

ACTION

DATE

S/D COMMITTEE _____

M.A.P.C. Deferred two weeks 9-15-88
M.A.P.C. Approved in part 9-29-88
W.C.C./B GO. C. Return to MAF 10-25-88
M.A.P.C. Approved in part, as before 11-10-88
W.C.C. Deferred one week 11-22-88
WCC Approve Staff's Recommendation 11-29-88
Also see place in Title 2.

DR 88-6: METROPOLITAN AREA PLANNING DEPT.
PROPOSES POSSIBLE AMENDMENTS TO WICHITA
ZONING ORDINANCE RE: FILING FEES

Revised

AN ORDINANCE CREATING AND ESTABLISHING SECTIONS 2.26.010 AND 2.26.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ESTABLISHING SCHEDULES OF FEES FOR PLANNING AND ZONING APPLICATIONS.

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

SECTION 1. SECTION 2.26.010 of the Code of the City of Wichita shall read as follows:

"Fees for Zoning Applications. For the purpose of defraying costs of zoning proceedings, the governing body establishes the following schedule of fees.

Upon the filing of each application for a change of district boundaries or classification, the following shall be paid:

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"	\$350	\$450	\$550	\$650
"RB", "R-5", "R-6" & "U"	\$450	\$550	\$650	\$750
"C"	\$500	\$600	\$700	\$800
"B" & "BB"	\$550	\$650	\$750	\$850
"OC", "LC", "C", "D", "B" & "P"	\$550	\$650	\$750	\$850

Upon the filing of each application for a C.U.P., the following shall be paid:

Residential C.U.P.		
Original - when filed with rezoning application	\$750 plus \$5 per acre for each acre over 40 acres	
Original - when filed separately	\$1000 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.)	\$750	
Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$500	
Adjustment -	\$100	
Commercial C.U.P.		
Original - when filed with rezoning application	\$750 plus \$5 per acre for each acre over 15 acres	
Original - when filed separately	\$1000 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.)	\$750	
Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$500	
Adjustment -	\$100	

A fee of three hundred fifty dollars (\$350) shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the council to the metropolitan area planning commission for public hearing and recommendation except that when filed with a zone change, the fee for a special permit shall be one hundred seventy-five dollars (\$175). 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 (\$50) 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."

SECTION 2. Section 2.26.020 of the Code of the City of Wichita shall read as follows:

"Fees for Board of Zoning Appeals Applications. For the purpose of defraying costs of Board of Zoning Appeals proceedings, the governing body establishes the following schedule of fees to be paid at the time of filing for the application:

Appeals	\$250.00
Variances for residential uses (individual zoning lot)	\$300.00
Additional variance on individual zoning lot	\$100.00
Variances for residential uses (multiple zoning lots)	\$300 plus \$25 for each lot in the application
Additional variance on multiple zoning lots	\$100 plus \$25 for each lot in the application
Variances for non-residential uses	\$400.00
Additional variance on same zoning lot	\$150.00
Exceptions for uses in residential districts	\$300.00
Exceptions for uses in all other districts	\$400.00
For uses on a zoning lot exceeding 3 acres	\$500.00

A separate fee shall be required for each proceeding.
A deferral at request of applicant requiring the mailing of new notices or readvertisement ... \$ 50.00"

SECTION 3. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its publication once in the official city paper.

ADOPTED at Wichita, Kansas, this 22 day of Dec, 1988.

SHELDON KAMEN, MAYOR
JOHN MOIR, DIRECTOR OF
FINANCE/CITY CLERK
ATTEST: (SEAL)
(D 23)

Feeing

1643 (Published in The Daily Reporter December 23, 1968.)

ORDINANCE NO. 40-527
AN ORDINANCE AMENDING SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE REMOVAL OF THE SCHEDULE OF FILING FEES FROM THE ZONING ORDINANCE 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 1. SECTION 28.04.210 of the Code of the City of Wichita shall be 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 city council, 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 council 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 council.

2.1 The council may, from time to time, amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this chapter, provided such proposed changes 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 affirmative vote of a majority of all the planning commissioners present, submit a recommendation of approval or disapproval of the amendment, together with the accurate written summary of the hearing thereon, to the council. A vote either for or against an amendment by less than a majority of all the planning commissioners present constitutes a "failure to recommend." Upon receipt of a recommendation of approval or disapproval, the council, 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 council

may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the council disapproves, the council 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 council 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 council.

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 fees shall be paid upon the filing of each application as established by the schedule adopted by the Governing Body.

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 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.

SECTION 2. The original Section 28.04.210 of the Code of the City of Wichita is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 20th day of December, 1968.
SHELDON KAMEN, MAYOR
JOHN MOIR, DIRECTOR OF FINANCE/CITY CLERK
ATTEST: (SEAL)
(D 23)

() Published in The Daily Reporter DEC 23 1988, 19__

ORDINANCE NO. 40-525

AN ORDINANCE CREATING AND ESTABLISHING SECTIONS 2.26.010 AND 2.26.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ESTABLISHING SCHEDULES OF FEES FOR PLANNING AND ZONING APPLICATIONS.

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

SECTION 1. SECTION 2.26.010 of the Code of the City of Wichita shall read as follows:

"Fees for Zoning Applications. For the purpose of defraying costs of zoning proceedings, the governing body establishes the following schedule of fees.

