associates, customers, clients, friends and competitors; shall refrain from repeating and continued violation of these rules; shall refrain from using their influence as members of the Planning Commission in attempts to secure contracts, zoning or other favorable municipal action for friends, customers, clients, immediate family members or business associates; and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as such may be issued in the normal and lawful discharge of the duties of such municipal officers.

Commissioners shall conduct themselves so as to bring credit upon the city as a whole and shall do everything in their power to ensure equal and impartial treatment of all without respect to race, creed, color or the economic or the social position of individual citizens.

ARTICLE X AMENDMENTS

A. A.—AMENDMENTS. These bylaws may be amended by an affirmative vote by ~~four six~~ (64) members of the Planning Commission provided such proposed amendment has been submitted to each member of the Commission at least three (3) days prior to the meeting at which said amendments are to be considered.

ARTICLE XI Board of Zoning Appeals

Planning Commission members concurrently serve as the City's Board of Zoning Appeals, which must hear and decide appeals of Zoning Administrator determinations, variances from the terms of the Zoning Regulations, and conditional uses as exceptions. (See K.S.A. 12-759.). The Board of Zoning Appeals must follow procedures and notification requirements as described in the City of Haysville Zoning Regulations.

ARTICLE IV

A. CASES BEFORE THE BOARD. The jurisdiction of the Board of Zoning Appeals shall be limited to the following:

- I. Appeals - See Article 10 Section 1005 of the Zoning Regulations of the City of Haysville.

2. Variances - See Article 10 Section 1008 of the Zoning Regulations of the City of Haysville.

3. Exceptions - See Article 10 Section 1009 and 1010 of the Zoning Regulations of the City of Haysville.

B. The procedure for requesting a hearing before the Board of Zoning Appeals shall be as follows:

1. An application (appeal, variance, exception) shall be filed with the City Clerk on forms furnished by the Secretary of the Board of Zoning Appeals.

2. An application shall be accompanied by an initial filing fee of \$150.00. A separate filing fee shall be charged for each appeal, variance or exception request. Total cost will include: a certified listing from an abstract company containing the names, mailing address, zip code and legal descriptions of the owners of all property within two hundred (200) feet of the property included in the application. If a proposed appeal, variance or exception to property for which review and consideration is sought is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1000 feet in the unincorporated area; notification fees associated with mailings; publication fees; recording fees.

C. In addition to the above requirements, certain applications require additional information, as follows:

1. Appeals

a. The appeal shall be filed within three (3) months after a ruling has been made by the City Inspector, Zoning Administrator, and/or their designee.

b. The order, requirement, decision or determination by the City Inspector, Zoning Administrator, and/or their designee which the appellant believes to be in error; and the principal points supporting the appellant's allegation of errors, including reference to that Section of the Zoning Ordinance (Chapter 16, City Code, Haysville) under which it is claimed the permit should be issued.

c. A clear and accurate description of the proposed work, use or action, in which the appeal is involved, and a statement as to why or in what manner an error has been made.

d. The City Inspector, Zoning Administrator, and/or their designee, shall be represented at all hearings before the Board; and shall then make available to the Board all records regarding the matter.

e. A plot plan drawn to scale showing the proposed plan of improvements, when deemed necessary by the Secretary.

2. Variances

a. A statement from the applicant justifying the variance requested; indicating specifically the enforcement provisions of the Zoning Ordinance from which the Variance is requested and to what degree such a Variance is requested.

b. A specific statement outlining in detail the manner in which it is believed that this application will meet the requirements of Section 13-308c.

c. A sketch, drawn to scale, showing the lot or lots included in the application; the structures existing thereon; and the structure or use contemplated necessitating the Variance requested.

3. Exceptions

a. A plot plan, drawn to scale, showing the lot or lots included in the application; all existing structures thereon; all proposed structures; all point of ingress and egress; widths of driveways; location of parking spaces, dimensions of all proposed structures and parking spaces, screening and landscaping; interior traffic circulation and channelization; and any other information which may be required by the Secretary or may be utilized by the Board in making its determination.

b. A statement by the applicant, in writing, justifying the exception applied for, indicating the provisions of the Zoning Ordinance under which the Board of Zoning Appeals has jurisdiction.

