

**CHAPTER XVI. ZONING AND PLANNING**

Article 1. City Planning Commission/  
Board of Zoning Appeals

Article 2. Zoning and Subdivision Regulations

Article 3. Flood Plain Management

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**ARTICLE 1. CITY PLANNING COMMISSION/  
BOARD OF ZONING APPEALS**

16-101. COMMISSION RE-ESTABLISHMENT. There is hereby re-established the Valley Falls City Planning Commission which is composed of six members of which each member shall be a resident of the city. The planning commission was originally created by Ordinance No. \_\_\_\_\_ which was passed and approved on \_\_\_\_\_, \_\_\_\_\_. (Code 2006)

16-102. MEMBERSHIP, TERMS, INTEREST AND COMPENSATION. The members of the planning commission shall be appointed by the mayor with the consent of the governing body at the first regular meeting of the governing body in May of each year and take office at the next regular meeting of the commission. All members shall be appointed for staggered terms of four years each. The appointments shall be so made that the terms of office of the members residing outside of the corporate limits of the city do not expire within the same year. By the re-establishment of the commission, all current members continue to serve their present terms of office. In case of death, incapacity, resignation or disqualification of any member, appointment to such a vacancy on the commission shall be made of the unexpired term of the member leaving the membership. Should any member have a conflict of interest, either directly or indirectly, in any matter coming before the commission, he or she shall be disqualified to discuss or vote on the matter. The governing body may adopt rules and regulations providing for removal of members of the commission. Members of the commission shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties as deemed desirable by the governing body. (Code 2006)

16-103. MEETINGS, OFFICERS AND RECORDS. The members of the planning commission shall meet at such time and place as may be fixed in the commission's bylaws. The commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one year and until their successors have been elected. A secretary shall also be elected who may or may not be a member of the commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. The commission shall adopt bylaws for the transaction of business and hearing procedures. All actions by the commission shall be taken by a majority vote of the entire membership of the commission; except that, a majority of the members present and voting at the hearing shall be required to recommend approval or denial of an amendment to the zoning regulations, a rezoning amendment or a special use permit. A proper record

of all the proceedings of the commission shall be kept. The commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the commission. (Code 2006)

16-104.           **POWERS AND DUTIES.** The governing body and planning commission shall have all the rights, powers and duties as authorized in K.S.A. 12-741 *et seq.*, and amendments thereto, which are hereby incorporated by reference as part of this section and shall be given full force and effect as if the same had been fully set forth. The commission is hereby authorized to make or cause to be made, adopted and maintained a comprehensive plan for the city and any unincorporated territory lying outside of the city but within Jefferson County in which the city is located, which in the opinion of the commission forms the total community of which the city is a part. The commission shall also cause to be prepared, adopted and maintained zoning and subdivision regulations on all land within the jurisdiction designated by the governing body. The comprehensive plan and zoning and subdivision regulations are subject to final approval of the governing body by ordinance. Periodically, the governing body may request the commission to undertake other assignments related to planning and land use regulations. (Code 2006)

16-105.           **BOARD OF ZONING APPEALS.** 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. The board shall adopt rules in the form of bylaws for its operation which shall include hearing procedures. Such bylaws shall be subject to the approval of the governing body. Public records shall be kept of all official actions of the board which shall be maintained separately from those of the commission. The board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the board present and voting at the hearing shall be required to decide any appeal. Subject to subsequent approval of the governing body, the board shall establish a scale of reasonable fees to be paid in advance by the appealing party. The present membership of the board of zoning appeals shall be disbanded effective \_\_\_\_ \_\_\_\_, 200\_\_\_. (Code 2006)

16-106.           **BUDGET.** The governing body shall approve a budget for the planning commission and make such allowances to the commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate moneys for such purposes from the general fund. The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other resource for such purposes. (Code 2006)

## ARTICLE 2. ZONING AND SUBDIVISION REGULATIONS

16-201. ZONING AND SUBDIVISION REGULATIONS INCORPORATED. (a) The proposed zoning ordinance and subdivision ordinance of the city is hereby adopted pursuant to K.S.A. 12-741 *et seq.*, as amended.

