

City of Bel Aire

STAFF REPORT

DATE: 09/03/2026

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Bylaws Discussion

STAFF COMMUNICATION

FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report summarizes ongoing discussions regarding potential updates to the Planning Commission's Bylaws and outlines items identified by Commissioners for further consideration.

Background

The Planning Commission adopted its Bylaws on August 14, 2025, with City Council approval on September 2, 2025. The Bylaws require that the Commission review the document at least every three years to ensure timely and appropriate updates.

In previous meetings, Commissioners asked how an agenda item could be added to allow discussion of topics that do not require formal action. Staff advised that this would require a Bylaws amendment. The Commission agreed to review the Bylaws and provide suggestions. Commissioner Faber requested that an item be added to the September 10, 2026, agenda for further discussion, and Commissioners confirmed that they would bring suggestions to that meeting.

Current Discussion

Staff received a written memo from Commissioner Faber, included in the meeting packet, and is requesting that the Commission review the memo and discuss additional potential Bylaw updates.

Based on prior conversations, the following items have been identified for discussion by staff:

- Adding a “Planning Commission Discussion” agenda item for informal, non-action-related topics.
- Removing “Approval of Next Meeting,” which is made unnecessary by the annual meeting schedule adopted each fall.
- Adding language defining quorum and voting procedures during prolonged vacancies on the Planning Commission or Board of Zoning Appeals.
- Adding language addressing due process violations, including:
 - Procedural issues such as lack of impartiality, denial of a property owner’s ability to speak, or decisions not based on factual records.
 - Substantive issues such as arbitrary decisions, retaliation, or actions that are irrational or reflect abuse of government authority.
- Clarifying what is and is not appropriate for discussion under each agenda item in the order of business.
- Establishing a process for Commissioner absence notifications, including method and timing.
- Adding criteria and procedures for meeting cancellations.

Staff is seeking clear direction regarding which topics the Commission wishes to advance as formal draft amendments. A variety of ideas have been raised, and focusing on priority items will allow staff to prepare accurate and efficient draft language. To proceed effectively, staff requests that Commissioners identify:

- Which proposed changes should be drafted into formal Bylaw amendment language;
- Which items should not move forward at this time.

Conclusion

As the Commission continues reviewing the Bylaws, establishing clear priorities will ensure an efficient and purposeful amendment process. Identifying which items warrant formal drafting will help staff focus efforts on updates that strengthen clarity, procedural consistency, and transparency.

MEMORANDUM

To: Ted Henry, City Manager; Paula Downs, Community Development Director; Maria Schrock, City Attorney

From: Deryk Faber, Vice Chair, Bel Aire Planning and Zoning Commission

Date: August 4, 2026

Re: Suggested additions to the bylaws of the Planning Commission, the Board of Zoning Appeals, and the Airport Zoning Commission, with the research behind each suggestion

Ted, Paula, and Maria,

At the close of the July meeting, the Planning Commission was told we will review our bylaws and bring suggested additions. Ahead of that review, I am sending you my suggestions along with the research behind them, so you can look them over before the meeting and use this as a starting baseline rather than seeing everything cold from the dais. Nothing here is a demand. It is one commissioner's homework, offered early so staff and counsel have time to react, correct me where I am wrong, and shape drafts where you agree.

Three notes on scope. First, I compared our bylaws against Wichita, Derby, Valley Center, Andover, and Goddard, plus the Kansas statutes, and every claim carries a citation in Section 9. Second, because our seven members sit as three bodies (the Planning Commission, the Board of Zoning Appeals, and the Airport Zoning Commission), I intend each suggestion to be mirrored across all three sets of bylaws wherever the subject applies, so the documents never drift apart. Third, Section 7 writes out actual suggested definitions, word for word with sources, because the definitions gap is the one we have already felt in live meetings.

One example shows why this matters and why now. City code section 18.3.2 already lists “non-attendance, lateness, non-participation, or failure to familiarize themselves with regulations” as causes for removing a commissioner. The teeth exist. But when a formal removal request was actually brought, it could not move forward, because our documents never define cause and contain no counseling or warning step that gives a member the chance to correct course first. That is not a people problem; it is a paperwork problem, and it is fixable. Item 16 writes down the exact ladder the city said it needed, and Section 7 defines the terms that were missing when it mattered.

City of Bel Aire, Kansas

**Planning Commission, Board of Zoning Appeals, and
Airport Zoning Commission**

**Suggested Bylaw Additions With Supporting Research: A Comparison With Five Nearby
Cities, a Detailed Recommendation List, and Written Out Suggested Definitions**

Submitted by Deryk Faber, Vice Chair, Planning and Zoning Commission

August 2026

1. Purpose of this report

This report supports the bylaws review the Planning Commission was asked to prepare for at the close of the July 2026 meeting. It compares Bel Aire's bylaws with the rules used by five nearby cities (Wichita, Derby, Valley Center, Andover, and Goddard) and with Kansas state law, then presents a numbered list of suggested additions, a full set of suggested definitions with sources, and the asks I am making of staff and counsel. The five cities were chosen on purpose: Wichita for the regional standard, Derby because it is the largest suburb in the metro and runs the same commission as BZA model we do, and Valley Center, Andover, and Goddard because they are the suburbs closest to Bel Aire in size and situation.

One important note up front. Bel Aire's bylaws are not old. The Planning Commission adopted a full rewrite on August 14, 2025, and the City Council approved it on September 2, 2025. On that same night the Council passed Ordinance No. 746, which made the Planning Commission also serve as the Board of Zoning Appeals (BZA). The BZA then adopted its own matching bylaws on November 13, 2025. So the 2025 rewrite was a big step forward. The goal of this review is not to tear that work down. The goal is to finish the job, because the 2025 bylaws still have real holes, and two of them (a definitions section and a remote attendance rule) were already flagged during the November 2025 BZA review and set aside for later. Later is now.

One body, three sets of rules. Our seven members convene as the Planning Commission under K.S.A. 12-741 and following, as the BZA under K.S.A. 12-759 and Ordinance No. 746, and as the Airport Zoning Commission under the Kansas airport zoning act, K.S.A. 3-701 and following. Each capacity runs on its own rules. Every recommendation in this report is written once, for the Planning Commission bylaws, and is intended to be adopted in matching form in the BZA bylaws and the Airport Zoning Commission's rules wherever the subject applies. Item 12 proposes making that matching review a standing requirement.

2. Where Bel Aire stands today

Here is the current framework, in plain words.

- **The Commission.** Seven members serve staggered three year terms. Five must live in the city. Two must live outside the city but within three miles of the city limits. The Mayor appoints members with Council consent. This matches K.S.A. 12-744, which requires the two outside members whenever a city plans or zones beyond its limits.
- **Three hats, one body.** The same seven people meet as the Planning Commission, the Airport Zoning Commission, and the Board of Zoning Appeals, with separate roll calls at the same meeting. Ordinance No. 746 (September 2, 2025) made the Commission the BZA, which K.S.A. 12-759 allows.
- **The bylaws.** Seven articles: creation and membership, officers, meetings, conduct of meetings, hearing procedures, committees, and amendments. Officers are elected each October. Regular meetings are the second Thursday at 6:30 pm. Quorum is four. Robert's Rules of Order fills the gaps. Amendments need a majority of all members plus Council approval, and the bylaws must be reviewed at least every three years.
- **The zoning code.** Chapter 18 of the city code holds the zoning regulations, including a large definitions article (section 18.2.3, roughly 200 terms) for land use words. But those are land words, not meeting words. The bylaws themselves define nothing, and Section 7 shows that even the land word list has holes that have already caused debate.

State law sets the floor. K.S.A. 12-745 says the Commission “shall adopt bylaws for the transaction of business and hearing procedures.” It also sets the default vote: “no action by the planning commission shall be taken except by a majority vote of the members present and voting,” unless another rule says otherwise. Everything state law does not decide (quorum details, hearing steps, conflicts, ex parte contact, absences, definitions, remote attendance, and more) is ours to write. That is exactly what a bylaws review is for.

3. What the other five cities do

Wichita (the Metropolitan Area Planning Commission, or MAPC)

Wichita and Sedgwick County share one fourteen member commission (seven city picks, seven county picks). Its bylaws are short (nine pages, five articles) but sharp, last updated September 12, 2024. The parts worth borrowing: big decisions (the comprehensive plan, zoning code text, and subdivision regulations) need a majority of ALL members, not just those in the room. The chair may not serve two years in a row. Off agenda items can be added by a majority of members present. Rules can be suspended only by a two thirds vote, with the purpose and the time limit stated. Members must disclose ex parte contacts, and a member who has already made up their mind on a case before the hearing may not vote on it. Speakers get set times: ten minutes for the applicant plus a two minute rebuttal, three minutes for everyone else. The bylaws also include emergency virtual meeting rules. Sitting as the BZA, the same body requires eight of fourteen votes to grant a variance, a thirty day window to file an appeal, and a decision within forty days.

