

DR 86-14 - MAPD proposes possible amendment to Wichita Zoning Ordinance RE: C.U.P. Filing Fees

ACTION

DATE

COMMITTEE

*Report to memo -*

*12-11-86*

M.A.P.C.

*1-22-87*

M.A.P.C.

*2-17-87*

B.C.C./B

*Recommended approval of C.U.P. adjustment per City. Approved as recommended by MAPD*

*closed*

12-22-86 Gary Wiley does not  
object to the fee increases.  
Amounts to only 3½ to 4%  
of a total job.

1-15-87 Bill Korber has no  
problem with these  
proposed increases.

1-16-87 Lynda Tinsley said she sent  
the info to their Legislative  
Committee (12 members) and asked  
them to respond if they had any  
comments. Has heard nothing.

1-20-87 Jerry Hallett: did not send to all  
members & therefore cannot comment  
except to say they agree with the  
philosophy of Gussar fees. over

1-22-87 Bill Young said he thought  
our CUP fees were too  
low! but zoning fees  
are too high. He  
suggests the adjustment  
& minor amendment fee  
proposals. Not too sure  
about the third proposal  
but agree it is consistent  
with other fees.

HASTINGS, MN  
LOS ANGELES, CHICAGO, LOGAN, OH  
MORRISON, TX, LOCUST GROVE, GA  
U.S.A.

**Speed.**  
No. 2-153C

3-10-87

382(Published in The Daily Record, March 6, 1987)11  
ORDINANCE NO. 38-836

AN ORDINANCE AMENDING SECTION 28.04.218 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS AND SPECIFICALLY TO FILING FEES FOR COMMUNITY UNIT PLANS (C.U.P.); AND REPEALING SAID ORIGINAL SECTION 28.04.218 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.218 of the Code of the City of Wichita is hereby amended to read as follows:

28.04.218 Changes in zoning classifications or districts. 1.1 Changes in the zoning classification or district of any lot, tract or parcel of land located in the city shall be made by ordinance of the board of commissioners of the city, upon recommendation of the planning commission after notice and hearing as by law; provided, that every such ordinance shall legally describe the particular lot, tract or parcel of land and the change being made in its zoning classification or district; providing one ordinance may contain more than one change of zoning.

1.2 Upon the adoption by the board of commissioners of an ordinance effecting a change in the zoning classification or district of any lot, tract or parcel of land in the city, the director of planning shall cause the particular sectional zoning map embracing the lot, tract or parcel involved in the change accordingly so that such sectional zoning map shall at all times reflect the current zoning classification or district of every lot, tract or parcel of land in the city.

2. Changes in zoning classifications or districts by the board of commissioners.

2.1 The board of commissioners may, from time to time, amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this chapter, provided such proposed change first be submitted to the planning commission for its recommendation and report. No less than twenty days' notice of such proposed change shall first be published in the official paper of the city and a hearing by the planning commission be granted to any person interested. At a time and place specified in such notice. The hearing may be adjourned from time to time and, at the conclusion of the same, the planning commission shall prepare its recommendation and shall, by an affirmative vote of a majority of all the planning commission present, submit a recommendation of approval or disapproval of the amendment, together with the accurate written summary of the hearing thereon, to the board of commissioners. A vote either for or against an amendment by less than a majority of all of the planning commissioners present constitutes a "failure to recommend." Upon receipt of a recommendation of approval or disapproval, the board of commissioners, if it approves the recommendation, may either adopt the recommendation by ordinance or deny the application as recommended. In the event the planning commission submits a "failure to recommend," the board of commissioners may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the board of commissioners disapproves, the board of commissioners shall return the recommendation to the planning commission with a statement specifying the basis for disapproval. The planning commission, after

reconsidering the same, may resubmit its original recommendation, giving the reasons therefor, or submit new and amended recommendations. Upon the receipt of the recommendations, the board of commissioners may adopt or may revise or amend and adopt the recommendations or change be filed in the office of the city clerk within fourteen days after the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of twenty percent of the total area, excepting public streets and ways, located within two hundred feet of the property proposed to be rezoned, the amendment shall not be passed except by at least three-fourths vote of all the members of the board of commissioners.

3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission, so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

Zoning Classification Requested	Size of Application Area			
	Up to and Including 3 acres	Over 3 acres to 5 acres	Over 5 acres to 15 acres	Over 15 acres
*AA* & *A*	\$200	\$300	\$400	\$500
*RB* & *R-3*, *R-4* & *R-5*	\$300	\$400	\$500	\$600
*C*	N/A	\$400	\$500	\$600
*B* & *BB*	\$350	\$450	\$550	\$650
*OC*, *LC*, *C*, *D*, *E* & *P*	\$400	\$500	\$600	\$700
Residential C.U.P.	Original -		\$500 plus \$5 per acre for each acre over 40 acres	
Amendments:				
Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)		\$500	
Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.)		\$200	
Adjustment -			\$100	
Commercial C.U.P.				
Original-when filed with rezoning application		\$200 plus \$5 per acre for each acre over 15 acres		
Original - when filed separately		\$500 plus \$5 per acre for each acre over 15 acres		
Amendments:				
Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)		\$500	
Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.)		\$200	
Adjustment -			\$100	

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the board of city commissioners to the metropolitan area planning commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law.

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the resubmission is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application.

Said original Section 28.04.218 of the Code of the City of Wichita, Kansas, is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, on the 3rd day of March, 1987.  
TONY CASADO, Mayor  
ATTEST:(SEAL) DALE E. REA, Deputy City Clerk

*H. Brenda*  
(multiple +  
initial card)  
DR86-14

*C. Rudy*  
(initial)

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

February 18, 1987

TO: Dale Rea, Deputy City Clerk

FROM: Louise Olivarez, Senior Planner, Current Plans

SUBJECT: Ordinance for DR 86-14.

On February 17, 1987, the Board of City Commissioners approved a change in the zoning ordinance relative to filing fees for community unit plans. The change authorized a \$100 fee for administrative adjustments to C.U.P.s. The Commission action also instructed staff to prepare the appropriate ordinance.

Attached are two copies of this ordinance, approved as to form by the Law Department. This ordinance amends Section 28.04.210 of the City Code. The only change in this section appears on page 2 of the ordinance where, under both "Residential C.U.P." and "Commercial C.U.P.", there are now entries for "Adjustment - \$100".

Please place this ordinance on the February 24 agenda for first reading, with second reading and publication to occur the following week.

If you have any questions about this matter, please call.

LO:blw  
Attachments

	Amendments:		New:	
	Major	Minor	Res.	Comm.
1984	1	15	3	3
1985	2	7	7	3
1986	0	11	3	5

24 CUP's per year  
average (new + amend.)

PL/0096/4

ORDINANCE NO. *39-836*

AN ORDINANCE AMENDING SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS AND SPECIFICALLY TO FILING FEES FOR COMMUNITY UNIT PLANS (C.U.P.s); AND REPEALING SAID ORIGINAL SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.210 of the Code of the City of Wichita is hereby amended to read as follows:

"28.04.210 Changes in zoning classifications or districts. 1.1 Changes in the zoning classification or district of any lot, tract or parcel of land located in the city shall be made by ordinance of the board of commissioners of the city, upon recommendation of the planning commission after notice and hearing as by law; provided, that every such ordinance shall legally describe the particular lot, tract or parcel of land and the change being made in its zoning classification or district; providing one ordinance may contain more than one change of zoning.

1.2 Upon the adoption by the board of commissioners of an ordinance effecting a change in the zoning classification or district of any lot, tract or parcel of land in the city, the director of planning shall cause the particular sectional zoning map embracing the lot, tract or parcel involved to be changed accordingly so that such sectional zoning map shall at all times reflect the current zoning classification or district of every lot, tract or parcel of land in the city.

2. Changes in zoning classifications or districts by the board of commissioners.

2.1 The board of commissioners may, from time to time, amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this chapter, provided such proposed change first be submitted to the planning commission for its recommendation and report. No less than twenty day's notice of such proposed change shall first be published in the official paper of the city and a hearing by the planning commission be granted to any person interested, at a time and place specified in such notice. The hearing may be adjourned from time to time and, at the conclusion of the same, the planning commission shall prepare its recommendation and shall, by an affirmative vote of a majority of all the planning commission present, submit a recommendation of approval or disapproval of the amendment, together with the accurate written summary of the hearing thereon, to the board of commissioners. A vote either for or against an amendment by less than a majority of all of the planning commissioners present constitutes a "failure to recommend." Upon receipt of a recommendation of approval or disapproval, the board of commissioners, if it approves the recommendation, may either adopt the recommendation by ordinance or deny the application as recommended. In the event the planning commission submits a "failure to recommend," the board of commissioners may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the board of commissioners disapproves, the board of commissioners shall return the recommendation to the planning commission with a statement specifying the basis for disapproval. The planning commission, after reconsidering the same, may resubmit its original recommendation, giving the reasons therefor, or submit new and amended recommendations. Upon the receipt of the recommendations, the board of commissioners may adopt or may revise or amend and adopt the recommendations by ordinance. If, however, a protest against the amendment, supplement or change be filed in the office of the city clerk within fourteen days after the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of twenty percent of the total area, excepting public streets and ways, located within two hundred feet of the property proposed to be rezoned, the amendment shall not be passed except by at least three-fourths vote of all the members of the board of commissioners.