(b) The zoning ordinance and subdivision for the city was prepared in book form by the Valley Falls Planning Commission under the date of May, 1996, and the same is hereby declared to be approved and incorporated by reference as fully as if set out herein pursuant to K.S.A. 12-3009 through 12-3012, as amended.

(c) Not less than three copies of the zoning ordinance shall be filed with the city clerk marked "Official Copy as Incorporated by Ordinance No. 16-201" and to which there shall be attached a published copy of this ordinance, the copies to be open for inspection and available to the public at all reasonable hours.

(d) Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof shall be liable to a fine of not more than \$500.00 and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the same fine as hereinbefore provided. (Ord. 16-201, Secs. 1:4; Code 2006)

ORDINANCE NO. 16-216

**AN ORDINANCE ANNEXING LAND TO THE CITY OF VALLEY FALLS, KANSAS.**

**BE ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:**

**WHEREAS**, the following described land adjoins the City of Valley Falls, Kansas, and is generally located in the Southwest Fractional Quarter (SW fr/4) of Section Nineteen (19), Township Eight South (T8S), Range Eighteen East (R18E) of the 6<sup>th</sup> P.M., in Jefferson County, Kansas.

**WHEREAS**, a written petition for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Valley Falls, Kansas pursuant to K.S.A. 12-520, as amended; and

**WHEREAS**, the governing body of the City of Valley Falls, Kansas, finds it advisable to annex such land.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:**

**SECTION 1.** That the following described land is hereby annexed and made a part of the City of Valley Falls, Kansas:

A part of the Southwest Fractional Quarter (SW fr/4) of Section Nineteen (19), Township Eight South (T8S), Range Eighteen East (R18E) of the 6<sup>th</sup> P.M., in Jefferson County, Kansas, described as follows:

Beginning at a point of the South line extended East of Block "H" (now vacated), Coy's Addition to the City of Valley Falls, Jefferson County, Kansas, according to the recorded plat thereof, 760 feet East of the Southwest corner (SW/cr) of said Block "H", which POINT OF BEGINNING is the Southwest corner (SW/cr) of that tract known as Lot 1-7/8 of said Southwest Fractional Quarter (SWfr/4); running thence North along the West line of said Lot 1-7/8, 150 feet; thence West 252.6 feet to the Easterly right-of-way line of the New "K-4" State Highway; thence Northeasterly along said Easterly highway right-of-way line to its intersection with the Westerly boundary line of the parcel of land designated as Tract No. 953-2 by the United States of America in Notice of Lis Pendens filed June 28, 1968, and recorded in Book 256, Page 190, of the records of Register of Deeds of Jefferson County, Kansas, in connection with the Perry reservoir project; thence Southeasterly along the Westerly boundary line of said Tract No 953-2 to the South line of the aforesaid Lot 1-7/8; thence West along the South line of said Lot 1-7/8, 431 feet, more or less, to the POINT OF BEGINNING.

**SECTION 2.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Valley Falls, Kansas, this 20<sup>th</sup> day of July 2009.

\_\_\_\_\_  
**Charles Stutesman Mayor**

**ATTEST:**

\_\_\_\_\_  
**Millie C. Bickford, City Clerk**

**NOTICE TO ADJOINING PROPERTY OWNERS  
OF A REZONING REQUEST**

A request for a change in the zoning regulations, as applied to the property described as: generally located in the Southwest Fractional Quarter (SW fr/4) of Section Nineteen (19), Township Eight South (T8S), Range Eighteen East (R18E) of the 6<sup>th</sup> P.M., in Valley Falls, Jefferson County, Kansas has been requested by Bill Metzger.