Derby

Derby is the largest suburb in the Wichita metro, and it matters most to us for one reason: since November 2021 (Ordinance No. 2484), Derby's Planning Commission has also served as its BZA, the same model Bel Aire adopted in 2025. Derby's process discipline is worth copying. Appeals of staff decisions must be filed within 30 days. Variances must be decided within 45 days after the hearing closes, and an approved variance lapses if not acted on within 180 days. The Council may override a commission recommendation only by a two thirds vote, and three fourths when a valid protest petition is filed. Derby also gives staff a “zoning adjustment” tool for small deviations (for example, up to 20 percent yard reductions and 25 percent parking reductions), so tiny cases never need a full variance hearing. Derby's citywide board rules let the Council remove any board member for cause, including “excessive unexcused non-attendance,” but only with notice and a chance to be heard, which supports the excused and unexcused distinction proposed in item 16. Two cautions. Derby's commission has ten members, an even number that invites tie votes, which is a reason for our item 7. And while Derby does post its bylaws online (Planning Commission, 2020; BZA, 2022), it posts them only as scanned pictures that cannot be searched or read by software. If Bel Aire posts its bylaws as real, searchable text, we beat the biggest suburb in the metro on transparency.

Valley Center

Valley Center runs a seven member Planning and Zoning Board (five in city, two outside) that also sits as the BZA. Its code orders the board to adopt bylaws, but the bylaws are not posted anywhere public. The code itself carries an unusual voting split: most decisions need a majority of the FULL membership, while rezonings need only a majority of members present. Officer elections happen every April, and the

secretary may be a staff member. Their zoning regulations contain a strong definitions article. The lesson for Bel Aire: we are actually ahead of Valley Center on transparency, because our bylaws are adopted in public packets. But their code shows how a city can require stronger votes for bigger decisions.

Andover

Andover has a seven member commission (five in city, two outside) that also serves as the BZA, and one combined bylaws document covers both hats. Two features stand out. First, Andover requires the BZA's records to be kept SEPARATE from the Planning Commission's records, with minutes that show the evidence, the findings, the decision, and each member's vote. Second, Andover flips the usual voting rule: land use items pass by a majority of members present and voting, but all OTHER business needs a majority of the entire membership. Their development manual has a modern, illustrated definitions part. Their variance rules cap how big a variance can be (for example, lot width can only be reduced 25 percent) and flatly ban use variances. Appeals of staff decisions must be filed within thirty days. The commission must send its report to the Council within fourteen days after a hearing closes.

Goddard

Goddard's seven member Planning Commission is also its BZA. Its code hands nearly everything to the bylaws (adopted December 10, 2015, amended February 7, 2022), and those bylaws are not posted publicly. Goddard is mostly useful as a warning. The 2022 bylaws amendment required all commissioners to live inside city limits, but the city code still says at least two members must live outside the city. The code and the bylaws now point in different directions, and a seated commissioner had to step down over it. Bel Aire has the same kind of mismatch sitting in its own code right now (see item 5 below), so Goddard shows why cleanup matters. One thing Goddard does state clearly: the Council may remove a commission member at any time by resolution.

4. Side by side comparison

This table shows the highlights at a glance. "In bylaws, not public" means the city keeps the rule in a bylaws document that is not posted online.

Topic	Bel Aire	Wichita (MAPC)	Derby	Valley Center	Andover	Goddard
Members	7 (5 in city, 2 outside within 3 miles)	14 (7 city, 7 county)	10 (at least 2 outside city)	7 (5 in city, 2 outside)	7 (5 in city, 2 outside)	7 (2022 bylaws moved to all in city)
Who is the BZA	Planning Commission (Ord. 746, 2025)	The 14 MAPC members sit as BZA	Same commission (Ord. 2484, 2021)	Same board (code 2.12.050)	Same commission (code 20-107)	Same commission (code 16-102)
Quorum	4 members	Majority of members	In bylaws (posted only as scans)	Not in code (in bylaws)	More than half (4 of 7)	In bylaws, not public
Basic vote rule	Majority present and voting	Majority present and voting	In bylaws (posted only as scans)	Majority of full membership for most items	Land use items: majority present and voting	In bylaws, not public
Bigger vote rules	None in bylaws	Comp plan and code text need majority of ALL members	Council override needs 2/3; 3/4 on protest	Rezoning need only majority present	Other business needs majority of ALL members	In bylaws, not public

Definitions in bylaws	None (deferred in Nov 2025)	None in bylaws; huge article in zoning code	200 plus terms in zoning code; no parking space or driveway	None public; robust list in zoning regs	Illustrated definitions part in dev manual	Unknown
Ex parte rule	Discouraged, with disclosure step	Disclosure required; prejudgment bars voting	Disclosed on record in practice	Practice only (disclosed in minutes)	In bylaws, not public	In bylaws, not public
Speaker time limits	5 min applicant, 5 min public	10 min applicant plus 2 min rebuttal, 3 min public	Not published	Not published	Not published	Not published
Remote meetings	None (deferred in Nov 2025)	Emergency virtual meeting rules in bylaws	Not published	Not published	Not published	Not published
Attendance rule	3 straight or 5 in a year; mayor may remove	None in bylaws (left to appointing bodies)	Council removes for excessive unexcused absence, with a hearing	Not published	Left to Governing Body	Council may remove at any time
Tie vote rule	None	None (tie fails by default)	Not published (10 members, tie risk)	Not published	Not published	Not published
BZA appeal deadline	Circular (code points to BZA rules)	30 days to file; decision within 40 days	30 days to file; decision within 45 days	Deadline not published	30 days to file	Not published
Bylaws amendment	Majority of all members plus Council approval; review every 3 years	Two thirds vote with 5 days notice; filed with both clerks	Not readable (scanned bylaws)	Not published	Council approval required for BZA rules	Council approved 2022 amendment

5. What Bel Aire already does well

It helps to start with the good news. Compared with these five cities, the 2025 bylaws are strong in several places, and that should be said out loud.

- **Our fourteen step hearing script.** Article V walks a public hearing from quorum check to final motion in fourteen clear steps, including an ex parte report step. None of the other five cities publishes anything that detailed.
- **Our conflict of interest rule has teeth.** A member with a financial conflict must announce it and leave the room, and a member is automatically disqualified when the member or their spouse owns property in the notification area. That automatic spousal rule is stricter than Wichita's.
- **We have a real attendance rule.** Three straight absences, or five in a year, triggers written notice and possible removal. Wichita's bylaws have no attendance rule at all, and Valley Center publishes none.

- **We have a built in review cycle.** Article VII requires a bylaws review at least every three years, and the comprehensive plan gets an annual review every November. That is rare, and it is why this review is happening. Item 12 proposes tightening the bylaws review to annual so all three sets of bylaws stay fresh together.
- **We have a committees article and a workshop provision.** Both are useful tools that some peer cities leave unwritten.

6. The detailed list of suggested additions

Nineteen items, in three groups. Group One closes legal and compliance gaps and should come first. Group Two makes the machine run smoother. Group Three builds the bench for the long run. Each item shows what we have now, what other cities or state law do, and what to add. Reminder: each item is intended for all three sets of bylaws (Planning Commission, BZA, and Airport Zoning Commission) wherever the subject applies.

Group One: Close the legal gaps first

1. Add a definitions section to the bylaws

What we have now. The bylaws define nothing. This is the hole that was already named out loud: during the November 2025 BZA bylaws review, a “simple definitions section” was proposed and set aside as “recommended for future development.” The zoning code's definitions article (section 18.2.3) covers land use words like “lot” and “setback,” but no document defines the meeting words our bylaws actually use. The bylaws lean on terms like “conflict of interest,” “bias,” and “Senior Commissioner” without saying what they mean. “Senior Commissioner” even decides who runs a meeting when the chair and vice chair are both out, and it is defined nowhere. We have also already seen what happens when a land use term is missing: a recent meeting spent real time debating a parking space against a driveway, with no controlling definition to settle it.

What others do. Wichita's zoning code devotes an entire article to definitions with rules of construction (“shall is always mandatory; may is permissive”). Andover's development manual has an illustrated, alphabetized definitions part. Valley Center's regulations carry a robust defined term list. The pattern in every well built document is the same: define your terms once, up front, and every later argument gets shorter.