*This ordinance  
has been  
archived on  
the 5520.*

3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission, so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

Zoning Classification Requested	Size of Application Area			
	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres
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"RB", "R-5", "R-6" & "U"	\$300	\$400	\$500	\$600
"C"	N/A	\$400	\$500	\$600
"B" & "BB"	\$350	\$450	\$550	\$650
"OC", "LC", "C", "D", "E" & "F"	\$400	\$500	\$600	\$700
Residential C.U.P.	Original -		\$500 plus \$5 per acre for each acre over 40 acres	
	Amendments:			
	Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)		\$500
	Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.)		\$200
	Adjustment -			\$100
Commercial C.U.P.	Original-when filed with rezoning application		\$200 plus \$5 per acre for each acre over 15 acres	
	Original - when filed separately		\$500 plus \$5 per acre for each acre over 15 acres	
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Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law.

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or portion thereof; provided, however, the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application."

Said original Section 28.04.210 of the Code of the City of Wichita, Kansas, is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, the \_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Tony Casado, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Rea, Deputy City Clerk

APPROVED AS TO FORM:

Thomas R. Powell  
Thomas R. Powell, Interim Director of Law

THE CITY OF WICHITA

OFFICE OF THE LAW DEPARTMENT

DATE February 12, 1987

TO Louise Olivarez, Senior Planner

FROM Joe Allen Lang, Assistant City Attorney

SUBJECT DR 86-14 Proposed Ordinance  
for CUP Fee Increases

Please find attached the above ordinance which has been approved  
as to form.

*Joe Allen Lang*  
Joe Allen Lang  
Assistant City Attorney

JAL:kj

Attachments

RECEIVED  
FEB 13 1987  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

Date: February 11, 1987

TO: Thomas R. Powell, Interim Director of Law

FROM: Louise Olivarez, Senior Planner, Current Plans Division

SUBJECT: DR 86-14 Proposed Ordinance for CUP Fee Increases

Attached for your review as to form are two copies of the proposed ordinance for CUP fee increases, as well as one copy of the delineated ordinance. This matter will be on the City Commission agenda February 17, 1987. Would appreciate your approval or comments prior to that date. Please return the ordinances to me.

\_\_\_\_\_  
Louise Olivarez  
Senior Planner

APPROVED BY:

\_\_\_\_\_  
Jack H. Galbraith  
Chief Planner

LO:dlk

Attachment

ORDINANCE NO. \_\_\_\_\_

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"OC", "LC", "C", "D", "E" & "F"	\$400	\$500	\$600	\$700
Residential C.U.P.	Original -		\$500 plus \$5 per acre for each acre over 40 acres	

*Following BCC action 2-17-87 approving only the adjustment fee (as recommended by MAPC), page two of this ordinance was revised.*

Amendments:		
Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)	\$500
Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$350
Adjustment -		\$100

Commercial C.U.P.	Original -	\$500 plus \$5 per acre for each acre over 15 acres
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This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, the \_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Tony Casado, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Rea, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas R. Powell, Interim Director of Law

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Commission Meeting  
February 17, 1987

Agenda Report # \_\_\_\_\_

TO: Mayor and City Commissioners

SUBJECT: DR 86-14 - PROPOSED AMENDMENT TO THE WICHITA ZONING  
ORDINANCE REGARDING FILING FEES FOR COMMUNITY UNIT  
PLANS.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

-----  
MAPC Recommendation: Approve the fee increase for administrative adjustments  
only. (4-2)

Staff Recommendation: Approve three filing fee increases associated with  
CUPs. (See Exhibit A)

Background: On December 11, 1986, the MAPC held a public hearing to consider amendments to the zoning ordinance relative to filing fees for community unit plans. The public hearing had been advertised as required by law and copies of the proposed ordinance changes, along with a memo of explanation, had been mailed to the Wichita Area Builders Association, the Board of Realtors, and The Chamber. No responses had been received and no one was present at the hearing to address this issue. After discussion by the MAPC, their action was to defer this matter for six weeks and instruct staff to again solicit responses from the three groups mentioned above as well as from surveyors, engineers and land planners who frequently file community unit plans. This was done and one written response was received (see Exhibit B). Telephone calls were made to all others who had received written information on these proposed fee increases. There was a general consensus of no opposition.

At the reconvened hearing on January 22, 1987, there was again no one present to speak in opposition. After discussion from the bench, the MAPC recommended by a vote of 4-2 that only the fee increase for C.U.P. administrative adjustments (from \$0 to \$100) be approved.

Analysis: The memos to the Planning Commission contained in Exhibits A and C best summarize the reasons and justifications for these proposed fee increases. As a brief summary, the three proposed changes are:

- 1) Initiate a \$100 fee for administrative adjustments to CUPs (residential and commercial);
- 2) Increase the fee for minor amendments from \$200 to \$350 (residential and commercial);

PL/1040/2

- 3) Increase the fee for original commercial CUPs which are filed with a rezoning application from \$200 plus \$5 per acre over 15 acres to \$500 plus \$5 per acre over 15 acres.

Legal Consideration: The City Commission may take such action as it considers appropriate regarding these three proposed fee changes without returning the matter to MAPC for reconsideration.

- Action:
1. Concur with the recommendations of the MAPC and approve a fee change for CUP administrative adjustments only and instruct staff to prepare the appropriate ordinance; or
  2. Concur with the recommendations of staff and approve the three CUP fee changes as submitted and instruct staff to prepare the appropriate ordinance; or
  3. Take appropriate action.

Attachments: MAPC Minutes 12-11-86 & 1-22-87  
11-24-86 memo to MAPC w/delineated ordinance changes (Exhibit A)  
1-6-87 letter from WABA (Exhibit B)  
1-14-87 memo to MAPC (page 1 only) (Exhibit C)

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 11, 1986

12. DR 86-14 - Proposed amendment to Wichita Zoning Ordinance  
Re: C.U.P. Filing Fees.

GALBRAITH mentioned the memorandum that was sent to the Planning Commission pointing out the background behind this amendment. He said that the city was in the budget review process and staff was asked to look at some quick amendments that could be done to generate additional revenues. He said that this only addresses the filing of C.U.P.'s. For the first time it has been suggested that they charge a minimum fee of \$100 for administrative adjustments which take up a lot of staff time. He mentioned that the proposed amendments were forwarded to the Homebuilders, Board of Realtors and the Chamber of Commerce, and there has been no comment from those groups.

WILSON asked how much of a raise they are talking about.

GALBRAITH said that it was not calculated on percentage, but it was pointed out in the memo what type of revenues those adjustments would have amounted to in 1984, 1985 and 1986.

PETERS asked what would the increase in fees do to improve services and time elements.

GALBRAITH said that probably not a great deal in timing. He said that it was just trying to recoup the staff time that is now spent. He added that for most of the year the Department has been operating with reduced staff. They have had a vacancy for most of the year, and he did not think that it would speed up the process but it would bring revenue in for the services that they did not think that people were paying for now.

PARSONS commented that he understood the staff's position, and he also understood the other side of the issue where additional costs are coming from every direction in the building business, and they that are in that industry are trying to go either way. They are trying to keep costs down so that can be passed through on the down side rather than the up side to the eventual consumer. He said that he would like to have some input from those organizations that are most affected. He realized that staff had some time problems, but said he would prefer a deferral so staff could seek comments from the Homebuilders and others.

MOTION: That the Planning Commission defer this matter for six weeks to allow input from organizations most affected by this amendment. Gardner moved, Parsons seconded and it carried unanimously. Moore was not present.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 22, 1987

7. Case No. DR 86-14 - Proposed Amendment to Wichita Zoning Ordinance  
Re: C.U.P. Filing Fees

KROUT stated that last month staff brought before the Planning Commission a recommendation for increase in filing fees. There were three changes that they had recommended, and these were based on a request of the Department last summer during the review of the City budget to look for ways to increase revenues. The three recommendations concerning CUPs were: one, to increase the fee for original filing of a commercial CUP to \$500 whether it was filed simultaneously with a zone change request or not. Currently there is a lesser fee when a commercial CUP is filed simultaneously with a zone change request. This would make it the same as a residential CUP which is \$500 whether or not it is filed simultaneously with a zone change request. The second was to increase the minor amendment fee for a CUP from \$200 to \$350; and the third was to add a fee for administrative adjustments, most of which take a considerable amount of time; that would be a charge of \$100. KROUT said that copies of the proposal were sent out to the Wichita Area Builders Association, the Board of Realtors, and The Chamber. A response was received from the builders association, but they have not received responses from the realtors or the chamber. A proposal was also sent to consulting engineers. They had no problem.

MOORE asked what did the Homebuilders Association say.

KROUT responded that the Homebuilders had no problem with the administrative adjustment. They felt that there was work involved and that a \$100 fee was the appropriate thing. They had concerns with the other two fees, and their concern was generally that fees should not be increased because it would affect the affordability of housing. The other matter was that there is a cost saving in terms of staff's processing when a CUP is run along with a zone change, and so the current way it is handled of having a lesser fee for a commercial CUP with the zone change makes sense and it should be left that way. On the other hand it is for residential CUPs where the builders would be concerned because there is a charge of \$500 whether or not a zone change is filed, so their concern really does not go to trying to hold down the affordability of housing because staff was really only talking about increasing the commercial fees. KROUT agreed that there is some savings in processing a CUP and a zone case simultaneously in terms of the work the staff does. On the other hand staff was asked to look at ways of increasing revenue, and the alternative would be to go to the base zone fees and raise those instead of looking for some other ways to raise revenues. Staff thought that this was the simplest way to do it and would be consistent with the way CUPs are handled whether they were residential or commercial. KROUT added that he was interested in finding out how these fees that come in relate to the budget because the Homebuilders' letter suggested that staff should not try to cover the department's expenses with the fees. He said that he asked for some budget information on staff and how much time staff spends; how much the planning activity is that is locally funded; how much the Current Plans' budget is which includes zoning, subdivision, and BZA staff's professional, technical and clerical people, and all of the support services, equipment and

supplies that go into that. The cost of all that is over \$400,000. The fees that we are currently collecting amount to about \$105,000. All of the proposed increases for CUPs and also some additional fees for vacations, would amount to an increase of \$18,000. That increase plus the \$105,000 still only covers about one-quarter of the cost of running the Current Plans operation which is responsible for processing the applications. KROUT said that was helpful for him to know how close are they to being on a cost recovery basis like building permits, and they are still far from it.