Legal description as follows: A part of the Southwest Fractional Quarter (SW fr/4) of Section Nineteen (19), Township Eight South (T8S), Range Eighteen East (R18E) of the 6<sup>th</sup> P.M., in Jefferson County, Kansas, described as follows: Beginning at a point of the South line extended East of Block "H" (now vacated), Coy's Addition to the City of Valley Falls, Jefferson County, Kansas, according to the recorded plat thereof, 760 feet East of the Southwest corner (SW/cr) of said Block "H", which POINT OF BEGINNING is the Southwest corner (SW/cr) of that tract known as Lot 1-7/8 of said Southwest Fractional Quarter (SWfr/4); running thence North along the West line of said Lot 1-7/8, 150 feet; thence West 252.6 feet to the Easterly right-of-way line of the New "K-4" State Highway; thence Northeasterly along said Easterly highway right-of-way line to its intersection with the Westerly boundary line of the parcel of land designated as Tract No. 953-2 by the United States of America in Notice of Lis Pendens filed June 28, 1968, and recorded in Book 256, Page 190, of the records of Register of Deeds of Jefferson County, Kansas, in connection with the Perry reservoir project; thence Southeasterly along the Westerly boundary line of said Tract No 953-2 to the South line of the aforesaid Lot 1-7/8; thence West along the South line of said Lot 1-7/8, 431 feet, more or less, to the POINT OF BEGINNING.

The request has been filed for a re-zoning from the R-1A Single Family Residential District to an IP2 Planned Medium Industrial District.

A public hearing will be held by the Valley Falls Planning and Zoning Commission on August 19, 2009 at 5:30 P.M., in the Valley Falls City Office at which time you may appear if you so desire, either in person or by agent or attorney, in opposition to or support of the proposed change of zoning.

This hearing is not limited to those receiving copies of this notice, and if you know of any neighbor or affected property owner, who for any reason, has not received a copy, it would be appreciated if you would inform them of this public hearing or have them contact the City Office for further information.

Respectfully,  
Valley Falls Planning and Zoning Commission  
Terry Urban  
Zoning Administrator

*City of*  
**VALLEY FALLS**

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*Incorporated May 17, 1869*

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**ORDINANCE NO. 16-217**

AN ORDINANCE REZONING CERTAIN LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF VALLEY FALLS, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:

**SECTION 1:** Following receipt by the City of Valley Falls of rezoning application material in compliance with Article 29 of the Valley Falls Zoning Ordinance; a public hearing on the requested rezoning on August 19, 2009 at 5:30 p.m.; and the unanimous vote of approval by the Valley Falls Planning and Zoning Commission; the City Council of Valley Falls, Kansas, considers a request to rezone the below described to rezone the below described parcel from R-1 A to I-P2.

**SECTION 2:** The parcel of land which is owned by Mark Gerard Kramer; Brian Lane and Shana Lane, is described as follows:

Legal description as follows: A part of the Southwest Fractional Quarter (SW fr/4) of Section Nineteen (19), Township Eight South (T8S), Range Eighteen East (R18E) of the 6<sup>th</sup> P.M., in Jefferson County, Kansas, described as follows: Beginning at a point of the South line extended East of Block "H" (now vacated), Coy's Addition to the City of Valley Falls, Jefferson County, Kansas, according to the recorded plat thereof, 760 feet East of the Southwest corner (SW/cr) of said Block "H", which POINT OF BEGINNING is the Southwest corner (SW/cr) of that tract known as Lot 1-7/8 of said Southwest Fractional Quarter (SWfr/4); running thence North along the West line of said Lot 1-7/8, 150 feet; thence West 252.6 feet to the Easterly right-of-way line of the New "K-4" State Highway; thence Northeasterly along said Easterly highway right-of-way line to its intersection with the Westerly boundary line of the parcel of land designated as Tract No. 953-2 by the United States of America in Notice of Lis Pendens filed June 28, 1968, and recorded in Book 256, Page 190, of the records of Register of Deeds of Jefferson County, Kansas, in connection with the Perry reservoir project; thence Southeasterly along the Westerly boundary line of said Tract No 953-2 to the South line of the aforesaid Lot 1-7/8; thence West along the South line of said Lot 1-7/8, 431 feet, more or less, to the POINT OF BEGINNING.