What to add. Section 7 of this report writes out the full suggested definitions list, word for word, with a source for every term, ready for staff and counsel to redline. It also proposes a source hierarchy rule so future definition debates end quickly. The principle underneath it all bears repeating here: code definitions are written to be enforced, and they must stay fixed so that a permit decided this year and a permit decided in five years use the same words. Our own rules of construction (section 18.2.2) already say defined terms carry the code's meaning; and when a code is silent, Kansas courts read words by their ordinary dictionary meaning, not by a trade's specialized usage. So the ladder is: our code first, then a code style definition we adopt, then the plain dictionary. A marketing definition never enters the ladder.

Priority: *Highest. This is the foundation every other item stands on, and it was already promised for the future.*

2. Match the comprehensive plan vote to state law

What we have now. Article IV says the Commission acts “by a majority vote of the members present and voting,” with no exceptions. With our quorum of four, that means three members could pass anything, including our recommendation on the comprehensive plan. But K.S.A. 12-747 says a plan or plan amendment is adopted “by adoption of the appropriate resolution by a majority vote of all members of the planning commission.” For us that is four yes votes out of seven, no matter how many

are in the room. Our bylaws and the statute do not match, and we review the plan every November, so this rule gets used every single year.

What others do. Wichita's bylaws handle it in one sentence: the comprehensive plan, zoning code text, and subdivision regulations "shall require a majority of all members." Andover requires a majority of the entire membership for everything except land use hearings.

What to add. One sentence in Article IV: adoption or amendment of the comprehensive plan (and, if we wish to follow Wichita, recommendations on zoning and subdivision regulation text) requires a majority vote of all members of the Commission, as required by K.S.A. 12-747. Everything else keeps the current rule.

Priority: *Highest. This is a direct statute compliance fix.*

3. Set real deadlines for BZA appeals and decisions

What we have now. The zoning code says appeals to the BZA must be filed "within timeframes established by BZA rules." That is a circle: the code points at the rules, and until the rules name a number, there is no deadline. K.S.A. 12-759 expects appeals to be filed "within a reasonable time as provided by the rules of the board," which means the board (us) is supposed to set the number.

What others do. Wichita: appeals of a staff interpretation must be filed within 30 days, and the board must decide within 40 days of the hearing. Andover: appeals must be filed within 30 days after the staff decision. Derby: 30 days to file, a decision within 45 days after the hearing closes, and an approved variance lapses if not acted on within 180 days. These are the standard numbers, and Derby shows the full set working together in a city running our same commission as BZA model.

What to add. Two numbers in the BZA bylaws: an appeal must be filed within 30 days after the written decision being appealed, and the BZA shall decide within 40 days after the hearing unless the applicant agrees to more time. If the November 2025 BZA bylaws already set a filing window, confirm it and add a matching cross reference to the zoning code so the circle is closed. On purpose, I suggest no dollar amounts anywhere in the bylaws: fees are city policy, set by the Governing Body in the fee schedule, so prices can change without opening the bylaws.

Priority: *Highest. Without a deadline, an old staff decision could be appealed years later, and no one can plan around that.*

4. Strengthen the ex parte communication rule

What we have now. Article V says ex parte contacts "are discouraged" and requires a disclosure step in each hearing. Discouraged is soft. The bylaws never say what happens when a contact goes deeper than a hallway hello, and they never address a member who has publicly made up their mind before the hearing.

What others do. Wichita's rule has three parts we lack. A member may not vote if the member "has expressed an individual opinion on the determination of a quasi-judicial matter" before the hearing (the prejudgment rule). Members may not assist or represent applicants before the commission. And members may not lobby the City Council on a quasi-judicial item before the Council resolves it, unless they abstained or were designated to present.

What to add. Three sentences. First, on quasi-judicial items, members shall disclose the substance of any ex parte contact before public comment begins, and a member whose contact or prior public statements show a made up mind shall step aside from that item. Second, members shall not represent or assist an applicant in any matter before the Commission or BZA. Third, members shall not present to the Governing Body on a quasi-judicial item still pending there, unless the Commission designates them or they abstained. Two supports so this rule never bites anyone by surprise: define the terms (ex parte communication, bias, and quasi-judicial matter are all written out in Section 7), and cover the rule in new member orientation and the yearly training under item 15. In fairness, most of our items draw little public contact, so true ex parte situations are rare here. That is exactly why the rule must be taught and defined: when the rare one arrives, ignorance is not a valid excuse for breaking it.

Priority: *High. Quasi-judicial decisions are the ones that get appealed, and this rule is the armor.*

5. Fix city code section 18.3.3 (the ghost BZA)

What we have now. This one is a code fix, not a bylaws fix, but this review is the right place to raise it. The posted city code, section 18.3.3, still describes a separate three member BZA created “under the authority of K.S.A. 12-713.” Two problems. K.S.A. 12-713 was repealed in the 1991 recodification; the live statute is K.S.A. 12-759. And Ordinance No. 746 (September 2, 2025) made the Planning Commission the BZA, so the three member board described in the code no longer matches reality.

What others do. Goddard shows exactly how this goes wrong. Its 2022 bylaws amendment and its code now disagree about where commissioners must live, and a seated commissioner had to step down in the confusion. A code that disagrees with an ordinance is a lawsuit handle for any unhappy applicant. Derby shows how to do it right: when Derby merged its separate BZA into its Planning Commission in 2021, Ordinance No. 2484 amended the code sections in the same action, so the code and the ordinance never disagreed for a single day.

What to add. A conforming amendment to section 18.3.3 (and any related sections) so the code matches Ordinance No. 746 and cites K.S.A. 12-759. I am flagging this directly for the City Attorney's review.

Priority: *High. Cheap to fix now, expensive to fix inside an appeal.*

Group Two: Make the machine run smoother

6. Keep meeting recordings until the appeal window closes

What we have now. Article II says meetings are recorded, and “once the Commission has approved the minutes the recording is deleted.” Staff defended this in November 2025 by saying the minutes are the record. Minutes are a summary, and our quasi-judicial decisions can be appealed to district court under K.S.A. 12-760 within 30 days of the final decision. If a case is appealed, the recording is the best evidence of what was actually said, and we will have already erased it.

What others do. Wichita keeps permanent minutes in a public binder and treats the record seriously enough that all presentation materials are retained by the secretary as part of the official record. K.S.A. 12-757 also requires an “accurate written summary” of hearings, which is easier to defend when a recording still exists.

What to add. Change one sentence: recordings of meetings that include a quasi-judicial hearing are kept at least until the 30 day appeal window under K.S.A. 12-760 has closed and any filed appeal is final; all other recordings may be deleted after minutes approval, consistent with the city's records retention schedule.

Priority: *High.*

7. Add a tie vote rule, and close two doors a tie opens

What we have now. The bylaws are silent on ties. With seven members, a night with six present can easily end three to three, and our abstention rules make odd counts common. The abstention rule itself has a hole a tie exposes: Article IV counts an abstaining member "with the majority vote of those who voted," but when the vote is three to three there is no majority to join, so the rule literally has no answer. And we have already watched the tabling tool drift: comments made on the record ahead of a motion to table suggested the delay was about changing the future vote count, not about gathering more information.

What others do. Under Robert's Rules a tie simply fails, but nobody in the room ever remembers that calmly at 9 pm. And on a rezoning, a failed motion has a special meaning: under K.S.A. 12-757 and our own code, failing to recommend counts as a recommendation of disapproval that goes to the Council anyway.

What to add. Four sentences. First, a tie vote fails the motion. Second, on a tie, an abstaining member is recorded simply as abstaining, since there is no majority for the abstention to join. Third, on items requiring a recommendation to the Governing Body, a tie or failure to act within the required time is forwarded as a recommendation of disapproval, as provided by K.S.A. 12-757. Fourth, a motion to table or continue an item shall state its reason, and avoiding a tie or waiting for a different mix of members to be present is not a proper reason; a tabled item returns at the stated meeting with its record intact.

Priority: *High. Small words, big meeting night value, and one of these doors has already been tested.*

8. Add a remote attendance rule

What we have now. Nothing in the bylaws. This was proposed in the November 2025 BZA review and deferred pending a "city-wide technology evaluation." We do not need to wait for a citywide answer to write our own narrow rule.

What others do. Wichita's bylaws already contain emergency virtual meeting rules, defining a virtual format where remote participants "are active in the formal decision-making process the same as if all were in one location." The Kansas Open Meetings Act permits interactive communications when the public can observe.

What to add. Two parts. Routine: a member may attend by live audio and video up to a set number of times per year (suggest two or three), with advance notice to city staff, and counts toward quorum and voting if everyone can hear them and they can hear everything. To be clear, this does not turn our meeting into a remote meeting: the Commission still meets in person in the Council Room, and the rule simply lets one commissioner join that in person meeting remotely when needed. Emergency: when a declared emergency prevents meeting in person at all, the Commission may meet virtually with public access, following KOMA.