D. No application shall be considered wherein an application has been previously decided, involving the same premises and/or Zoning Ordinance requirements; except in cases where new plans or new facts pertaining to said requirements or regulations are presented, showing changed conditions or circumstances which, in the opinion of the Board, materially alter the aspects of the case. Each new consideration shall be considered a new case, requiring fees noted in Section IV B (2).

E. No application shall be advertised for a public hearing for property wherein a change of zoning is first necessary until the zone change amendment is approved and becomes effective.

ARTICLE V NOTICE OF HEARING

A. Notice to the applicant shall be given not less than twenty (20) days prior to the date of hearing and shall be by mail to his last known address.

B. Notice to all property owners within a distance of two hundred (200) feet of the property to be altered if within the city's limits. If the property is adjacent to the city's limits, the area of notification shall be extended to 1000 feet in the unincorporated area as listed on the certified abstract ownership list accompanying the application, and to Haysville Planning Commission shall be given by mail not less than twenty (20) days prior to the date of the hearing.

C. All notices by mail shall be directed to the addresses stated in the certified abstract ownership list accompanying the application.

D. The Secretary shall cause to be published in the official city paper a notice of Public Hearing of said meeting at least twenty (20) days prior to the date of hearing, as provided by law.

ARTICLE VI HEARING OF CASES

A. All hearings of the Board and all official actions taken by the Board shall be public.

B. The applicant should be present at the public hearing, either in person or by counsel or agent. The applicant, and persons appearing in his behalf, shall be heard first and thereafter the individuals appearing in opposition to the application shall be heard. In the event of the absence of the applicant, either in person or by his counsel or agent, the Board shall determine that said applicant was duly notified, and the Board may proceed to decide the application on the basis of the facts then available for consideration.

C. The Board may summon witnesses.

D. The Board may require persons testifying before it to be sworn in a manner and by an official as provided by law; provided, however, this provision shall not be applicable to members of the Board or administrative employees of the City of Haysville serving in an official or advisory capacity to the Board; or to legal counsel representing applicants in an application before the Board.

ARTICLE VII FINAL DISPOSITION OF APPLICATION

A. The final disposition of every application shall be in the form of a Resolution signed by the Chairperson and Secretary. Every application granted or denied by the Board shall be accompanied by written findings of fact and reasons for granting or denying the Appeal, Variance or Exception; and various conditions may be stipulated by the Board to be fulfilled before granting of the Appeal, Variance or Exception.

B. In exercising its powers, the Board by its Resolution may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and on all applications may attach appropriate conditions, and may issue or direct the issuance of a permit.

C. An affirmative vote of the majority of those Board members present and voting shall be necessary for any action finally disposing of any application. In case of failure to reach a decision, the matter shall be presented at the next meeting.

D. An applicant may withdraw his application at any time prior to the adoption of the Resolution which would cancel and close his case; but the filing fee shall not be remitted to him.

E. The Secretary shall notify the applicant, in writing, of the final action of the Board.

ARTICLE VIII REHEARINGS

A. Requests for rehearing shall be in writing and duly verified and shall be submitted to the Secretary of the Board within sixty (60) days of the date of the original hearing. The requests shall recite the reasons for the request. No request for rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the previous hearing. If the request is granted by the Board, the same procedure will be followed as was followed in consideration of the original application.

B. The Secretary of the Board shall determine if a rehearing shall be allowed, however, the applicant shall have the right to appeal the Secretary's determination to the Board of Zoning Appeals.

ARTICLE IX
AMENDMENTS

A. Amendments to these rules may be introduced at any meeting of the Board and voted on at the same or any subsequent meeting; provided that notice of the consideration of any such amendment or passage, either in the form of a letter or official Agenda of the Board, is mailed to each member prior to its first introduction at a regular meeting. Changes to the bylaws must be approved by both the Planning Commission and the Board of Zoning Appeals.

ARTICLE X
RECORDS

A. The records of all Board cases and hearings shall be kept on file in the office of the Secretary of the Board, in such manner as to be available for public inspection during the regular office hours of the City.

B. The Secretary shall maintain a record of all applications, numbering said applications consecutively.