KROUT continued that he anticipated that the Commission might ask how the cost could be reduced. He pointed out that the department has reduced personnel over the past 6 or 7 years, and over that time they had not increased fees with the exception of BZA fees.

PARSONS stated the Builders Association simply has the position that any increases associated with building are going to have an impact on the industry. He mentioned that he had recently read an article in Builders magazine that a community in California has done these types of things to the extent that there is now \$22,000 in up-front costs before you get to development costs on an average building lot in that community in California. He felt that this begins a process. He understood the City's position, and understood that they have to look for other places to raise funds and maybe they can and maybe they can't continue to rely on the ad valorem tax and sales tax, etc., but he believed that this is an area that they should not be looking at as far as raising more funding.

PARSONS said concerning the argument regarding whether or not these funds should be used to cover the cost of the Planning Department -- if they are looking at making the Planning Department and a division of the department a utility, then they should look at that. But it is not a utility; it is a service. It is a service to the community, and that is a cost of government. It is a cost that should be shared by the community and not tacked on with fees every time they get an opportunity to do so. PARSONS said that he was not in favor of the increase in fees. He believed that the charge for administrative adjustment is justified, and he would be willing to go in favor of a motion that would recommend that change, but would not be in favor of the others.

MILES agreed with Parsons. He felt that eventually administrative costs would have to be curtailed.

GARDNER commented that they find themselves in a tough position when they recognize that they have zoning to benefit the community, and if it is placed on a utility basis, they still do not begin to compensate and cover all of the public service element that the department provides in the way of having to respond to the public. In that regard it is easy to point out that it is not always practical to consider trying to structure these programs on a utility basis. He said that he was sympathetic to tightness in the budget overall. If he had a firmer belief that increased revenues derived from fee increases are going to directly benefit the department, then he would have a better feeling about approving it or going with it. For example, the Library collects

1-22-87  
Page 3

revenue for late books. They have for the last five years and have not been given credit come budget time for the revenues they kick into the general fund on a basis of additional monies for the libraries. If there was a concurring opinion from the Manager on when that increase in fees would be reflected directly in the budget, he would feel better, but did not think that commitment exists. He did not feel that the increase that is being borne by a relatively few number of applications per year really generates a significant level of revenue. GARDNER said that he concurred with Parsons on the administrative adjustments, but did not feel that the other increases were in order.

MOTION: That the Planning Commission recommend to the City Commission that the community unit plan filing fees be retained as they are presently structured, except that a charge of \$100 be initiated for administrative adjustments to either a commercial or residential C.U.P. Parsons moved, Gardner seconded and it carried with a vote of 4 in favor (Parsons, Gardner, Conlee and Miles) and 2 opposed (Crockett and Moore). Wilson and Peters were not present. Banzer was absent. One vacancy.

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WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

November 24, 1986

TO: Metropolitan Area Planning Commission

FROM: Michael E. Lindebak, Interim Director of Planning

SUBJECT: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans

Attached is a possible amendment to the Wichita Zoning Ordinance which has been advertised for public hearing at the Planning Commission meeting of December 11, 1986.

BACKGROUND AND ANALYSIS:

This amendment has been prepared in response to the City Manager's request that the Planning Department generate additional revenue by increasing filing fees. We have reviewed all filing fees related to City requests for zone changes, community unit plans and special permits and have determined that the fees associated with community unit plans should be revised slightly to more appropriately reflect the actual cost of processing the applications.

C.U.P. fees were last revised in 1980. At that time, reduced fees were established for commercial C.U.P.'s filed with a zone change application. It is proposed to delete this reduced fee and charge the basic fee (\$500 plus \$5 per acre for each acre over 15 acres) whether or not accompanied by a zone change. Had this fee schedule been in effect for the last three years, the additional revenue would have been \$600 for 1984; \$300 for 1985; and \$2400 for the first ten months of 1986.

It is also proposed that fees for minor amendments be increased from \$200 to \$350. Had this fee schedule been in effect for the last three years, the additional revenue would have been \$2250 for 1984; \$1050 for 1985; and \$1650 for the first ten months of 1986.

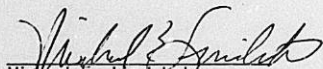
There has never been a fee charged for administrative adjustments to approved C.U.P.'s but many of them take up a considerable amount of staff time. We have not kept detailed records of the number of C.U.P. adjustments processed, but estimates range from 15 to 25 per year. It is proposed that a fee of \$100 be established for processing administrative adjustments. If 20 are filed per year, additional revenue would be \$2000.

We still propose to review C.U.P. site plans and landscape plans and make official C.U.P. interpretations without charging a fee.

MAPC re: C.U.P. Fil Fees  
November 24, 1986  
Page 2

RECOMMENDED ACTION:

Approve the amendment and instruct staff to prepare an ordinance amending community unit plan filing fees to be forwarded to the Board of City Commissioners with a recommendation for adoption.

  
Michael E. Lindebal  
Interim Director of Planning

MEL/LO:blw

cc: Wesley E. Galyon, President/CEO, Wichita Area Builders Association  
730 North Main, Wichita, KS. 67202  
Lynda Tousley, Executive Vice President, Wichita Metropolitan Area  
Board of Realtors, 717 North Emporia, Wichita, KS. 67214  
Jerry M. Mallott, President, Wichita Area Chamber of Commerce,  
350 West Douglas, Wichita, KS. 67202

Additions underlined  
Deletions ~~marked thru~~

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS AND SPECIFICALLY TO FILING FEES FOR COMMUNITY UNIT PLANS (C.U.P.s); AND REPEALING SAID ORIGINAL SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.210 of the Code of the City of Wichita is hereby amended to read as follows:

"28.04.210 Changes in zoning classifications or districts. 1.1 Changes in the zoning classification or district of any lot, tract or parcel of land located in the city shall be made by ordinance of the board of commissioners of the city, upon recommendation of the planning commission after notice and hearing as by law; provided, that every such ordinance shall legally describe the particular lot, tract or parcel of land and the change being made in its zoning classification or district; providing one ordinance may contain more than one change of zoning.

1.2 Upon the adoption by the board of commissioners of an ordinance effecting a change in the zoning classification or district of any lot, tract or parcel of land in the city, the director of planning shall cause the particular sectional zoning map embracing the lot, tract or parcel involved to be changed accordingly so that such sectional zoning map shall at all times reflect the current zoning classification or district of every lot, tract or parcel of land in the city.

2. Changes in zoning classifications or districts by the board of commissioners.

2.1 The board of commissioners may, from time to time, amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this chapter, provided such proposed change first be submitted to the planning commission for its recommendation and report. No less than twenty day's notice of such proposed change shall first be published in the official paper of the city and a hearing by the planning commission be granted to any person interested, at a time and place specified in such notice. The hearing may be adjourned from time to time and, at the conclusion of the same, the planning commission shall prepare its recommendation and shall, by an affirmative vote of a majority of all the planning commission present, submit a recommendation of approval or disapproval of the amendment, together with the accurate written summary of the hearing thereon, to the board of commissioners. A vote either for or against an amendment by less than a majority of all of the planning commissioners present constitutes a "failure to recommend." Upon receipt of a recommendation of approval or disapproval, the board of commissioners, if it approves the recommendation, may either adopt the recommendation by ordinance or deny the application as recommended. In the event the planning commission submits a "failure to recommend," the board of commissioners may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the board of commissioners disapproves, the board of commissioners shall return the recommendation to the planning commission with a statement specifying the basis for disapproval. The planning commission, after reconsidering the same, may resubmit its original recommendation, giving the reasons therefor, or submit new and amended recommendations. Upon the receipt of the recommendations, the board of commissioners may adopt or may revise or amend and adopt the recommendations by ordinance. If, however, a protest against the amendment, supplement or change be filed in the office of the city clerk within fourteen days after the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of twenty percent of the total area, excepting public streets and ways, located within two hundred feet of the property proposed to be rezoned, the amendment shall not be passed except by at least three-fourths vote of all the members of the board of commissioners.

3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission, so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

Zoning Classification Requested	Size of Application Area				
	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres	
"AA" & "A"	\$200	\$300	\$400	\$500	
"RB", "R-5", "R-6" & "U"	\$300	\$400	\$500	\$600	
"G"	N/A	\$400	\$500	\$600	
"B" & "BB"	\$350	\$450	\$550	\$650	
"OC", "LC", "C", "D", "E" & "F"	\$400	\$500	\$600	\$700	
Residential C.U.P.	Original -		\$500 plus \$5 per acre for each acre over 40 acres		
	Amendments:				
	Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)		\$500	
	Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.)		\$200 <u>\$350</u>	
	<u>Adjustment</u>			<u>\$100</u>	
	Commercial C.U.P.	Original-when-filed-with-rezoning-application		\$200-plus \$5-per-acre-for each-acre-over-15 acres	
		Original-when-filed separately		\$500 plus \$5 per acre for each acre over 15 acres	
		Amendments:			
		Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)		\$500
		Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.)		\$200 <u>\$350</u>
<u>Adjustment -</u>			<u>\$100</u>		

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the board of city commissioners to the metropolitan area planning commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. ~~For the period commencing with the enactment of this section to December 31, 1988 no fee shall be required for a case initiated by a department of the city for a historic designation.~~

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or portion thereof; provided, however, ~~the zoning committee~~ of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application."