**SECTION 3:** This Ordinance shall become effective after one publication in the Valley Falls Vindicator.

**PASSED AND APPROVED BY** the City Council of Valley Falls, Kansas on the 9<sup>th</sup> day of September, 2009.

\_\_\_\_\_  
Charles Stutesman, Mayor

ATTEST:

\_\_\_\_\_  
Millie C. Bickford City Clerk

**CITY OFFICE**  
421-B MARY STREET - VALLEY FALLS, KANSAS 66088-1200  
PHONE 785-945-6612 – FAX 785-945-3341  
vfcity@giantcomm.net

**ORDINANCE NO. 16-218**

**AN ORDINANCE ANNEXING LAND TO THE CITY OF VALLEY FALLS, KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:**

**WHEREAS**, the following described land adjoins the City of Valley Falls, Kansas, and is generally located in the Southwest Fractional Quarter (SW fr/4) of Section Nineteen (19), Township Eight South (T8S), Range Eighteen East (R18E) of the 6<sup>th</sup> P.M., in Jefferson County, Kansas.

**WHEREAS**, a written petition for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Valley Falls, Kansas pursuant to K.S.A. 12-520, as amended; and

**WHEREAS**, the governing body of the City of Valley Falls, Kansas, finds it advisable to annex such land.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:**

**SECTION 1.** That the following described land is hereby annexed and made a part of the City of Valley Falls, Kansas:

All those lands constituting the rights of way of Kansas Highway No. 4 abutting the following described tract of land:

A part of the Southwest Fractional Quarter (SW fr/4) of Section Nineteen (19), Township Eight South (T8S), Range Eighteen East (R18E) of the 6<sup>th</sup> P.M., in Jefferson County, Kansas, described as follows:

Beginning at a point of the South line extended East of Block "H" (now vacated), Coy's Addition to the City of Valley Falls, Jefferson County, Kansas, according to the recorded plat thereof, 760 feet East of the Southwest corner (SW/cr) of said Block "H", which POINT OF BEGINNING is the Southwest corner (SW/cr) of that tract known as Lot 1-7/8 of said Southwest Fractional Quarter (SWfr/4); running thence North along the West line of said Lot 1-7/8, 150 feet; thence West 252.6 feet to the Easterly right-of-way line of the New "K-4" State Highway; thence Northeasterly along said Easterly highway right-of-way line to its intersection with the Westerly boundary line of the parcel of land designated as Tract No. 953-2 by the United States of America in Notice of Lis Pendens filed June 28, 1968, and recorded in Book 256, Page 190, of the records of Register of Deeds of Jefferson County, Kansas, in connection with the Perry reservoir project; thence Southeasterly along the Westerly boundary line of said Tract No 953-2 to the South line of the aforesaid Lot 1-7/8; thence West along the South line of said Lot 1-7/8, 431 feet, more or less, to the POINT OF BEGINNING.



**SECTION 2.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Valley Falls, Kansas, this 5<sup>th</sup> day of May 2010.

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**Charles Stutesman Mayor**

**ATTEST:**

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**Millie C. Bickford, City Clerk**

### **ARTICLE 3. FLOOD PLAIN MANAGEMENT**

16-301. FLOOD PLAIN MANAGEMENT INCORPORATED. The flood prone areas of Valley Falls, Kansas are subject to inundation which results in loss of life and property, health and safety hazards. It is the purpose of this article to promote the public health, safety and welfare and minimize losses as described in Article 1, Section B (1): to establish or maintain the community's eligibility for participation in the National Flood Plain Insurance Company (N.F.P.I.) as defined in 44 Code of Federal Regulations (C.F.R.N.) 59.22(a)(3); and to meet the requirement of 44 C.F.R. 60.3(a) and K.A.R. 5-44-4, as developed by FEMA.

The flood plain management ordinance in full is found in the city office and has been marked "Official Copy" as adopted by 16-401 and this is all made a part of the zoning procedures of the city.  
(Ord. 16-401, Secs. 1:2; Code 2006)