Priority: *Medium. One icy February Thursday will make this rule pay for itself.*

9. Add an off agenda items rule

What we have now. Members can place items on the agenda up to noon on the seventh day before a meeting. The bylaws say nothing about adding an item at the meeting itself, so right now nobody knows whether that is allowed at all.

What others do. Wichita: "Off agenda items may be considered with the approval of a majority of the members present." One sentence, problem solved. (Public hearing items still cannot be added late, because they need published notice.)

What to add. That same sentence, plus the caveat: no item requiring published notice or a public hearing may be added at the meeting.

Priority: *Medium.*

10. Add a suspension of the rules procedure

What we have now. Robert's Rules technically allows suspending the rules, but our bylaws never say how, so any attempt would turn into an argument about the argument.

What others do. Wichita requires the motion to state the specific rule, the specific purpose, and how long the suspension lasts, and (since 2024) requires a two thirds vote. No suspension is permanent.

What to add. The Wichita language, nearly word for word.

Priority: *Medium.*

11. Add an officer vacancy rule

What we have now. Officers are elected each October for one year. If the chair resigns or leaves in March, the bylaws only say who presides at a given meeting (vice chair, then senior commissioner). They never say how the office itself gets refilled. One clarification matters here: Bel Aire's commissioners hold only two offices, Chairperson and Vice Chairperson. The secretary duty belongs to staff under Article II (the Zoning Administrator role), so no vacancy rule is needed for it.

What others do. Most bodies add a simple line about filling unexpired officer terms so a mid year departure never creates confusion about who leads.

What to add. Three sentences. If the office of Chairperson becomes vacant, the Vice Chairperson serves as acting Chairperson on a temporary basis, pending an election at the next regular meeting to fill the office for the remainder of the term. If the Commission elects the Vice Chairperson as Chairperson, the Commission then holds a vote to fill the Vice Chairperson's office for the remainder of the term. A vacancy in the Vice Chairperson's office alone is likewise filled by election at the next regular meeting. Optional extra, borrowed from Wichita and worth a discussion: whether the chair should be barred from serving two years in a row. In a seven member body that trade off is real (fresh leadership versus a small bench), so this half is a discussion item, not a must.

Priority: *Medium.*

12. Write the three hats rules down

What we have now. The same seven people sit as the Planning Commission, the Airport Zoning Commission, and the BZA in the same night, with separate roll calls. Practice is fine; paper is thin. Staff

clarified in November 2025 that an absence counts “for either meeting,” but that lives in a staff comment inside a packet, not in the bylaws. Staff also rejected cross referencing the conflict rules between the PC and BZA bylaws to avoid update confusion, which leaves the documents free to drift apart, exactly the Goddard problem.

What others do. Andover's code requires BZA records to be kept separate from Planning Commission records, with minutes recording the evidence, findings, decision, and each member's vote. K.S.A. 12-759 expects the board to keep its own records.

What to add. Four short rules. Each capacity keeps its own minutes and record set. Motions are made and voted under the correct hat, with the roll called for each capacity (current practice, now written down). An absence on a meeting night counts once, against the member's total, whichever hats convened (staff's clarification, now written down). And the Planning Commission, BZA, and Airport Zoning Commission bylaws shall be reviewed together once a year, so an amendment to a shared rule in one is considered for the others at the same time. That last rule is also a tightening on purpose: Article VII currently requires a bylaws review only every three years, and moving to an annual joint review, alongside the November comprehensive plan review the bylaws already require, keeps all three documents fresh and matched.

Priority: *Medium. This is how we make sure our own documents never point in two directions.*

13. Give committees operating rules

What we have now. Article VI lets the chair appoint committees with a formal charge. It stops there: no quorum rule, no reporting duty, no term for committee chairs, and no line saying committees cannot take final action.

What others do. Wichita gives each committee a quorum (majority of its members), bars committee chairs from serving two years in a row, and automatically defers items when a committee fails to reach quorum.

What to add. Three sentences: a majority of a committee is its quorum; committees report to the full Commission in writing and take no final action; committee appointments run one year, made after officer elections (which Article VI already implies).

Priority: *Housekeeping.*

14. Add an electronic device rule for meetings

What we have now. Nothing in the bylaws. Personal cell phone use during meetings has become visible enough that, in my count, five of the seven commissioners would support a written rule. This is not about singling anyone out; it is about the record and the public's trust in it.

What others do. None of the five comparison cities publishes a device rule in any readable document, so this is a place Bel Aire can lead. The legal footing is solid and comes from rules we already recognize. First, our own bylaws call hearings quasi-judicial, which means decisions must rest only on the evidence presented in the hearing; a member researching an item on a phone mid hearing is gathering evidence the applicant and the public never see and cannot answer, which is the same problem as an ex parte contact. Second, under the Kansas Open Meetings Act, members texting or messaging each other about the business at hand during a meeting is discussion of public business outside public view. Third, our bylaws already require members to come prepared, having read the packet.

What to add. Four sentences. During meetings, members shall silence and put away personal electronic devices. The city provides a printed agenda packet for all attendees, so a device is not needed to follow the meeting. During a quasi-judicial hearing, members shall not conduct outside research on the item, because the decision must rest on the record. A member who receives an emergency call shall step out of the room to handle it. Mirror the rule in all three sets of bylaws.

Priority: *Medium. A majority of the Commission is ready to support this.*

Group Three: Build the bench

15. Add new member orientation and yearly training

What we have now. The bylaws already require members to read pre-circulated materials and come ready to participate, which is a good start. There is no orientation requirement for new members and no training expectation, even though the November 2025 review itself raised parliamentary procedure training.

What others do. The American Planning Association runs a Planning Officials training track, and the League of Kansas Municipalities publishes the City Officials Manual and KOMA and KORA guides. Cities that train their commissioners get fewer procedural stumbles and fewer appeals.

What to add. Two sentences: within 60 days of appointment, a new member receives an orientation covering the bylaws, the zoning and subdivision regulations, the comprehensive plan, KOMA and KORA basics, the ex parte and conflict of interest rules, and the difference between legislative and quasi-judicial roles; the Commission is offered at least one training opportunity each year, budget permitting, with the ex parte and conflict rules revisited in that training so no member can ever say they were not told.

Priority: *Medium.*

16. Turn the attendance rule into a ladder, and give the preparation duty teeth

What we have now. Two related gaps, one goal: a Commission the city can count on to show up prepared and ready. On attendance, our rule counts every absence the same, whether a member gave notice from a hospital bed or simply did not show, and it jumps straight from counting to the removal letter. On preparation, the bylaws require members to read the pre-circulated materials, but nothing happens when someone shows up cold, and the city code (section 18.3.2) already lists “non-attendance, lateness, non-participation, or failure to familiarize themselves with regulations” as removal causes, so the hooks exist and simply go unused. This is not theory. A formal removal request has already been declined, on the grounds that cause was not defined and that the member first had to be counseled and given an opportunity to correct course. The city was right to want those steps; the problem is that none of them are written anywhere. The ladder below writes down exactly the process the city said it needed.

What others do. Derby is the useful model on attendance: its citywide rule makes “excessive unexcused non-attendance” a removal cause, which only works because the word unexcused draws a line our rule does not have, and Derby pairs removal with notice and a chance to be heard. Goddard's council can remove at will, and Wichita has no rule at all, so ours is already better than most. What no city writes down, and Bel Aire can, is the preparation standard.

What to add. Build a ladder, not a trapdoor. Step one: define the terms. An absence is excused when the member notifies city staff before the meeting; unexcused otherwise. Step two: when a pattern of unexcused absences or unprepared attendance appears, the Chairperson speaks with the member privately. Step three: if the pattern continues, a written warning. Step four: only after the warning do the existing numbers (three straight, or five in a year) go to the City Manager and the Mayor for possible removal, unchanged. On preparation, add one plain expectation: before the meeting, members shall read the packet and familiarize themselves with each subject property, at least by map and street view, and where practical by driving past it. Questions the packet already answers should be rare, and the Chair may point a member back to the packet. This rule is a tool for habitual problems, not a trap for one hard month.

Priority: *Medium. This is how the bench stays strong.*

17. Add written public comment rules

What we have now. Our hearing script has a step for reading written communications into the record, but no rule says when written comments are due, how long they may be, or how staff logs them. Every emailed comment is currently handled by memory and habit.

What others do. Wichita requires written comments to reach staff by 5 pm three business days before the meeting, keeps them under three minutes when read, and accepts email, letter, video, or audio.

What to add. One rule: written comments on a hearing item must reach city staff by a set deadline (suggest noon the day before the meeting, or Wichita's three business days), are limited to a readable length, and become part of the record of that item.

