

CITY OF WICHITA
ORDINANCE NO. _____

SEDGWICK COUNTY
RESOLUTION NO. 021-2017

Date Adopted by City of Wichita: - - 2017
Date Adopted by Sedgwick County: 2-15-2017

Date Published by City of Wichita: - - 2017
Date Published by Sedgwick County: - - 2017

A JOINT CITY ORDINANCE AND COUNTY RESOLUTION ESTABLISHING AND DESIGNATING A SINGLE BOARD OF ZONING APPEALS FOR THE CITY OF WICHITA AND SEDGWICK COUNTY, KANSAS WITH THE MEMBERS THEREOF TO BE FILLED AND TO SERVE BY THE APPOINTED MEMBERS, AS MAY CHANGE FROM TIME TO TIME, OF THE EXISTING METROPOLITAN AREA PLANNING COMMISSION, AND TO HEAR AND DECIDE ZONING VARIANCES AND APPEALS FOR EACH AND BOTH JURISDICTIONS PURSUANT TO KANSAS STATUTE AND THE ADOPTED WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, AND TO BE KNOWN AS THE WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS; AND ABOLISHING THE EXISTING BOARDS OF ZONING APPEALS FOR EACH INDIVIDUAL JURISDICTION.

WHEREAS, the Governing Body of the City of Wichita and the Board of County Commissioners of Sedgwick County, Kansas are authorized by K.S.A. 12-741 *et. seq.*, to officially adopt, incorporate, and promulgate by ordinance and resolution planning and zoning laws and regulations for the protection of the public health, safety and welfare; and

WHEREAS, the Governing Body of the City of Wichita and the Board of County Commissioners of Sedgwick County, Kansas are authorized by K.S.A. 12-759 *et. seq.*, to officially create boards of zoning appeals by the adoption of the appropriate ordinance or resolution; and with each jurisdiction having exercised such authority over several decades; and

WHEREAS, the City Council of the City of Wichita, as the Governing Body of the City of Wichita, and the Board of County Commissioners of Sedgwick County, as the Governing Body of Sedgwick County, Kansas, desire to establish a single board of zoning appeals; to hear and decide zoning variances and appeals for each and both jurisdictions of the City of Wichita and Sedgwick County, Kansas, with the members thereof to be filled and serve by the appointed members, as may change from time to time, of the existing Metropolitan Area Planning Commission, as appointed by each Governing Body as authorized by Kansas law; and to be officially known as the Wichita-Sedgwick County Board of Zoning Appeals; and in order to better serve the public and to make more efficient and effective the customer service provided to all of their citizens and stakeholders; and

WHEREAS, the purpose of the Wichita-Sedgwick County Board of Zoning Appeals shall be to hear and decide variances and appeals and other matters as authorized by Kansas statute, as amended, the adopted Wichita-Sedgwick County Unified Zoning Code, as amended, and the Sedgwick County Code, as amended, with the creation and designation of the board to be considered the individual enactment of the City of Wichita and of Sedgwick County, Kansas, as applicable; and

WHEREAS, the existing boards of zoning appeals for the City of Wichita and Sedgwick County, Kansas shall wrap-up and conclude all existing matters before it and issue any pending decisions by the 30th day of April, 2017, at which time the existing boards of zoning appeals for each municipality will be abolished; and

WHEREAS, K.S.A. 12-759(g) authorizes a planning commission to be designated as a board of zoning appeals under Kansas law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS AND ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS THAT:

SECTION 1. CREATION OF THE WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS AS AUTHORIZED BY THE CITY OF WICHITA.

There is hereby created the Wichita-Sedgwick County Board of Zoning Appeals, which shall consist of the current members, as may change from time to time, of the Metropolitan Area Planning Commission, including but not limited to, those members appointed by the governing body of the City of Wichita. The Wichita-Sedgwick County Board of Zoning Appeals shall begin operations effective the 1st day of May, 2017.

Any application for variance filed or appeal taken after 4:01 p.m. C.S.T. on the 27th day of March, 2017, shall be heard and determined by the newly created Wichita-Sedgwick County Board of Zoning Appeals for the jurisdiction of the City of Wichita and processed and determined in accordance with the then current Wichita-Sedgwick County Unified Zoning Code.

SECTION 2. AUTHORITY OF THE BOARD OF ZONING APPEALS FOR THE CITY OF WICHITA.

The newly created Wichita-Sedgwick County Board of Zoning Appeals shall hear and decide all variances and appeals and other matters as authorized by Kansas statute, as amended, and the adopted by the Wichita-Sedgwick County Unified Zoning Code, as amended, for all matters within the confines of the incorporated city limits of the City of Wichita, and to perform all such matters as authorized by all previous duly adopted ordinances that are not inconsistent with this joint ordinance-resolution.

SECTION 3. OPERATION OF THE WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS.

The newly created Wichita-Sedgwick County Board of Zoning Appeals shall hold regular meetings, shall keep minutes of its proceedings, and carry out all legal responsibilities required by K.S.A. 12-759 *et. seq.*, as amended, and the adopted Wichita-Sedgwick County Unified Zoning Code, as amended. The Board may adopt bylaws consistent with such statute and code.