Said original Section 28.04.210 of the Code of the City of Wichita, Kansas, is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, the \_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Tony Casado, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Rea, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas R. Powell, Interim Director of Law

# THE WICHITA AREA BUILDERS ASSOCIATION

## EXECUTIVE COMMITTEE

Chairman of the Board, Stephen Critchfield • First Vice Chairman, Elton Parsons • Second Vice Chairman, George Fahnestock  
Third Vice Chairman, M. S. Mitchell • Secretary/Treasurer, Jack Simpson • Past Chairman of the Board, Harold Holding  
President/CEO, Wess Galyon

Exhibit B

## BOARD OF DIRECTORS

Dale Zimmerman  
Steve Peake  
Jeff Kurlak  
James Goetzl  
Tamara Gross  
Frank Hancock  
Gary Brown  
Robert Clements  
Joe H. Lee  
Alexander Dean  
Tom Hall  
Elroy Smith  
James Ray, Jr.  
John D. Gist  
James R. Franz

## NAHB DIRECTORS

Dave Scriou  
Steve Critchfield  
Harold Holding  
James D. Miner

## HONORARY LIFE NAHB

### DIRECTORS

Wilford Gurvey  
John McKay, Jr.  
Harold Warner, Sr.  
Robert E. Muzzy

## NAHB NATIONAL

### REPRESENTATIVE

Harold Warner, Jr.

## ASSOCIATE NATIONAL

### DIRECTOR

Richard Bridgman

## STATE DIRECTORS

Harold Holding  
Robert E. Muzzy  
Steve Critchfield  
Richard Bridgman  
M. S. Mitchell

## PAST PRESIDENTS

### COUNCIL

Harold Holding  
Robert E. Muzzy  
Robert B. Fox  
Dave Scriou  
James D. Miner  
Harold Warner, Jr.  
Vargil Moeder  
John McKay, Jr.  
Jerry Dan Andrews  
Bob Arnold  
Ron Lane  
Morris Stauffer  
Jim Glasfor  
Harold Warner  
L. E. Folsom  
S. W. Warner  
John S. Lawrence  
Forrest Westrick  
Gene Miles  
Roger Hartler  
Donald Louis  
Harold Jones  
Harold Baxter  
William Veach  
D. C. Jones  
Earl I. Graves  
Erle W. Jennings  
Frank Kessler  
James L. Gardner  
Francis Harkey  
Ken Stovall

## APARTMENT COUNCIL

Mary Payne

## REMODELING COUNCIL

Bill Townsend

## SALES & MARKETING

### COUNCIL

Roger West

## MECHANICAL COUNCIL

George Fahnestock

## SPIKE CLUB

George Fahnestock

\*Deceased

January 6, 1987

Mr. Jack H. Galbraith, Chief Planner  
Current Plans Division  
Metropolitan Area Planning Department  
City Hall  
10th Floor  
455 N. Main  
Wichita, KS 67202

RE: DR 86-14 - Possible Amendment to the Wichita  
Zoning Ordinance regarding filing fees for  
Community Unit Plans.

Dear Mr. Galbraith:

In response to your letter dated December 18, 1986 concerning the above captioned subject, the Executive Committee and Board of Directors of the Wichita Area Builders Association have reviewed the proposed change in filing fees for C.U.P.'s.

Their comments and recommendations are as follows:

- A. With regard to administrative adjustments, the Association is appreciative of the past utilization of the administrative process, both supports and encourages the continuation of this process, and feels that the fee proposed to be charged for services rendered in this regard is appropriate and justified.
- B. In regard to your comments pertaining to minor amendments, the Association feels it could not support the basis outlined for a proposed fee increase. Although Commercial C.U.P.'s are mandatory and residential C.U.P.'s optional, developers are being encouraged to use both. In keeping with the Association's goal of discouraging activities that have the end result of adding costs to housing thereby making it less affordable than might otherwise be the case, it is our contention that support of an increase in fees is not appropriate.

RECEIVED

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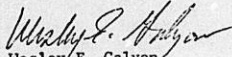
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_



C. With respect to the proposed C.U.P. fee change the Association, again, does not feel that an increase in fees is justified. The basis for our position in this regard is partially based on that above stated in item B. In addition, the existing combined filing fees for commercial C.U.P.'s and rezoning applications range from \$700 to \$900 plus, and are already significantly greater than filing fees for commercial C.U.P.'s where no change in zoning is involved. It would appear there must be some economic considerations in the review, evaluation, and recommending process for companion C.U.P. and zoning change applications which does not merit an increase of \$300 in the filing fee.

In summary, we are aware of the trends toward use of fees as a means of generating revenue, but it is our contention that the projected minimal increases in revenue that might be realized as a result of the proposed changes outlined in your letter to us are not warranted beyond the extent we have attempted to outline in our response to you. Further, we would suggest that government should not expect filing fee revenues to support the total overall operating budget of the Planning Department.

Best regards,



Wesley E. Galyon  
President/CEO  
Wichita Area Builders Association

WG/kk

WICHITA-SEDGWICK COUNTY

Date: January 14, 1987

## METROPOLITAN AREA PLANNING DEPARTMENT

TO: Metropolitan Area Planning Commission

FROM: Marvin S. Krout, Director of Planning

SUBJECT: CUP Filing Fees; MAPD Workplan

Attached for your review before the January 22 hearing are two items: a letter from the builders association concerning the proposed increase in CUP filing fees, and a copy of a proposed workplan of proposed MAPD activities over the next year.

CUP filing fees. The builders association is the only group thus far to submit comments on this proposed amendment. We will continue to solicit a response from the realtors and the chamber before your hearing. I would like to respond to that letter on two points:

1. The proposed fee increases do move slightly closer toward cost recovery, in response to directives received during our 1987 budget review. However, they do not come anywhere close to "supporting the total operating budget of the Planning Department." Here is some budget information that may be helpful to you as you consider these amendments:
  - the total local (City and County) support in 1987 to MAPD is \$752,125.
  - we estimate that approximately \$466,230 is devoted strictly to Current Plans activities (includes six professionals, plus technical and clerical support salaries and services, supplies, and equipment).
  - the anticipated revenue in 1987 from filing fees, without any increases, is \$105,000. The anticipated additional revenue to be derived from all the proposed fee increases (CUP's, vacations, lot splits) is \$18,000. Even with the increases, we would only recover about 26% of Current Plans' costs of operation.
  - personnel reductions since 1980 have resulted in what I think is a lean and efficient operation in Current Plans.
  - filing fees have not been increased, with the exception of City and County BZA applications, since 1980.
2. It is true that there are some economies to handling "companion cases". However, in all cases other than commercial CUP's (e.g., residential CUP's, conditional uses, special permits), we are currently charging a separate fee from the "companion" zoning case. It was felt that bringing commercial CUP's in line with the way we handle those other cases was preferable to the alternative of raising the base fee for all zoning cases.

THE CITY OF WICHITA  
OFFICE OF THE LAW DEPARTMENT

DATE February 5, 1987

TO Marvin Krout, Director of Planning  
FROM Joe Allen Lang, Assistant City Attorney

SUBJECT Amendment of Zoning Ordinance  
on Fees

Your department and the MAPC are recommending an amendment to Code § 28.04.210 relative to fees on applications for a C.U.P. You request an opinion on the proper procedure for the governing body if it should reject or change the MAPC recommendation.

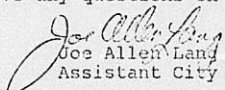
In normal procedure, zoning ordinances and amendments are either approved or returned to the MAPC by the governing body in accordance with K.S.A. 12-08. That procedure does not apply to an amendment to the fee schedule, however. The statutory "ping-pong" procedure applies to recommendations of zoning districts (or amendments thereto) "and appropriate regulations or restrictions to be enforced therein" (emphasis added). In my opinion, the fee schedule is not the type of regulation contemplated by this statute.

In my opinion, Code § 28.04.220 is a general ordinance that does not require amendment by the procedure for zoning ordinances. It is noted that the statutes contemplate fees being set by the governing body: "The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a change in zoning of the same." (K.S.A. 12-708.) "The governing body may establish reasonable fees to be paid in advance by the landowner at the time of making application for the approval of a change to a planned unit development zoning district, and for approval of preliminary plans." (K.S.A. 12-733.)

In summary, if the governing body desires to amend the fee ordinance submitted to it, it may do so without referral back to the MAPC. Of course, it always has the option to refer back for new recommendations.

Note: For your information, a change to fees set forth in Subdivision Regulations follows a different procedure. Such amendment is being studied. I understand this amendment will be to regulations and is not affected by city ordinance or county resolution. The regulations contemplated for subdivisions under K.S.A. 12-705 are broader than for zoning and include procedural regulations. Such regulations are adopted by the MAPC but subject to approval by the governing body. If not acceptable, the governing body should not amend but rather disapprove or send such subdivision regulations back to the MAPC.

Please let me know if you have any questions on this matter.

