(Published in the Topeka Metro News June 3, 2005)

ORDINANCE NO. 18442

AN ORDINANCE introduced by Councilmember Brett Blackburn, relating to the establishment of a new City of Topeka planning commission, amending City of Topeka Ordinance No. 18382 Section 39 and City of Topeka Code §§ 110-26 and 110-28, and repealing said original sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Ordinance No. 18382, Section 39, is hereby amended to read as follows:

Composition; appointments; terms.

(a) Membership generally. The Topeka Planning Commission shall consist of twelve (12) members who shall be appointed and have the terms of service as follows:

The mayor, with the consent of the city council, shall appoint twelve (12) members to the city, Topeka Planning Commission. All nominations shall be approved by the city council. At least thirty (30) days prior to presenting a nomination to the council, the mayor shall notify council members of vacancies occurring on the Topeka Planning Commission, shall solicit nominations from the council for filling such positions, and shall appoint members to the Topeka Planning Commission from those nominated by the council. At least six (6) but not more than ten (10) persons shall reside within the corporate boundaries of the city. In addition, at least two (2) but not more than three (3) persons shall reside outside of the corporate limits but within the city's three (3) mile extraterritorial jurisdiction.

(b) Terms. Of the members of the Topeka Planning Commission first appointed, three (3) members shall serve one (1) year terms, four (4) members shall serve two

VYORD/PLANNINGCOMMISSION 05/12/05
(2) year terms and four three (3) members shall serve three (3) year terms. The mayor with the consent of the city council shall determine the terms of each appointed member. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Persons appointed to the first Topeka Planning Commission may be reappointed to additional terms, subject to applicable bylaws of the Topeka Planning Commission for one (1) additional three (3) year term. No person shall be permitted to serve more than two (2) full consecutive terms as a commission member. A period of at least three (3) years shall lapse prior to a former member being eligible for reappointment.

Members appointed to the Topeka Planning Commission shall serve without compensation. Members may be removed for cause by the mayor and city council.

In case of death, incapacity, resignation or disqualification of any member of the Topeka Planning Commission, the mayor with consent of the city council shall appoint another member for the unexpired term of the deceased, incapacitated, resigned or disqualified member.

(c) Qualifications of members.

1. No full or part time benefit eligible employee of the City of Topeka or Shawnee County may be appointed as a member of the Topeka Planning Commission.

2. Not more than three (3) planning commissioners may be full or part time benefit eligible employees of a federal or state agency, or a separate political or taxing subdivision of the state, or full or part time benefit eligible employees of agencies or organizations funded wholly or substantially by the City of Topeka or
Shawnee County.

3. At least six (6) of the planning commissioners shall be appointed from the private sector. At least three (3) of the six (6) commissioners appointed from the private sector shall be currently licensed or engaged in or have substantial past experience in the following fields or professions: licensed professional engineer, licensed landscape architect, licensed architect, certified planner, registered land surveyor, licensed contractor, developer or other experienced professional working in a field related to planning or land development.

(d) Compensation, removal. Members appointed to the Topeka Planning Commission shall serve without compensation. Members may be removed without cause by a vote of 2/3 majority of the council. Members may be removed for cause by a majority vote of the council. Removal for cause shall include but not be limited to the following reasons: failure to attend four (4) planning commission meetings in one (1) calendar year or failure to attend three (3) consecutive commission meetings in one (1) calendar year. In the case of death, incapacity, resignation or disqualification of any member of the Topeka Planning Commission, the mayor, with consent of the city council, shall appoint another person to serve for the unexpired term of the deceased, incapacitated, resigned or disqualified member.

At least thirty (30) days prior to presenting a nomination to the council, the mayor shall notify council members of vacancies occurring on the Topeka planning commission. The mayor shall solicit nominations from the city council for filling such positions, and shall appoint members to the Topeka planning commission from those nominated by the city council. All appointments shall be approved by the city council.
Section 2. That City of Topeka Code § 110-26, Created, is hereby amended to read as follows:

Created.

There is hereby created and established a body which shall be known as the new Topeka Planning Commission, in place of and instead of the body heretofore known as the Topeka-Shawnee County Metropolitan Planning Commission. The new Topeka Planning Commission shall assume all powers, duties, responsibilities and functions provided by the laws of the state and resolutions and ordinances of the city. Such body shall be referred to as the Topeka Planning Commission.

Section 3. That City of Topeka Code § 110-28, Organization and transition, is hereby amended to read as follows:

Organization and transition.

The Topeka Planning Commission members shall meet as soon as possible after its appointment to organize be appointed within thirty (30) days after the effective date of this ordinance. The first meeting of the Topeka Planning Commission shall be set in accordance with the provisions contained in Topeka City Code § 110-34, as amended. The provisions of K.S.A. 12-745 and amendments thereto shall apply to the Topeka Planning Commission with regards to meetings, officers and bylaws. The Topeka Planning Commission shall have as its first order of business to set and conduct all necessary public hearings for the adoption of a comprehensive land use plan, subdivision regulations and zoning code.

All ordinances, to the greatest extent practical including, but not limited to, ordinances adopting the comprehensive land use plan, subdivision regulations and
comprehensive zoning code, resolutions, policies, rules and regulations now in force and
effect within the City of Topeka and its extraterritorial jurisdiction at the time this ordinance
is effective which are not inconsistent with the provisions of this article shall remain in force
and effect until amended or repealed as may be provided by law.

Section 4. That City of Topeka Ordinance No. 18382 Section 39 and City of
Topeka Code §§ 110-26 and 110-28, are hereby specifically repealed.

Section 5. This Ordinance shall take effect and be in force from and after its
passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council May 24, 2005

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 5/10/05 BY BBC
TO BE CODIFIED X
NOT TO BE CODIFIED

VYORD/PLANNINGCOMMISSION
05/12/05