SECTION 4. INTERIM OPERATION.

Any application for variance filed or appeal taken on or before 4:00 p.m. C.S.T., on the 27th day of March, 2017, shall be heard and determined by the existing Board of Zoning Appeals for the City of Wichita and processed and determined in accordance with the then current Wichita-Sedgwick County Unified Zoning Code. In no event shall the Board of Zoning Appeals for the City of Wichita operate after the 30th day of April, 2017.

SECTION 5. AMENDMENT OF CITY OF WICHITA ORDINANCE.

The City of Wichita is hereby amending Municipal Ordinance 42-816 Sec. 1 (Section 2.12.560) and repealing the original of said Ordinance to designate the members of the Metropolitan Area Planning Commission to serve as the members of the joint Board of Zoning Appeals as specified herein.

SECTION 6. FILING FEES FOR MATTERS WITHIN THE CITY OF WICHITA.

For Board of Zoning Appeals matters involving property within the city limits of the City of Wichita, the filing fees shall be as established by Ord. No. 45-177 Section 2; Ord. No. 44-117 Section 2 (Sec. 2.26.020).

SECTION 7. CREATION OF THE WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS AS AUTHORIZED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS.

There is hereby created the Wichita-Sedgwick County Board of Zoning Appeals for Sedgwick County, Kansas, which shall consist of the current members, as may change from time to time, of the Metropolitan Area Planning Commission, including but not limited to, those members appointed by the Board of County Commissioners of Sedgwick County. The Wichita-Sedgwick County Board of Zoning Appeals shall begin operations effective the 1st day of May, 2017.

Any application for variance filed or appeal taken after 4:01 p.m. C.S.T., on the 27th day of March 2017, shall be heard and determined by the newly created Wichita-Sedgwick County Board of Zoning Appeals for the defined confines of unincorporated Sedgwick County, Kansas and processed and determined in accordance with the then current Wichita-Sedgwick County Unified Zoning Code.

SECTION 8. AUTHORITY OF THE WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS FOR SEDGWICK COUNTY, KANSAS.

The newly created Wichita-Sedgwick County Board of Zoning Appeals for Sedgwick County, Kansas shall hear and decide all variances and appeals as authorized by Kansas statute, as amended, the adopted Wichita-Sedgwick County Unified Zoning Code, as amended, and the Sedgwick County Code, as amended, for all matters within the defined confines of unincorporated Sedgwick County, and to perform all such matters as authorized by all previous duly adopted resolutions that are not inconsistent with this joint ordinance-resolution.

SECTION 9. OPERATION OF THE WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS FOR SEDGWICK COUNTY, KANSAS.

The newly created Wichita-Sedgwick County Board of Zoning Appeals for Sedgwick County, Kansas shall hold regular meetings, shall keep minutes of its proceedings, and carry out all legal responsibilities required by K.S.A. 12-759 *et. seq.*, as amended, and the adopted Wichita-Sedgwick County Unified Zoning Code, as amended. The Board may adopt bylaws consistent with such statute and code.

SECTION 10. INTERIM OPERATION.

Any application for variance filed or appeal taken on or before 4:00 p.m. CST on the 27th day of March, 2017, shall be heard and determined by the existing Board of Zoning Appeals for Sedgwick County, Kansas and processed and determined in accordance with the then current Wichita-Sedgwick County Unified Zoning Code. In no event shall the Board of Zoning Appeals for Sedgwick County operate after April 30, 2017.

SECTION 11. FILING FEES FOR MATTERS WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY.

For Board of Zoning Appeals matters involving property within the unincorporated area of Sedgwick County, the filing fees shall be as established by Resolution No. 5-2015.

SECTION 12. REPEAL OF RESOLUTION.

The Board of County Commissioners for Sedgwick County hereby repeals Resolution No. 62-2015, effective May 1, 2017.

SECTION 13. SEVERABILITY.

If any provision or section of this joint ordinance-resolution is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality shall not affect any other provision of this joint ordinance-resolution. This joint ordinance-resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 14. EFFECT AND PUBLICATION.

This joint ordinance-resolution shall take effect and be in force from and after its adoption and publication once in the official County newspaper and once in the official City newspaper.

Commissioners present and voting were:

| | |
|--------------------------|--------------------|
| DAVID M. UNRUH | <u> Aye </u> |
| MICHAEL B. O'DONNELL, II | <u> Aye </u> |
| DAVID T. DENNIS | <u> Aye </u> |
| RICHARD RANZAU | <u> No </u> |
| JAMES M. HOWELL | <u> No </u> |

Dated this 15th day of February, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

DAVID M. UNRUH, Chairman
Commissioner, First District

MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

DAVID T. DENNIS
Commissioner, Third District

JUSTIN M. WAGGONER,
Assistant County Counselor

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District

PASSED by the governing body of the CITY OF WICHITA, KANSAS, this _____
day of _____, 2017.

JEFF LONGWELL, Mayor

ATTEST:

KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:

JENNIFER L. MAGANA, City Attorney