  
Joe Allen Lang  
Assistant City Attorney

JAL:kj  
cc: Thomas R. Powell

Additions underlined  
Deletions ~~marked thru~~

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS AND SPECIFICALLY TO FILING FEES FOR COMMUNITY UNIT PLANS (C.U.P.s); AND REPEALING SAID ORIGINAL SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.210 of the Code of the City of Wichita is hereby amended to read as follows:

"28.04.210 Changes in zoning classifications or districts. 1.1 Changes in the zoning classification or district of any lot, tract or parcel of land located in the city shall be made by ordinance of the board of commissioners of the city, upon recommendation of the planning commission after notice and hearing as by law; provided, that every such ordinance shall legally describe the particular lot, tract or parcel of land and the change being made in its zoning classification or district; providing one ordinance may contain more than one change of zoning.

1.2 Upon the adoption by the board of commissioners of an ordinance effecting a change in the zoning classification or district of any lot, tract or parcel of land in the city, the director of planning shall cause the particular sectional zoning map embracing the lot, tract or parcel involved to be changed accordingly so that such sectional zoning map shall at all times reflect the current zoning classification or district of every lot, tract or parcel of land in the city.

2. Changes in zoning classifications or districts of the board of commissioners.

2.1 The board of commissioners may amend, supplement or change the boundaries or regulations set forth in this chapter, provided such provisions are submitted to the planning commission for its recommendation. The planning commission shall give twenty day's notice of such proposed change in the official paper of the city and a hearing by the board of commissioners to any person interested, at a time and place to be determined by the board of commissioners. The hearing may be adjourned from time to time until the conclusion of the hearing. The planning commission shall prepare its recommendation and shall, by an affirmative vote of a majority of all the planning commission present, submit a recommendation of approval or disapproval of the amendment, together with the accurate written summary of the hearing thereon, to the board of commissioners. A vote either for or against an amendment by less than a majority of all of the planning commissioners present constitutes a "failure to recommend." Upon receipt of a recommendation of approval or disapproval, the board of commissioners, if it approves the recommendation, may either adopt the recommendation by ordinance or deny the application as recommended. In the event the planning commission submits a "failure to recommend," the board of commissioners may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the board of commissioners disapproves, the board of commissioners shall return the recommendation to the planning commission with a statement specifying the basis for disapproval. The planning commission, after reconsidering the same, may resubmit its original recommendation, giving the reasons therefor, or submit new and amended recommendations. Upon the receipt of the recommendations, the board of commissioners may adopt or may revise or amend and adopt the recommendations by ordinance. If, however, a protest against the amendment, supplement or change be filed in the office of the city clerk within fourteen days after the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of twenty percent of the total area, excepting public streets and ways, located within two hundred feet of the property proposed to be rezoned, the amendment shall not be passed except by at least three-fourths vote of all the members of the board of commissioners.

*delegated ordinance*

Additions underlined  
Deletions marked thru

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS AND SPECIFICALLY TO FILING FEES FOR COMMUNITY UNIT PLANS (C.U.P.s); AND REPEALING SAID ORIGINAL SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.210 of the Code of the City of Wichita is hereby amended to read as follows:

"28.04.210 Changes in zoning classifications or districts. 1.1 Changes in the zoning classification or district of any lot, tract or parcel of land located in the city shall be made by ordinance of the board of commissioners of the city, upon recommendation of the planning commission after notice and hearing as by law; provided, that every such ordinance shall legally describe the particular lot, tract or parcel of land and the change being made in its zoning classification or district; providing one ordinance may contain more than one change of zoning.

1.2 Upon the adoption by the board of commissioners of an ordinance effecting a change in the zoning classification or district of any lot, tract or parcel of land in the city, the director of planning shall cause the particular sectional zoning map embracing the lot, tract or parcel involved to be changed accordingly so that such sectional zoning map shall at all times reflect the current zoning classification or district of every lot, tract or parcel of land in the city.

2. Changes in zoning classifications or districts by the board of commissioners.

2.1 The board of commissioners may, from time to time, amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this chapter, provided such proposed change first be submitted to the planning commission for its recommendation and report. No less than the twenty day's notice of such proposed change shall first be published in the official paper of the city and a hearing by the planning commission be granted to any person interested, at a time and place specified in such notice. The hearing may be adjourned from time to time and, at the conclusion of the same, the planning commission shall prepare its recommendation and shall, by an affirmative vote of a majority of all the planning commission present, submit a recommendation of approval or disapproval of the amendment, together with the accurate written summary of the hearing thereon, to the board of commissioners. A vote either for or against an amendment by less than a majority of all of the planning commissioners present constitutes a "failure to recommend." Upon receipt of a recommendation of approval or disapproval, the board of commissioners, if it approves the recommendation, may either adopt the recommendation by ordinance or deny the application as recommended. In the event the planning commission submits a "failure to recommend," the board of commissioners may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the board of commissioners disapproves, the board of commissioners shall return the recommendation to the planning commission with a statement specifying the basis for disapproval. The planning commission, after reconsidering the same, may resubmit its original recommendation, giving the reasons therefor, or submit new and amended recommendations. Upon the receipt of the recommendations, the board of commissioners may adopt or may revise or amend and adopt the recommendations by ordinance. If, however, a protest against the amendment, supplement or change be filed in the office of the city clerk within fourteen days after the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of twenty percent of the total area, excepting public streets and ways, located within two hundred feet of the property proposed to be rezoned, the amendment shall not be passed except by at least three-fourths vote of all the members of the board of commissioners.

3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission, so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

Size of Application Area

Zoning Classification Requested	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres
"AA" & "A"	\$200	\$300	\$400	\$500
"RB", "R-5", "R-6" & "U"	\$300	\$400	\$500	\$600
"C"	N/A	\$400	\$500	\$600
"B" & "BB"	\$350	\$450	\$550	\$650
"OC", "LC", "C", "D", "E" & "F"	\$400	\$500	\$600	\$700
Residential C.U.P.	Original -		\$500 plus \$5 per acre for each acre over 40 acres	
	Amendments:			
	Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)	\$500	
	Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$200	<u>\$350</u>
	<u>Adjustment</u>			<u>\$100</u>
Commercial C.U.P.	<del>Original when filed with rezoning application</del>		\$200 plus \$5 per acre for each acre over 15 acres	
	Original when filed separately		\$500 plus \$5 per acre for each acre over 15 acres	
	Amendments:			
	Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)	\$500	
	Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$200	<u>\$350</u>
	<u>Adjustment -</u>			<u>\$100</u>

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the board of city commissioners to the metropolitan area planning commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. ~~For the period commencing with the enactment of this section to December 31, 1988 no fee shall be required for a case initiated by a department of the city for a historic designation.~~

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or portion thereof; provided, however, ~~the zoning committee~~ of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application."

Said original Section 28.04.210 of the Code of the City of Wichita, Kansas, is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, the \_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Tony Casado, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Rea, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas R. Powell, Interim Director of Law

WICHITA-SEDGWICK COUNTY

Date: January 14, 1987

## METROPOLITAN AREA PLANNING DEPARTMENT

TO: Metropolitan Area Planning Commission

FROM: Marvin S. Krout, Director of Planning

SUBJECT: CUP Filing Fees; MAPD Workplan

Attached for your review before the January 22 hearing are two items: a letter from the builders association concerning the proposed increase in CUP filing fees, and a copy of a proposed workplan of proposed MAPD activities over the next year.

CUP filing fees. The builders association is the only group thus far to submit comments on this proposed amendment. We will continue to solicit a response from the realtors and the chamber before your hearing. I would like to respond to that letter on two points:

1. The proposed fee increases do move slightly closer toward cost recovery, in response to directives received during our 1987 budget review. However, they do not come anywhere close to "supporting the total operating budget of the Planning Department." Here is some budget information that may be helpful to you as you consider these amendments:

- the total local (City and County) support in 1987 to MAPD is \$752,125.
- we estimate that approximately \$466,230 is devoted strictly to Current Plans activities (includes six professionals, plus technical and clerical support salaries and services, supplies, and equipment).
- the anticipated revenue in 1987 from filing fees, without any increases, is \$105,000. The anticipated additional revenue to be derived from all the proposed fee increases (CUP's, vacations, lot splits) is \$18,000. Even with the increases, we would only recover about 26% of Current Plans' costs of operation.
- personnel reductions since 1980 have resulted in what I think is a lean and efficient operation in Current Plans.
- filing fees have not been increased, with the exception of City and County BZA applications, since 1980.

2. It is true that there are some economies to handling "companion cases". However, in all cases other than commercial CUP's (e.g., residential CUP's, conditional uses, special permits), we are currently charging a separate fee from the "companion" zoning case. It was felt that bringing commercial CUP's in line with the way we handle those other cases was preferable to the alternative of raising the base fee for all zoning cases.

Metropolitan Area Planning Commission  
January 14, 1987  
Page 2

MAPD workplan. Attached is a copy of the cover memo and 1987 department workplan that we have submitted to the City Manager and the County Commissioners. Time permitting, I hope to summarize the plan in a briefing to you at the end of the January 22 agenda, and invite your questions and comments.