Priority: *Housekeeping.*

18. Add KOMA notice and KORA reference lines

What we have now. The bylaws already incorporate the Kansas Open Meetings Act for open sessions and executive sessions, which is good. They do not mention how a person asks to be notified of our meetings under K.S.A. 75-4318, and they never mention the Kansas Open Records Act at all.

What others do. Wichita's 2024 bylaws update added express citations to KOMA (K.S.A. 75-4317 et seq.) and KORA (K.S.A. 45-215 et seq.).

What to add. Two sentences: requests for meeting notice are made under K.S.A. 75-4318 through the City Clerk; Commission records are public records available under KORA through the City Clerk. Small lines, but they tell citizens where the door is.

Priority: *Housekeeping.*

19. Review the Administrative Exception (a question for the City Attorney)

What we have now. Zoning code section 18.5 lets the Zoning Administrator and the City Manager jointly grant an "Administrative Exception," described as "solely an equitable remedy" that is "not subject to administrative, legislative or judicial review."

What others do. Two points of tension. K.S.A. 12-760 gives any aggrieved person the right to ask the district court to review the reasonableness of a final decision, and a city code line cannot take that away. And K.S.A. 12-759 allows exceptions only when they are "specifically listed as an exception in the zoning

regulation.” None of the five comparison cities has anything like an unreviewable exception. Derby's “zoning adjustment” tool is the honest version of the same idea: staff may grant small, listed deviations (10 to 25 percent), but nothing in it claims to be beyond review.

What to add. Not a bylaws change. A referral: I am asking the City Attorney to review section 18.5 and advise whether the no review language can stand.

Priority: *Medium. This is a quiet clause that could embarrass the city in court.*

7. Suggested definitions, written out with sources

This section does the actual work for item 1. Part A covers the meeting words the bylaws use. Part B covers the land use words that have already caused debate at our table, including the parking space and driveway question. Part C proposes a simple rule for where definitions come from, so the next debate ends in one minute instead of twenty. Every definition below is offered as draft language for staff and counsel to redline.

Part A: Meeting words for the bylaws

Abstention. A member's recorded choice not to vote yes or no on a motion. Under Article IV, an abstaining member without a conflict is counted with the majority of those who voted.

Source: *Robert's Rules of Order*; current bylaws Article IV.

Bias. A leaning for or against a person or outcome, formed outside the evidence in the record, that would keep a member from deciding a matter fairly.

Source: *Merriam-Webster, adapted for quasi-judicial use; see Golden v. City of Overland Park, 224 Kan. 591 (1978) on the duty to decide on the record.*

Conflict of interest. Any personal or financial interest of a member, or of the member's spouse, that could improperly influence the member's participation or vote on a matter, including a substantial interest as defined by state law.

Source: Current bylaws Article 1, Section 4, joined with K.S.A. 75-4301.

Substantial interest. Has the meaning given in K.S.A. 75-4301, as amended.

Source: K.S.A. 75-4301 (state conflict of interest law).

Ex parte communication. Any spoken or written communication about a pending quasi-judicial matter that happens outside the public hearing, between a member and any person with an interest in the outcome.

Source: Current bylaws Article V, tightened; Wichita MAPC Bylaws Article III, Section 10.d.

Excused absence. An absence for which the member notified city staff (the recording secretary) before the start of the meeting.

Source: New; supports the attendance rule in Article 1, Section 3.

Unexcused absence. Any absence that is not an excused absence.

Source: New; supports the attendance rule in Article 1, Section 3.

Legislative matter. A matter that sets policy for the whole city, such as the comprehensive plan or the text of the zoning or subdivision regulations.

Source: *Kansas planning practice under K.S.A. 12-747 and 12-757.*

Quasi-judicial matter. A matter that applies existing rules to a specific property or applicant, such as a rezoning, variance, exception, or appeal, where the body must weigh evidence and make findings on the record.

Source: *Golden v. City of Overland Park, 224 Kan. 591 (1978); current bylaws Article V.*

Majority of members present and voting. More yes votes than no votes among the members who are present and who cast a vote.

Source: K.S.A. 12-745.

Majority of all members. At least four of the seven members, regardless of how many attend the meeting.

Source: K.S.A. 12-747 (*required for comprehensive plan actions*); *Wichita MAPC Bylaws Article III, Section 6.*

Meeting. Any gathering or interactive communication of a majority of the membership for the purpose of discussing the business of the Commission. Types: a Regular meeting (the monthly meeting set by these bylaws), a Special meeting (called under Article III), a Workshop (discussion only, no binding action), and an Executive session (closed under KOMA, no binding action).

Source: *Kansas Open Meetings Act, K.S.A. 75-4317a; current bylaws Article III.*

Notification area. The area around a subject property whose owners receive mailed notice of a hearing: at least 200 feet inside the city, extended to at least 1,000 feet into unincorporated land where it adjoins the city limits.

Source: K.S.A. 12-757; *city code Chapter 18, Article 5.*

Official newspaper. The publication in which the city publishes legal notices; under the current bylaws, the official city website.

Source: *Current bylaws Article IV.*

Public hearing. The part of a meeting, held after published notice, in which any person may present evidence and speak on an item before the Commission acts.

Source: K.S.A. 12-757; *current bylaws Article V.*

Quorum. Four members. Members disqualified by a conflict of interest do not count toward quorum; members merely abstaining do.

Source: *Current bylaws Article III, restated for clarity.*

Recusal. A member's withdrawal from discussion and voting on an item, including leaving the meeting room when a conflict of interest requires it.

Source: *Current bylaws Article 1, Section 4; Merriam-Webster.*

Secretary. The staff person who keeps the Commission's records and minutes. Under Article II this duty belongs to the City of Bel Aire Zoning Administrator; it is a staff role, currently handled through the Community Development Director, and it is not an officer seat held by a commissioner.

Source: *Current bylaws Article II, restated so no one reads Secretary as a member office.*

Senior Commissioner. The member with the longest unbroken service on the Commission. If two or more members tie, the tie is broken by drawing lots.

Source: *New; the term is used in Article II (presiding when the Chair and Vice Chair are absent) but is defined nowhere today.*

Zoning Administrator. The person designated by the city to administer and enforce the zoning regulations under Chapter 18 of the city code.

Source: *City code Chapter 18, Article 3.*

Part B: The land use words that started this (parking space and driveway)

A recent meeting spent real time debating the difference between a parking space and a driveway, and one suggestion on the table was to borrow a definition from the real estate world. Here is what the research shows.

What our code says today. Section 18.2.3 DOES define Parking Space: “An all-weather surfaced area, accessed by an all-weather drive, located on privately owned property within or without a building or on a private or public parking area, and sufficient in size for the parking of one automobile, developed in conformance with the design requirements of this Code.” But the code never defines Driveway at all. It also never defines the word “drive,” even though the Parking Space definition depends on it. So the debate happened because the code is genuinely silent, not because anyone in the room was wrong.

Model code definitions of Driveway. Goddard, section 13-301(a): “Driveway means a place on private property for the operation of motor vehicles.” Goddard also defines Driveway Approach, section 13-301(b): “an area between the public street or roadway and private property intended to provide access for vehicles from the roadway or street to private property.” Newton, section 20-301: “The term driveway as used herein shall mean any driveway entering any street from private property.” Merriam-Webster: “a private road giving access from a public way to a building on abutting grounds.”

Model code definitions of Parking Space from peer cities. Ottawa, Kansas: “Any area surfaced for all-weather use, with materials approved by these regulations or the Engineer, used for the purpose of storing one parked motor vehicle.” Linn Valley, Kansas, defines Off-Street Parking Space: “A permanently surfaced area, enclosed or unenclosed, connected by a permanently surfaced driveway to a street or alley to permit ingress and egress located away from space improved for street purposes.” Notice that the Linn Valley definition draws the exact line we debated: the parking space is the destination, and the driveway is the connection to the street.

Even Derby has this same hole. Derby's definitions article runs more than 200 terms and defines neither Parking Space nor Driveway. What Derby does instead is set a dimension standard: a required off-street parking space “shall be at least 8 feet 6 inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps or columns.” That dimension line is worth borrowing alongside a true definition, because it answers the next question a definition raises: how big does the space have to be? If Bel Aire adopts both the definition and the dimensions, we will have a cleaner answer than the largest suburb in the metro.

Suggested addition for Bel Aire. Add a Driveway definition to section 18.2.3 along these lines: “Driveway. A permanently surfaced area on private property that provides vehicle access between a street or alley and a parking space, garage, or other parking area.” Then let the Commission decide the policy question on purpose, in the open: whether, and in which districts, a driveway may count toward required off-street parking. Some cities allow it for single family homes and some do not. Either answer is fine; silence is not.