MSK:rme  
Attachments

cc: Chris Cherches, City Manager

0001/2

# THE WICHITA AREA BUILDERS ASSOCIATION

## EXECUTIVE COMMITTEE

Chairman of the Board, Stephen Critchfield • First Vice Chairman, Elton Parsons • Second Vice Chairman, George Fahnestock  
Third Vice Chairman, M. S. Mitchell • Secretary/Treasurer, Jack Simpson • Past Chairman of the Board, Harold Holding  
President/CEO, Weas Galyon

Exhibit B

## BOARD OF DIRECTORS

Dale Zimmerman  
Steve Peake  
Jeff Kutlak  
James Gombert  
Tamara Cross  
Frank Hancock  
Gary Brown  
J Robert Clements  
Joe H. Lee  
Alexander Dean  
Tom Whit  
Elroy Smith  
James Ray Jr.  
John D. Gist  
James R. Franz

## NAHB DIRECTORS

Dave Spron  
Steve Critchfield  
Harold Holding  
James D. Miner

## HONORARY LIFE NAHB

### DIRECTORS

Willard Garvey  
John McKay, Jr.  
Harold Warner, Sr.  
Robert E. Muzzy

## NAHB NATIONAL

### REPRESENTATIVE

Harold Warner, Jr.

## ASSOCIATE NATIONAL

### DIRECTOR

Richard Bridgman

## STATE DIRECTORS

Harold Holding  
Robert E. Muzzy  
Steve Critchfield  
Richard Bridgman  
M. S. Mitchell

## PAST PRESIDENTS

### COUNCIL

Harold Holding  
Robert E. Muzzy  
Robert R. Fox  
Dave Spron  
James D. Miner  
Harold Warner, Jr.  
Virgil Mosler  
John McKay, Jr.  
Jerry Don Andrews  
Bob Arnold  
Ron Lane  
Morris Stauffer  
Jim Olander  
Harold Warner  
L. E. Fosse  
S. H. Winner  
John S. Lawrence  
Forrest Weirick  
Gene Miles  
Roger Harter  
Donald Louis  
Jerald Jones  
Harold Basser  
William Veatch  
D. G. Jones  
Earl T. Graves  
Erik W. Jennings  
Frank Kessler  
James L. Gardner  
Francis Harvey  
Ken Stowell

## APARTMENT COUNCIL

Mary Payne

## REMODELING COUNCIL

Bill Townsend

## SALES & MARKETING

### COUNCIL

Roger West

## MECHANICAL COUNCIL

George Fahnestock

## SPIKE CLUB

George Fahnestock

\*Deceased

January 6, 1987

Mr. Jack H. Galbraith, Chief Planner  
Current Plans Division  
Metropolitan Area Planning Department  
City Hall  
10th Floor  
455 N. Main  
Wichita, KS 67202

RE: DR 86-14 - Possible Amendment to the Wichita  
Zoning Ordinance regarding filing fees for  
Community Unit Plans.

Dear Mr. Galbraith:

In response to your letter dated December 18, 1986 concerning  
the above captioned subject, the Executive Committee and Board  
of Directors of the Wichita Area Builders Association have re-  
viewed the proposed change in filing fees for C.U.P.'s.

Their comments and recommendations are as follows:

- A. With regard to administrative adjustments, the Association  
is appreciative of the past utilization of the administrative  
process, both supports and encourages the continuation of  
this process, and feels that the fee proposed to be charged  
for services rendered in this regard is appropriate and  
justified.
- B. In regard to your comments pertaining to minor amendments,  
the Association feels it could not support the basis out-  
lined for a proposed fee increase. Although Commercial  
C.U.P.'s are mandatory and residential C.U.P.'s optional,  
developers are being encouraged to use both. In keeping with  
the Association's goal of discouraging activities that have  
the end result of adding costs to housing thereby making it  
less affordable than might otherwise be the case, it is our  
contention that support of an increase in fees is not appro-  
priate.

RECEIVED

JAN 08 1987

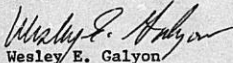
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_



C. With respect to the proposed C.U.P. fee change the Association, again, does not feel that an increase in fees is justified. The basis for our position in this regard is partially based on that above stated in item B. In addition, the existing combined filing fees for commercial C.U.P.'s and rezoning applications range from \$700 to \$900 plus, and are already significantly greater than filing fees for commercial C.U.P.'s where no change in zoning is involved. It would appear there must be some economic considerations in the review, evaluation, and recommending process for companion C.U.P. and zoning change applications which does not merit an increase of \$300 in the filing fee.

In summary, we are aware of the trends toward use of fees as a means of generating revenue, but it is our contention that the projected minimal increases in revenue that might be realized as a result of the proposed changes outlined in your letter to us are not warranted beyond the extent we have attempted to outline in our response to you. Further, we would suggest that government should not expect filing fee revenues to support the total overall operating budget of the Planning Department.

Best regards,

  
Wesley E. Galyon  
President/CEO  
Wichita Area Builders Association

WG/kk

December 18, 1986

Mr. William Korber  
Baughman Company  
315 South Ellis  
Wichita, Kansas 67211

RE: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans.

Dear Bill:

On December 11, 1986, the MAPC reviewed a proposed fee schedule change for C.U.P.'s which was prepared at the City Manager's request. Their action was to defer this matter for six weeks to allow additional time for persons who would be affected by these fee changes to offer their opinions on the proposed changes.

Attached is a copy of the proposed changes, which are three in number. The first change affects fees for minor amendments. This increase is requested because our legal publication costs, mailing costs, photography costs and staff time needed to review minor amendments is very much the same as for major amendments and new C.U.P.'s. The two hundred dollars now charged just does not cover the actual processing costs.

Community unit plan administrative adjustment requests take up a considerable amount of staff time and for the first time we are proposing to charge a fee for this work. A fee of \$100 is being recommended.

The third and last C.U.P. fee change proposed, that of requiring the full \$500 fee for a commercial C.U.P. even if accompanied by a zone change, would make this rate comparable to residential C.U.P.'s which are accompanied by a zone change application as well as conditional use and special use requests which are filed with a zone change application. Those three types of cases already pay the full rate for each application.

Bill Korber RE: C.U.P. Filing Fees  
December 18, 1986  
Page 2

The public hearing on these fee changes has been continued to January 22, 1987. We would appreciate hearing from you by January 12th so that we can pass your comments along to the Planning Commissioners. If you have any questions on these proposed changes, please call either me or Louise Olivarez at 268-4421.

Sincerely,

Jack H. Galbraith  
Chief Planner  
Current Plans Division

JHG/LO:blw  
Attachments

December 18, 1986

Mr. Gary Wiley  
Professional Engineering Consultants  
1440 East English  
Wichita, Kansas 67211

RE: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans.

Dear Gary:

On December 11, 1986, the MAPC reviewed a proposed fee schedule change for C.U.P.'s which was prepared at the City Manager's request. Their action was to defer this matter for six weeks to allow additional time for persons who would be affected by these fee changes to offer their opinions on the proposed changes.

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Gary Wiley RE: C.U.P. Filing Fees  
December 18, 1986  
Page 2

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Sincerely,

Jack H. Galbraith  
Chief Planner  
Current Plans Division

JHG/LO:blw  
Attachments

December 18, 1986

Mr. Bill G. Yung  
Bill G. Yung Design  
4912 East 29th Street North  
Suite One  
Wichita, Kansas 67220

RE: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans.

Dear Bill:

On December 11, 1986, the MAPC reviewed a proposed fee schedule change for C.U.P.'s which was prepared at the City Manager's request. Their action was to defer this matter for six weeks to allow additional time for persons who would be affected by these fee changes to offer their opinions on the proposed changes.

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Bill Yung RE: C.U.P. Filing Fees  
December 18, 1986  
Page 2

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Sincerely,

Jack H. Galbraith  
Chief Planner  
Current Plans Division

JHG/LO:blw  
Attachments

December 18, 1986

Wesley E. Galyon, President/CEO  
Wichita Area Builders' Association  
730 North Main Street, Suite One  
Wichita, Kansas 67203

RE: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans.

Dear Mr. Galyon:

On November 24, 1986, we mailed to you a copy of proposed changes in the fees charged by the Metropolitan Area Planning Department for processing community unit plans. (Additional copy enclosed). When the Planning Commission reviewed this fee schedule on December 11, their action was to defer this matter for six weeks to give you and others receiving this material additional time to respond. They want to know your group's thoughts on these proposed fee increases and what effect they might have on your members, as well as any comments or suggestions you might have regarding other filing fees charged for applications processed through the Planning Commission.

As our previous memo stated, the Planning Department has been instructed to increase fees to help pay more of the actual costs for processing cases. Community unit plan administrative adjustment requests take up a considerable amount of staff time and for the first time we are proposing to charge a fee for this work. A fee of \$100 is being recommended.

The increase in fees for minor amendments is requested because our legal publication costs, mailing costs, photography costs and staff time needed to review minor amendments is very much the same as for major amendments and new C.U.P.'s. The two hundred dollars now charged just does not cover the actual processing costs.

The third and last C.U.P. fee change proposed, that of requiring the full \$500 fee for a commercial C.U.P. even if accompanied by a zone change, would make this rate comparable to residential C.U.P.'s which are accompanied by a zone change application as well as conditional use and special use requests which are filed with a zone change application. Those three types of cases already pay the full rate for each application.

C.U.F. Filing Fees  
December 18, 1986  
Page 2

The public hearing on these fee changes has been continued to January 22, 1987. We would appreciate hearing from you by January 12th so that we can pass your comments along to the Planning Commissioners. If you have any questions on these proposed changes, please call either me or Louise Olivarez at 268-4421.

Sincerely yours,

Jack H. Galbraith  
Chief Planner  
Current Plans Division

JHG/LO:blw  
Enclosure

cc: John Gist, Planning Development Services, 727 North Waco  
Wichita, KS. 67203

December 18, 1986

Lynda Tousley, Executive Vice President  
Wichita Metropolitan Area Board of Realtors  
717 North Emporia  
Wichita, Kansas 67214

RE: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans.