Why a real estate definition is the wrong tool. A suggestion was made to use a realtor's definition. I want to be careful and fair here, because the instinct to reach for any definition is understandable when the code gives you none. But real estate definitions are written to describe and market property, and they change with practice in the market. Code definitions are written to be enforced, and they must stay fixed so that a permit decided this year and a permit decided in five years use the same words. Our own rules of construction (section 18.2.2) already say defined terms carry the code's meaning; and when a

code is silent, Kansas courts read words by their ordinary dictionary meaning, not by a trade's specialized usage. So the ladder is: our code first, then a code style definition we adopt, then the plain dictionary. A marketing definition never enters the ladder.

Part C: A source hierarchy rule, so this never eats a meeting again

Add one short rule to the new definitions section of the bylaws:

“When a term is not defined in these bylaws, its meaning is taken in this order: (1) the definition in Kansas statute; (2) the definition in the Bel Aire city code, including section 18.2.3; (3) for planning terms, the ordinary usage of the planning profession; and (4) for all other words, the ordinary dictionary meaning (Merriam-Webster). Definitions drawn from real estate, sales, or marketing usage shall not be used to interpret these bylaws or the zoning regulations. The word shall is mandatory; the word may is permissive.”

8. What I am asking of staff and counsel

One framing note first. This report is my thoughts and a baseline meant to assist the review the Commission initiated in July. I may be wrong in places, and I am open to correction and to better suggestions; that is exactly why it comes to the three of you before it goes anywhere else. With that said, plainly stated so this document is easy to act on:

- **Review and correct.** Read the nineteen items and Section 7, and tell me where I have something wrong. I would rather be corrected before the meeting than after.
- **Treat this as the research baseline.** If it is useful, share it with the Commission ahead of the review so the meeting starts from a common set of facts instead of from memory.
- **Items 2 and 3 are compliance items.** The comprehensive plan vote and the BZA appeal deadlines line up our documents with K.S.A. 12-747 and 12-759. I would ask that these lead any draft.
- **Items 5 and 19 are for Maria.** The section 18.3.3 conflict with Ordinance No. 746 and the Administrative Exception's no review language both need a legal read, not a commission debate.
- **Definitions can move first.** Section 7 is written to be redlined. A definitions section was already tagged as "recommended for future development" in November 2025, so it has a running start.
- **Keep all three bodies matched.** Whatever is adopted for the Planning Commission should be mirrored in the BZA bylaws and the Airport Zoning Commission's rules wherever it applies, in the same drafting cycle.
- **Post the finished bylaws as searchable text.** Derby posts its bylaws only as scanned pictures that cannot be searched, and Valley Center and Goddard do not post theirs at all. If Bel Aire posts the amended bylaws as a real text document on the city website, we will be the most transparent city in this comparison, including the biggest one.

The bylaws' own amendment path (Article VII) requires a majority of all members plus Governing Body approval, with seven days notice of proposed changes. So the realistic timeline is: staff review now, drafts to the Commission at a coming meeting, a vote, then Council approval.

9. Sources

Key documents used for this report. All were pulled August 4, 2026.

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RESOLUTION NO. R-2025-37

**A RESOLUTION ESTABLISHING BYLAWS FOR THE
CONDUCT OF BUSINESS BY THE PLANNING
COMMISSION OF THE CITY OF BEL AIRE, KANSAS.**

BE IT RESOLVED by the Planning Commission of the City of Bel Aire, Kansas:

ARTICLE 1: CREATION, MEMBERSHIP, AUTHORITY AND DUTIES

SECTION 1. CREATION. Pursuant to City ordinance and state law the Bel Aire City Planning Commission, hereinafter referred to as the “Commission,” was established by Ordinance No. 11 which was published on May 8, 1981. The Commission was re-established with new parameters by the Governing Body by the adoption of Ordinance No. 195 which was passed and approved and became effective on January 1, 1992. Ordinance 275 amended Ordinance 195 to designate the Commission to serve as the City Board of Zoning Appeals. Ordinance 357 amended Ordinance 275 to address how to appoint and remove members from the Planning Commission and Board of Zoning Appeals which was passed and approved and became effective on January 15, 2002.

SECTION 2. MEMBERSHIP. The Commission consists of seven members serving staggered three-year terms of whom five shall be residents of the City of Bel Aire, Kansas and two such members shall reside outside of the City, but within three miles of the corporate limits of the City. Members are appointed by the Mayor with the consent of the City Council. After the appointment, members will take office at the next regular meeting of the Commission.

In the event of a vacancy on the Planning Commission the Mayor shall select an individual to fill such vacancy for the remainder of the term in accordance with the same procedures used to select the original Commissioner.

A Commissioner may be removed by the Mayor. Selection of a new Commissioner shall be in accordance with the same procedures used to select the original Commissioner.

In the event a Commissioner resigns a successor shall be selected in the same manner used to select the original Commissioner.

Policies and Procedures for Appointment and Removal of Members of the Planning Commission shall be in accordance with Ordinance 357.

SECTION 3. ATTENDANCE. Regular attendance is an important responsibility for membership. Maintaining a quorum for voting purposes is especially important. Any member that absences themselves for three consecutive regular meetings or misses a total of five meetings during a calendar year, the Secretary will provide written notice to the City Manager, and the Mayor who may elect to remove the member.

SECTION 4. CONFLICT OF INTEREST. Members of the Commission shall be aware at all times of their responsibility to the citizenry of the City of Bel Aire and to the residents of the surrounding Planning Area and shall refrain from any recommendation or action that would benefit individuals or special interest groups rather than serve the best interest of the entire community. In furtherance of this responsibility, members shall refrain from recommending or acting on any matter before the Commission in which they have, either directly or indirectly, any financial interest or use their influence or position to show favoritism that could lead to the development of a clientele at a later date.

If a member is asked if they have a conflict of interest on a matter before the Commission, that member shall publicly announce the conflict and excuse themselves from the meeting room until the matter has been addressed by the remaining Commission members. If there is a question or a real or perceived conflict of interest, the affected member should contact the Secretary and City Attorney for an interpretation of the situation prior to the meeting.

A member is automatically disqualified when they or their spouse own property in the notification area of a zoning application.

SECTION 5. AUTHORITY. The Commission is vested with the duties and responsibilities prescribed in Kansas Statutes Annotated K.S.A. 12-741, et seq., as amended, and 12-736.

SECTION 6. DUTIES. As provided for by the statutes referred to in Section 5, the duties of Commission shall be:

1. Make or cause to be made, adopt and maintain an official Comprehensive Development Plan for the City and any unincorporated territory lying outside the City but within Sedgwick County which in the Commission's opinion forms the total community of which the City is part, subject to the approval of the Governing Body by ordinance (K.S.A. 12-747);
2. Annually review or reconsider the Comprehensive Plan at least once a year at the November meeting to determine if the Plan or any portion thereof has become obsolete and to report such status to the Governing Body or propose remedial amendments, extensions or additions to the plan (K.S.A. 12-747[d]);
3. Determine the conformance to the Comprehensive Plan of public improvements, facilities or utilities of a type embraced within the recommendations of the Plan which are proposed for construction or authorization and to report upon such conformance or nonconformance within 60 days to the Governing Body unless conformance is

otherwise determined by reviewing the City's capital improvement program (K.S.A. 12-748).

4. Prepare, adopt and maintain Zoning Regulations for the City to recommend the approval of such regulations to the Governing Body; and to hold hearings and make recommendations on all amendments thereto and zoning applications including zoning cases in the Metropolitan Area Planning Commission (MAPC) Urban Area of Influence (K.S.A. 12-753 through 12-759 and 12-763).
5. Prepare, adopt and maintain Subdivision Regulations for the City and extraterritorial jurisdiction; to recommend the approval of such regulations by the Governing Body; and to process and approve plats and to transmit them to the Governing Body for the acceptance of dedications thereon (K.S.A. 12-749, 751(a), 752 and 764).
6. Prepare and approve plans for neighborhoods and special project areas;
7. Maintain planning reference files of plans, reports, maps ordinances, regulations and policies accessible to officials, developers and citizens;
8. Maintain cooperation and coordination with the trustees of the surrounding township(s), U.S.D. #259, USD #375, the Wichita-Sedgwick County Metropolitan Area Planning Commission and Department and with such other county, regional and state planning entities as may be deemed appropriate; and
9. Make recommendations to the Wichita-Sedgwick County Metropolitan Area Planning commission on all plats proposed in the Bel Aire planning area outside the City and on all zoning items proposed for hearings within the MAPC Zoning Area of Influence as well as for any proposed revisions to County rules or regulations which might affect the development of the planning area; and
10. Hold hearings, provide plans for and/or make recommendations on such other matters as may be periodically assigned to the Commission by the Governing Body.
11. Ensure productive meetings by requiring members to read all pre-circulated materials and be ready to participate actively in discussions related to agenda items. Failure to do so may impact participating in discussions or voting on matters requiring informed consent.

SECTION 7. COMPENSATION. Members of the Commission shall serve without compensation for their services; however, the members may request reimbursement for their out-of-pocket expenses including travel when related to attendance at external conferences and/or meetings subject to approval of the Governing Body.

ARTICLE II: OFFICERS, ELECTIONS AND DUTIES

SECTION 1. OFFICERS. The officers of the Commission shall consist of a Chairperson, Vice-Chairperson and Secretary. The Chairperson and Vice Chairperson shall be members of the Commissions. The Secretary shall be the City of Bel Aire Zoning Administrator and shall provide duties in support of the Planning Commission (K.S.A. 12-745).

SECTION 2. ELECTIONS. At the regular Commission meeting in October of each year, the officers shall be nominated and those persons receiving the highest number of votes shall be deemed elected. Officers shall take office at the next regular scheduled meeting of the Commission and serve for one year. Officers may serve for more than one term.

SECTION 3. DUTIES. The duties of the officers shall be:

1. The Chairperson shall preside over all meetings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the Senior Commissioner (the person serving the longest period of time on the Commission) shall act in the manner and capacity of the Chairperson. The Chairperson shall sign all minutes and other official papers and documents to indicate that they have been approved by the Commission. The Chairperson shall represent the Commission at all meetings with other groups unless another member is designated to perform that function.
2. The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the absence of the Chairperson.
3. The Secretary, or their designee, shall perform the following duties:
 - a. Prepare the minutes of each Commission meeting and submit them to the Commission for approval. Commission meetings are recorded and once the Commission has approved the minutes the recording is deleted. When the Secretary attests to the approved minutes the Secretary is attesting that the votes of the members are accurate from that specific meeting.
 - b. Maintain the official minutes as approved and signed by the Chairperson and the Secretary or their designees and post minutes to the City of Bel Aire website or such other repository as may be established from time to time;
 - c. Attest to resolutions and certificates adopting the Comprehensive Plan and amendments thereto and to maintain the official Comprehensive Plan documents and accompanying adoption materials and ordinances;
 - d. Distribute to each Commission member all current materials relating to the Comprehensive Plan, Zoning and Subdivision Regulations and Zoning Map and maintain official copies of the same pursuant to City Code and state law; and
 - e. Prepare and distribute agendas for each Commission meeting in coordination with the Chairperson. (See Article III, Section 7 on Agendas).

ARTICLE III: MEETINGS

SECTION 1. REGULAR MEETINGS. Regular meetings of the Commission will be on the second Thursday of every month, unless changed by the Commission. All meetings shall be held in the Council Room of City Hall beginning at 6:30 p.m.; provided, however, that the Commission may vote to adopt another hour, date, or place of meeting. Any such change shall be published for the convenience of persons having business before the

Commission.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Chairperson or in the Chairperson's absence by the Vice-Chairperson or Senior Commissioner upon written request of any three members of the Commission. When a special meeting is called, reasonable notice as to date, time, place, manner and purpose for the meeting shall be given by the Chairperson to the Secretary at least five (5) business days before the meeting by hand delivery. The announcement of a special meeting at a regular meeting shall constitute notice to those persons present. Commission members and the Governing Body shall be notified by the Secretary including all persons designated to receive agendas on a regular basis. (See Article III, Section 7 on Agendas.). No items other than those identified in the notice shall be considered at a special meeting.

SECTION 3. ADJOURNED MEETINGS. If the business before the Commission is not completed, the Commission by motion may adjourn the meeting or a specific agenda item to a specified date, time and place until the matters on the original agenda or the specified item are acted upon. When such a motion is made known to those persons in attendance, no further notice need be given.

SECTION 4. OPEN MEETINGS AND CLOSED SESSIONS. Pursuant to the Kansas Open Meetings Act, all meetings of the Commission except for executive sessions are open to the public. Closed sessions, if deemed necessary, may be held in accordance with the provisions of the Kansas Open Meeting Act. The motion to recess for a closed/executive session shall be placed in the minutes and include (a) a statement describing the subjects to be discussed; (b) the statutory justification for closing the meeting; and (c) the time and place at which the open meeting will resume, all in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.* In such closed sessions, no binding vote or action may be taken.

SECTION 5. WORKSHOP SESSIONS. The Commission may meet at a regular or special meeting in a workshop session for a general discussion on one or more topics or for a training session; however, the Kansas Open Meetings Act applies, and no binding action may be taken. While regular minutes are not required, a record of attendance and a summary of the subject(s) discussed should be made.

SECTION 6. QUORUM. A quorum for the conduct of business shall be four members. In the absence of a quorum at any meeting the presiding officer after consultation with the members present may announce the meeting will not take place. The presiding officer will wait ten (10) minutes and then make the announcement. The Secretary will note which Commissioner's were present and note that no action was taken on any of the agenda items. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

If there is a loss of a quorum during a meeting, the presiding officer after consultation with those members present, may adjourn the meeting to a specified date, time and place or similarly table any unheard an agenda item. When such information is made known to

those persons in attendance, no further notice needs to be given. The Secretary will note which Commissioner's left the meeting and note that no action was taken on any of the agenda items yet to be heard. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

Members abstaining from voting may be counted when determining whether a quorum is present; however, members having a conflict of interest or who are disqualified from voting may not be counted as part of the quorum for the item where they have a conflict of interest or are otherwise disqualified from voting.

If a majority of Commissioners have a conflict of interest on a specific agenda item, they will request that the Governing Body hear the item in a public hearing format. The agenda item will require renotification to all required individuals.

SECTION 7. AGENDAS. The Secretary shall oversee the preparation of an agenda of all matters to come before the meeting and to have it posted on the City of Bel Aire website with the link shared, via email, to the Commission members in advance of the meeting. Copies of the agenda shall be posted to the City of Bel Aire website, or such other repository as may be established from time to time and be furnished to each party having an item on the agenda and to any person requesting an agenda or a notice of the date, time and place of a regular or special meeting of the Commission under the Kansas Open Meetings Act. K.S.A. 75-4318 (b) and(d). Any member of the Commission may place items on the agenda by advising the Secretary, or their designee, no later than noon on the seventh day preceding the next regular meeting. If the number of applications received for zoning or platting creates an unduly long Commission meeting, the Secretary may carry over such items on a first-come, first-served basis to the next Commission meeting unless already advertised for public hearing.

SECTION 8 RECORDING OF MEETINGS. The Secretary or their designee shall keep complete records of all proceedings of the Commission. The Secretary or their designee shall prepare and maintain permanent minutes to be available for public view. Minutes shall be posted on the City of Bel Aire website or may be furnished to all persons or bodies making such a request to the Secretary or City Clerk. The Secretary or City Clerk may make such charges as are necessary to recover the cost of making such copies.

ARTICLE IV: CONDUCT OF MEETINGS

SECTION 1. ORDER OF BUSINESS. The general order of business shall be as follows unless otherwise decided by the Commission:

- a. Call to Order
- b. Roll call
- c. Pledge of Allegiance to the American Flag
- d. Consent Agenda
- e. Approval of the Agenda
- f. Approval of the minutes

- g. Announcements
- h. Old and New Business
- i. Staff reports
- j. Public hearings
- k. Approval of Next Meeting Date
- l. Current Events- Upcoming Agenda Items and Events
- m. Adjournment.

Off-agenda items may be added to the agenda and scheduled items may be removed from the agenda at the beginning of a regular meeting by motion approved by a majority of the Commission members present and voting. No items may be added to the agenda of the special meeting.

SECTION 2. APPEARANCE BEFORE THE COMMISSION. When a public forum or public hearing is held, applicants and petitioners or their representatives and members of the community at large or individuals or their representative who feel that they will be affected by any action of the Commission may appear to present views and statements either for or against agenda items. Personal appearance before the Commission is recommended; however, written communication may be submitted to the Commission. The commission may at their discretion to table postpone items coming before the Commission if the applicant or petitioner is not present and has not submitted written communication.

SECTION 3. ACTIONS. In all formal matters, the Commission shall act by motion unless a resolution is required by law or governmental regulations. All notices required by law to be given by publication including those for public hearings shall be published in the official city newspaper. Substantive motions before the Commission shall be restated by the presiding officer before a vote is taken. Every motion on a substantive matter shall set forth reasons based on the discussion. Action shall be taken on each agenda item presented at the conclusion of discussion of that item.