Dear Ms. Tousley:

On November 24, 1986, we mailed to you a copy of proposed changes in the fees charged by the Metropolitan Area Planning Department for processing community unit plans. (Additional copy enclosed). When the Planning Commission reviewed this fee schedule on December 11, their action was to defer this matter for six weeks to give you and others receiving this material additional time to respond. They want to know your group's thoughts on these proposed fee increases and what effect they might have on your members, as well as any comments or suggestions you might have regarding other filing fees charged for applications processed through the Planning Commission.

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C.U.P. Filing Fees  
December 18, 1986  
Page 2

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Sincerely yours,

Jack H. Galbraith  
Chief Planner  
Current Plans Division

JHG/LO:blw  
Enclosure

December 18, 1986

Jerry M. Mallott, President  
Wichita Area Chamber of Commerce  
350 West Douglas  
Wichita, Kansas 67202

RE: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans.

Dear Mr. Mallott:

On November 24, 1986, we mailed to you a copy of proposed changes in the fees charged by the Metropolitan Area Planning Department for processing community unit plans. (Additional copy enclosed). When the Planning Commission reviewed this fee schedule on December 11, their action was to defer this matter for six weeks to give you and others receiving this material additional time to respond. They want to know your group's thoughts on these proposed fee increases and what effect they might have on your members, as well as any comments or suggestions you might have regarding other filing fees charged for applications processed through the Planning Commission.

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C.U.P. Filing Fees  
December 18, 1986  
Page 2

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Sincerely yours,

Jack H. Galbraith  
Chief Planner  
Current Plans Division

JHG/LO:blw  
Enclosure

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

December 9, 1986

TO: Chris Cherches, City Manager

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans.

On December 11, 1986, the MAPC will hold a public hearing to consider amending Wichita's Zoning Ordinance for the purpose of increasing filing fees for community unit plan applications and establishing fees for administrative adjustments to C.U.P.'s. These fee increases, if approved, will more adequately cover the costs of processing these applications.

Legal notice of this public hearing was published in the official City paper and copies of the proposed changes were sent to interested parties several weeks ago. We have received no public response to date.

Attached is a delineated copy of the proposed ordinance change regarding C.U.P. fees and a copy of the memo provided to the Planning Commission.

Jack H. Galbraith  
Chief Planner

APPROVED BY:

Marvin S. Krout  
Director of Planning

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

November 24, 1986

TO: Metropolitan Area Planning Commission

FROM: Michael E. Lindebak, Interim Director of Planning

SUBJECT: DR 86-14 - Possible amendment to the Wichita Zoning Ordinance regarding filing fees for Community Unit Plans

Attached is a possible amendment to the Wichita Zoning Ordinance which has been advertised for public hearing at the Planning Commission meeting of December 11, 1986.

BACKGROUND AND ANALYSIS:

This amendment has been prepared in response to the City Manager's request that the Planning Department generate additional revenue by increasing filing fees. We have reviewed all filing fees related to City requests for zone changes, community unit plans and special permits and have determined that the fees associated with community unit plans should be revised slightly to more appropriately reflect the actual cost of processing the applications.

C.U.P. fees were last revised in 1980. At that time, reduced fees were established for commercial C.U.P.'s filed with a zone change application. It is proposed to delete this reduced fee and charge the basic fee (\$500 plus \$5 per acre for each acre over 15 acres) whether or not accompanied by a zone change. Had this fee schedule been in effect for the last three years, the additional revenue would have been \$600 for 1984; \$300 for 1985; and \$2400 for the first ten months of 1986.

It is also proposed that fees for minor amendments be increased from \$200 to \$350. Had this fee schedule been in effect for the last three years, the additional revenue would have been \$2250 for 1984; \$1050 for 1985; and \$1650 for the first ten months of 1986.

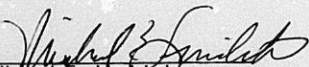
There has never been a fee charged for administrative adjustments to approved C.U.P.'s but many of them take up a considerable amount of staff time. We have not kept detailed records of the number of C.U.P. adjustments processed, but estimates range from 15 to 25 per year. It is proposed that a fee of \$100 be established for processing administrative adjustments. If 20 are filed per year, additional revenue would be \$2000.

We still propose to review C.U.P. site plans and landscape plans and make official C.U.P. interpretations without charging a fee.

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RECOMMENDED ACTION:

Approve the amendment and instruct staff to prepare an ordinance amending community unit plan filing fees to be forwarded to the Board of City Commissioners with a recommendation for adoption.

  
Michael E. Lindebau  
Interim Director of Planning

MEL/LO:blw

cc: Wesley E. Galyon, President/CEO, Wichita Area Builders Association  
730 North Main, Wichita, KS. 67202  
Lynda Tousley, Executive Vice President, Wichita Metropolitan Area  
Board of Realtors, 717 North Emporia, Wichita, KS. 67214  
Jerry M. Mallott, President, Wichita Area Chamber of Commerce,  
350 West Douglas, Wichita, KS. 67202

Additions underlined  
Deletions ~~marked thru~~

DR 86-14  
November 24, 1986

Possible Amendment to the Zoning  
Ordinance of the City of Wichita, Kansas  
scheduled for public hearing before the MAPC  
on Thursday, December 11, 1986

Section 28.04.210 (Changes in zoning classifications or districts) Subsection  
3.2 shall be amended to read as follows:

3.2 For the purpose of defraying costs of proceedings described herein,  
filing and publication fees shall be paid upon the filing of each application  
for a change of district boundaries or classification as follows:

Zoning Classification Requested	Size of Application Area			
	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres
"AA" & "A"	\$200	\$300	\$400	\$500
"RB", "R-5", "R-6" & "U"	\$300	\$400	\$500	\$600
"G"	N/A	\$400	\$500	\$600
"B" & "BB"	\$350	\$450	\$550	\$650
"OC", "LC", "C", "D", "E" & "F"	\$400	\$500	\$600	\$700
Residential C.U.P.	Original -		\$500 plus \$5 per acre for each acre over 40 acres	
	Amendments:			
	Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.)		\$500

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Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.) \$200 \$350

Adjustment - \$100

Commercial C.U.P. ~~Original-when-filed-with rezoning-application~~ \$200-plus \$5-per-acre-for each-acre-over-15 acres  
 Original-when-filed separately \$500 plus \$5 per acre for each acre over 15 acres

Amendments:

Major - (design or use change that would affect 50% or more of the area contained within the C.U.P.) \$500

Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.) \$200 \$350

Adjustment - \$100

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the Board of City Commissioners to the Metropolitan Area Planning Commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the Metropolitan Area Planning Commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. ~~For the period commencing with the enactment of this section to December 31, 1980, no fee shall be required for a case initiated by a department of the city for a historic designation.~~

( ) Published in The Daily Record on November 18, 1986 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, December 11, 1986, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following change in Title 28 of the Code of the City of Wichita, Kansas:

An amendment to Section 28.04.210 of the Zoning Ordinance which pertains to fees for changes in zoning classifications or districts and for community unit plan applications, and providing for changes in the fees and the establishment of fees for administrative adjustments <sup>of</sup> the approved community unit plans.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will then and there be discussed and considered by the said MAPC and all persons interested in said matter will be heard at this time concerning their views and wishes and any protest against any of the provisions of the proposed changes in the zoning ordinance will be considered as by law provided.

WITNESS MY HAND AND SEAL this 17th day of November, 1986.

Michael E. Lindebak, Secretary  
Wichita-Sedgwick County Metropolitan Area Planning <sup>Commission</sup> Department

Jack - why don't we  
also raise the  
minor amendment  
fees to \$350<sup>00</sup>

This would have earned an additional

2250<sup>00</sup> 1984

1050<sup>00</sup> 1985

1650<sup>00</sup> 1986 (10 months)

1984 Minor amendments

(15)

DP-8

15

59

96

Major

(1)

56

DP-97

23

74

45

19

16

18

107

22

11

23

1985 Minor amendments

(7)

DP-90

8

116

Major

(2)

136

DP-21

70

17

135

67

~~5~~

1986 Minor amendments (11)

DP-8

12

17

90

112

113

115

95

49

84

135

10-21-56

Jouice:

Go ahead and prepare a legal advertisement for a fee change on CUP's as proposed. Make sure Jett's review when he returns. Advertise for as soon as it can be set up for hearing.

Let me see the advertisement before it is sent to paper. Advise me of the date of MAPC hearing.

JTS

Also, prepare memo to P.C. analysis, budget and etc.

Set up DR case if one hasn't already been set up.

9-86

If original residential CUP's with zone cases had a 200<sup>00</sup> fee rather than 500<sup>00</sup>, we would have lost:

<u>1984</u>	<u>1985</u>	<u>1986 (2)</u>
1x300 = 300 <sup>00</sup>	2x300 = 600 <sup>00</sup>	1x300 = 300 <sup>00</sup>

If original commercial CUP's with zone cases had a 500<sup>00</sup> fee rather than 200<sup>00</sup>, we would have gained:

<u>1984</u>	<u>1985</u>	<u>1986 (thru Oct.)</u>
2x300 = 600 <sup>00</sup>	1x300 = 300 <sup>00</sup>	8x300 = 2400 <sup>00</sup>

24 CUP's per year average (new + amendments)

	<u>NEW RESID.</u>	<u>AMEND. RESID.</u>	<u>NEW COMM.</u>	<u>AMEND. COMM.</u>
1984 (21)	3 DP-136 DP-137 DP-140 (2)	2	3 DP-137 (2) DP-138 (2) DP-141	13
1985 (18)	7 DP-142 (2) DP-143 DP-145 DP-146 (2)	2 DP-147 DP-148 DP-149	3 DP-144 (2) DP-150 DP-151	7
1986 (20 thru June)	3 DP-152 DP-154 (2) DP-159	0	5 DP-153 (2) DP-155 (2) DP-156 (2) DP-157 (2) DP-158 (2)	12

After all, a full fee is paid for an amendment filed with a zone change. E.g. Northborough, Ty-Cow, Central Hts, Thaxwell, Westway.