SECTION 4. VOTING. Unless otherwise provided by state law or by ordinance of the City, the Commission shall act by a majority vote of the members present and voting. A record of all proceedings of the Commission shall be kept. Voting shall be by individual voice "Aye" or "Nay" ballot, written ballot or show of hands; shall be tallied and the results determined by the presiding officer. In the event of a tie or a divided vote, see Article IV, Section 5 paragraph 8 and 9.

SECTION 5. PARLIAMENTARY PROCEDURE. All meetings of the Commission shall be conducted in accordance with the current edition of Robert's Rules of Order-except insofar as modified by these Bylaws and procedures adopted by the Commission, unless otherwise required by state law:

- 1. A second shall be required for all motions.

2. The presiding officer shall have the right to make motions and to second motions without vacating the chair.
3. Substitute motions may be made for prime motions provided that substitute motions are voted on before the prime motion. Substitute motions shall be made only once and shall be debatable only if the prime motions were debatable. A substitute motion may be made without the consent of the maker of the prime motion.
4. Motions to reconsider any items shall be made by one of the members voting in favor of the item to be reconsidered. Motions to reconsider shall only be considered at the same meeting at which the item was decided.
5. If participation from the floor (audience) is repetitious; or when the course of business due to the number of matters to be considered and/or number of people requesting to be heard will not reasonably permit further participation, the presiding officer may reduce their speaking time to five minutes or something less. Those persons speaking on a given item from the floor should first be recognized and then address their remarks to the presiding officer. Each member of the Commission may speak to an issue as many times as may be desired.
6. The presiding officer shall have the right to vote. If the officer chooses not to vote, he or she shall automatically be considered to have abstained from voting.
7. When a divided vote occurs, the presiding officer shall call for a roll-call vote. The Secretary shall enter into the minutes the result by name of all roll-call votes.
8. Any member abstaining or remaining silent on a vote shall be considered to have voted with the majority vote of those who voted; provided that, such member does not have a conflict of interest or bias in the matter that would otherwise disqualify them from voting. In the event of an equally divided vote, the vote of a member abstaining or remaining silent is not to be counted. Members who do abstain or remain silent on a vote are still counted as present in determining a quorum.
9. Members shall automatically be disqualified from voting when they or their spouse own property in the area of notification for a zoning application. Such abstention shall not prevent them from signing a protest petition or appearing before the Commission to speak on the zoning application. When a member is disqualified from voting, they cannot be counted as present for the quorum.
10. Subject to these provisions, the presiding officer shall decide all points of order and procedure, unless it is overruled by a majority vote of the entire membership of the Commission.

ARTICLE V: HEARING PROCEDURES

SECTION 1. INTENT AND PURPOSE. It is the intent of the Commission to hold fair and impartial hearings on all matters requiring a public hearing at which adequate legal notice has been given to all concerned parties. The purpose of such hearings is to make it clear that decisions are based on the relevant evidence presented and that well organized

hearings and procedures will lead to legally defensible decisions which are not arbitrary, discriminatory or unreasonable. To ensure fairness, the hearing room should be able to accommodate all persons wishing to attend and to enable them to properly hear the proceeding.

Ex parte contacts, i.e., those contacts in the forms of verbal or written communications outside of a hearing are discouraged. Commission members should (a) come to a hearing favoring neither side; (b) have no personal interest in the outcome other than that shared by the community-at-large; (c) treat both sides fairly and impartially; and (d) base their decision solely on the facts presented as evidence before the Commission. Any facts determined by personal investigation should be reported to the Commission at the hearing as *ex parte* information.

SECTION 2. ORDER OF PROCEEDINGS FOR PUBLIC HEARINGS. Proceedings requiring public hearings are considered quasi-judicial proceedings. The latter includes the procedural due process elements of notice and opportunity to be heard in a fair, open and impartial manner. According to K.S.A. 12-757, the planning commission must create an accurate written summary of the proceedings during public hearings on proposed zoning amendments. This summary should include the evidence presented, findings of fact, and the factors considered in reaching a decision to recommend approval or denial of a zoning change. Additionally, the minutes should reflect the planning commission's recommendations and the reasons for those recommendations, which are then submitted to the governing body for further action K.S.A. 12-757, K.S.A. 12-756. The following order of proceedings shall be used for all such public hearings:

1. Determination that a quorum is present.
2. Determination that proper notice has been given.
3. Report of *ex parte* contacts with Commission members.
4. Introduction of application by staff.
5. Presentation by applicant shall be limited to five minutes unless such time is extended by the commission.
6. Commission and staff question applicant.
7. Public comments on proposed application. Each presenter shall speak no more than once per issue and shall be limited to five minutes unless such time is extended by the commission.
8. Receipt of written communications or petitions.
9. Applicant presents closing comments, which shall be limited to five minutes unless such time is extended by the commission
10. Staff presents closing comments.
11. Public portion of the hearing closed by the presiding officer.
12. Planning Commission deliberations.
13. Review findings and factors on which recommendation is based.

14. Motion to recommend to the Governing Body the approval, disapproval or modification of the application or to table the agenda item to a specific date, time and place.

While no further public comments will be received after the hearing is closed, the Commission may question any participant at any time during the proceedings.

SECTION 3. LEGISLATIVE HEARINGS. Hearings for the adoption of comprehensive plans and zoning and subdivision regulations and amendments thereto are considered legislative in nature. The order of proceedings for public hearings in Article V, Section 2 above may be modified for a legislative hearing as to the role of the applicant and the findings and factors on which a decision is based. In any event, the Commission's recommendation to the Governing Body shall be in writing accompanied by a written summary of the hearing thereon.

ARTICLE VI: COMMITTEES

SECTION 1. COMMITTEES AND LIAISON REPRESENTATIVES. The Chairperson, with the consent of the Commission, may appoint standing and ad hoc committees and liaison representatives as may be needed to assist in the business of the Commission. The membership of such committee(s) and liaison representatives may consist of all Commission members or part Commission members or by all noncommission members. All such committees and representatives shall be provided with a formal charge and shall report to the Commission their findings and recommendations, unless otherwise directed.

All standing committees and liaison representatives shall be appointed at the next regular Commission meeting following the election of officers. They shall take office following the meeting of their appointment and serve for one year or until their successor has been appointed. Such committees may elect officers unless otherwise designated by the Chairperson and establish such rules of procedure as they deem desirable.

ARTICLE VII: AMENDMENTS TO BYLAWS

SECTION 1. AMENDMENTS. The Commission may, by a majority vote of the entire membership thereof, and upon approval by the Governing Body of the City, amend these Bylaws or any provisions or sections thereof, at any time when the same is not in conflict or in contradiction of any of the laws of the State of Kansas or ordinances of the City of Bel Aire, Kansas. The Commission shall review the Bylaws, no less than every three (3) years to ensure timely and appropriate updates are made if necessary.

Notices of the proposed amendments shall be furnished by the Secretary to all members of the Planning Commission and the Governing Body not less than seven calendar days prior to the meeting at which such amendments are to be considered. A current copy of the Bylaws of the Commission and such amendments thereto as may from time to time be

adopted, shall be maintained by the Secretary and filed with the City Clerk

SECTION 2. ADOPTED. The above and foregoing Bylaws are hereby adopted as the Bylaws of the City of Bel Aire City Planning Commission and recommended for approval of the Governing Body of the City of Bel Aire, Kansas. These Bylaws shall be effective and all previously adopted Bylaws of the Planning Commission shall be repealed, effective the 14th day of August, 2025, following approval thereof by the Governing Body of the City.

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PASSED by the Planning Commission of the City of Bel Aire, Kansas, on the 14th day of August, 2025.

SIGNED by the Presiding Officer on the 14th day of August, 2025.

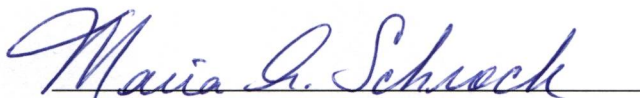
CITY OF BEL AIRE, KANSAS

Phillip Jordan, Chairperson

ATTEST:

Paula L. Downs, Secretary

APPROVED AS TO FORM ONLY:


Maria A. Schrock, City Attorney

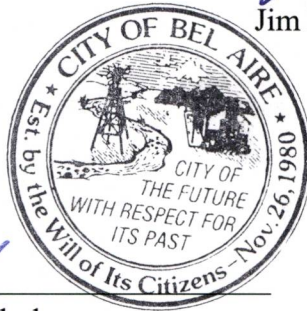
PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire, Kansas,
on the 2nd day of September, 2025.

SIGNED by the Mayor on the 2nd day of September, 2025.

CITY OF BEL AIRE, KANSAS



Jim Benage, Mayor



ATTEST:



Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:



Maria A. Schrock, City Attorney