CUP Administrative Adjustments

15/yr @ \$75<sup>00</sup> ea = \$1125<sup>00</sup>

No fee for: site plan review  
landscape plan review  
interpretations

Prior to 1980

Since 1980  
3 / 3-6 / 6-15 / 15+

\$ 70	AA	200/300/400/500
\$ 70	A	"
\$ 70	RB	"
\$ 140	G	NA/400/500/600
\$ 140	B	350/450/550/650
\$ 140	R-5	200/300/400/500
\$ 140	R-6	300/400/500/600
\$ 140	BB	350/450/550/650
\$ 200	LC (under 6 Acres)	} 400/500/600/700
\$ 400	LC (over 6 Acres)	
200	C (6 <sup>-</sup> )	} "
400	C (6 <sup>+</sup> )	
200	D (6 <sup>-</sup> )	} "
400	D (6 <sup>+</sup> )	
200	E (6 <sup>-</sup> )	} "
400	E (6 <sup>+</sup> )	
200	F (6 <sup>-</sup> )	} "
400	F (6 <sup>+</sup> )	
\$ 400	Original Residential CUP	500+5/A over 40A
400	Amended Residential CUP	500 major 200 minor
0	Original Commercial CUP	\$500 or \$200 + 5/A over 15A w/ Z
400	Amended Commercial CUP	500 major 200 minor
140	U	300/400/500/600
N.A.	OC	400/500/600/700

prior to 1968 was the previous time amendments to the fees occurred

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 11, 1986

12. DR 86-14 - Proposed amendment to Wichita Zoning Ordinance  
Re: C.U.P. Filing Fees.

GALBRAITH mentioned the memorandum that was sent to the Planning Commission pointing out the background behind this amendment. He said that the city was in the budget review process and staff was asked to look at some quick amendments that could be done to generate additional revenues. He said that this only addresses the filing of C.U.P.'s. For the first time it has been suggested that they charge a minimum fee of \$100 for administrative adjustments which take up a lot of staff time. He mentioned that the proposed amendments were forwarded to the Homebuilders, Board of Realtors and the Chamber of Commerce, and there has been no comment from those groups.

WILSON asked how much of a raise they are talking about.

GALBRAITH said that it was not calculated on percentage, but it was pointed out in the memo what type of revenues those adjustments would have amounted to in 1984, 1985 and 1986.

PETERS asked what would the increase in fees do to improve services and time elements.

GALBRAITH said that probably not a great deal in timing. He said that it was just trying to recoup the staff time that is now spent. He added that for most of the year the Department has been operating with reduced staff. They have had a vacancy for most of the year, and he did not think that it would speed up the process but it would bring revenue in for the services that they did not think that people were paying for now.

PARSONS commented that he understood the staff's position, and he also understood the other side of the issue where additional costs are coming from every direction in the building business, and they that are in that industry are trying to go either way. They are trying to keep costs down so that can be passed through on the down side rather than the up side to the eventual consumer. He said that he would like to have some input from those organizations that are most affected. He realized that staff had some time problems, but said he would prefer a deferral so staff could seek comments from the Homebuilders and others.

MOTION: That the Planning Commission defer this matter for six weeks to allow input from organizations most affected by this amendment. Gardner moved, Parsons seconded and it carried unanimously. Moore was not present.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 22, 1987

7. Case No. DR 86-14 - Proposed Amendment to Wichita Zoning Ordinance  
Re: C.U.P. Filing Fees

KROUT stated that last month staff brought before the Planning Commission a recommendation for increase in filing fees. There were three changes that they had recommended, and these were based on a request of the Department last summer during the review of the City budget to look for ways to increase revenues. The three recommendations concerning CUPs were: one, to increase the fee for original filing of a commercial CUP to \$500 whether it was filed simultaneously with a zone change request or not. Currently there is a lesser fee when a commercial CUP is filed simultaneously with a zone change request. This would make it the same as a residential CUP which is \$500 whether or not it is filed simultaneously with a zone change request. The second was to increase the minor amendment fee for a CUP from \$200 to \$350; and the third was to add a fee for administrative adjustments, most of which take a considerable amount of time; that would be a charge of \$100. KROUT said that copies of the proposal were sent out to the Wichita Area Builders Association, the Board of Realtors, and The Chamber. A response was received from the builders association, but they have not received responses from the realtors or the chamber. A proposal was also sent to consulting engineers. They had no problem.

MOORE asked what did the Homebuilders Association say.

KROUT responded that the Homebuilders had no problem with the administrative adjustment. They felt that there was work involved and that a \$100 fee was the appropriate thing. They had concerns with the other two fees, and their concern was generally that fees should not be increased because it would affect the affordability of housing. The other matter was that there is a cost saving in terms of staff's processing when a CUP is run along with a zone change, and so the current way it is handled of having a lesser fee for a commercial CUP with the zone change makes sense and it should be left that way. On the other hand it is for residential CUPs where the builders would be concerned because there is a charge of \$500 whether or not a zone change is filed, so their concern really does not go to trying to hold down the affordability of housing because staff was really only talking about increasing the commercial fees. KROUT agreed that there is some savings in processing a CUP and a zone case simultaneously in terms of the work the staff does. On the other hand staff was asked to look at ways of increasing revenue, and the alternative would be to go to the base zone fees and raise those instead of looking for some other ways to raise revenues. Staff thought that this was the simplest way to do it and would be consistent with the way CUPs are handled whether they were residential or commercial. KROUT added that he was interested in finding out how these fees that come in relate to the budget because the Homebuilders' letter suggested that staff should not try to cover the department's expenses with the fees. He said that he asked for some budget information on staff and how much time staff spends; how much the planning activity is that is locally funded; how much the Current Plans' budget is which includes zoning, subdivision, and BZA staff's professional, technical and clerical people, and all of the support services, equipment and

supplies that go into that. The cost of all that is over \$400,000. The fees that we are currently collecting amount to about \$105,000. All of the proposed increases for CUPs and also some additional fees for vacations, would amount to an increase of \$18,000. That increase plus the \$105,000 still only covers about one-quarter of the cost of running the Current Plans operation which is responsible for processing the applications. KROUT said that was helpful for him to know how close are they to being on a cost recovery basis like building permits, and they are still far from it.

KROUT continued that he anticipated that the Commission might ask how the cost could be reduced. He pointed out that the department has reduced personnel over the past 6 or 7 years, and over that time they had not increased fees with the exception of BZA fees.

PARSONS stated the Builders Association simply has the position that any increases associated with building are going to have an impact on the industry. He mentioned that he had recently read an article in Builders magazine that a community in California has done these types of things to the extent that there is now \$22,000 in up-front costs before you get to development costs on an average building lot in that community in California. He felt that this begins a process. He understood the City's position, and understood that they have to look for other places to raise funds and maybe they can and maybe they can't continue to rely on the ad valorem tax and sales tax, etc., but he believed that this is an area that they should not be looking at as far as raising more funding.

PARSONS said concerning the argument regarding whether or not these funds should be used to cover the cost of the Planning Department -- if they are looking at making the Planning Department and a division of the department a utility, then they should look at that. But it is not a utility; it is a service. It is a service to the community, and that is a cost of government. It is a cost that should be shared by the community and not tacked on with fees every time they get an opportunity to do so. PARSONS said that he was not in favor of the increase in fees. He believed that the charge for administrative adjustment is justified, and he would be willing to go in favor of a motion that would recommend that change, but would not be in favor of the others.

MILES agreed with Parsons. He felt that eventually administrative costs would have to be curtailed.

GARDNER commented that they find themselves in a tough position when they recognize that they have zoning to benefit the community, and if it is placed on a utility basis, they still do not begin to compensate and cover all of the public service element that the department provides in the way of having to respond to the public. In that regard it is easy to point out that it is not always practical to consider trying to structure these programs on a utility basis. He said that he was sympathetic to tightness in the budget overall. If he had a firmer belief that increased revenues derived from fee increases are going to directly benefit the department, then he would have a better feeling about approving it or going with it. For example, the Library collects

1-22-87  
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revenue for late books. They have for the last five years and have not been given credit come budget time for the revenues they kick into the general fund on a basis of additional monies for the libraries. If there was a concurring opinion from the Manager on when that increase in fees would be reflected directly in the budget, he would feel better, but did not think that commitment exists. He did not feel that the increase that is being borne by a relatively few number of applications per year really generates a significant level of revenue. GARDNER said that he concurred with Parsons on the administrative adjustments, but did not feel that the other increases were in order.

MOTION: That the Planning Commission recommend to the City Commission that the community unit plan filing fees be retained as they are presently structured, except that a charge of \$100 be initiated for administrative adjustments to either a commercial or residential C.U.P. Parsons moved, Gardner seconded and it carried with a vote of 4 in favor (Parsons, Gardner, Conlee and Miles) and 2 opposed (Crockett and Moore). Wilson and Peters were not present. Banzer was absent. One vacancy.

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