Upon the filing of each application for a change of district boundaries or classification, the following shall be paid:

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"	\$350	\$450	\$550	\$650
"RB", "R-5", "R-6" & "U"	\$450	\$550	\$650	\$750
"G"	N/A	\$550	\$650	\$750
"B" & "BB"	\$500	\$600	\$700	\$800
"OC", "LC", "C", "D", "E" & "F"	\$550	\$650	\$750	\$850

Upon the filing of each application for a C.U.P., the following shall be paid:

Residential C.U.P.

Original - when filed with rezoning application	\$750 plus \$5 per acre for each acre over 40 acres
Original - when filed separately	\$1000 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.)	\$750
Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$500
Adjustment -	\$100

Commercial C.U.P.

Original - when filed with rezoning application	\$750 plus \$5 per acre for each acre over 15 acres
Original - when filed separately	\$1000 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.)	\$750
Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$500
Adjustment -	\$100

A fee of three hundred fifty dollars (\$350) shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the council to the metropolitan area planning commission for public hearing and recommendation except that when filed with a zone change, the fee for a special permit shall be one hundred seventy-five dollars (\$175). 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 (\$50) 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."

SECTION 2. Section 2.26.020 of the Code of the City of Wichita shall read as follows:

"Fees for Board of Zoning Appeals Applications. For the purpose of defraying costs of Board of Zoning Appeals proceedings, the governing body establishes the following schedule of fees to be paid at the time of filing for the application:

Appeals	\$250.00
Variations for residential uses (individual zoning lot)	\$300.00
Additional variance on individual zoning lot	\$100.00
Variations for residential uses (multiple zoning lots)	\$300 plus \$25 for each lot in the application
Additional variance on multiple zoning lots.	\$100 plus \$25 for each lot in the application
Variations for non-residential uses	\$400.00
Additional variance on same zoning lot	\$150.00
Exceptions for uses in residential districts	\$300.00
Exceptions for uses in all other districts	\$400.00
For uses on a zoning lot exceeding 3 acres	\$500.00

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring the mailing of new notices or readvertisement ... \$ 50.00"

SECTION 3. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 20TH day of DEC, 1988.

S. Kamen
Sheldon Kamen, Mayor

ATTEST:

Dale E. Rea Des
John Moir, Director of Finance,
City Clerk

Approved as to Form:

Thomas R. Powell by JHL 12/2/88
Thomas R. Powell, Director of Law

() Published in The Daily Reporter DEC 23 1988, 19 .

ORDINANCE NO. 40-577

AN ORDINANCE AMENDING SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE REMOVAL OF THE SCHEDULE OF FILING FEES FROM THE ZONING ORDINANCE 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 1. SECTION 28.04.210 of the Code of the City of Wichita shall be 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 city council, 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 council 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 council.

2.1 The council 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 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 council. A vote either for or against an amendment by less than a majority of all the planning commissioners present constitutes a "failure to recommend." Upon receipt of a recommendation of approval or disapproval, the council, 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 council may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the council disapproves, the council 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 council 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 council.

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 fees shall be paid upon the filing of each application as established by the schedule adopted by the Governing Body.

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 refile of said application after six months of the original

Page 3

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."

SECTION 2. The original Section 28.04.210 of the Code of the City of Wichita is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 20TH day of DEC, 1988.

S. Kamen
Sheldon Kamen, Mayor

ATTEST:

John Moir, Director of Finance,
City Clerk

APPROVED AS TO FORM:

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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: December 5, 1988

TO: Dale Rea, Deputy City Clerk

FROM: Louise Olivarez, Principal Planner *L. Olivarez*

SUBJECT: Ordinance establishing new Sections 2.26.010 and 2.26.020 of the City Code regarding filing fees for MAPC and BZA cases; and ordinances deleting filing fees from Section 2.12.580 and Section 28.04.210.

On November 29, 1988, the City Council approved an increase in filing fees for zoning-related cases reviewed by the MAPC and for all cases reviewed by the BZA. They instructed staff to prepare an ordinance establishing the new fees in a new section of Title 2 of the City Code. They also instructed staff to prepare ordinances deleting the current fee schedules from Sections 2.12.580 (BZA) and 28.04.210 (MAPC).

Attached are one original and one copy of each of the three new ordinances. They have already been approved as to form by the Law Department. Please schedule them for first reading on the Clerk's Agenda December 13, 1988, with second reading and publication to follow as soon as possible thereafter.

If you have any questions about this matter, please call me at 4421.

LO:jcm
Attachments

(_____) Published in The Daily Reporter _____, 19 _____

*copy
attached
to WCC
for
12-13-88*

ORDINANCE NO. _____

AN ORDINANCE CREATING AND ESTABLISHING SECTIONS 2.26.010 AND 2.26.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ESTABLISHING SCHEDULES OF FEES FOR PLANNING AND ZONING APPLICATIONS.

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

SECTION 1. SECTION 2.26.010 of the Code of the City of Wichita shall read as follows:

"Fees for Zoning Applications. For the purpose of defraying costs of zoning proceedings, the governing body establishes the following schedule of fees.

Upon the filing of each application for a change of district boundaries or classification, the following shall be paid:

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"	\$350	\$450	\$550	\$650
"RB", "R-5", "R-6" & "U"	\$450	\$550	\$650	\$750
"G"	N/A	\$550	\$650	\$750
"B" & "BB"	\$500	\$600	\$700	\$800
"OC", "LC", "C", "D", "E" & "F"	\$550	\$650	\$750	\$850

Upon the filing of each application for a C.U.P., the following shall be paid:

Residential C.U.P.

Original - when filed with rezoning application	\$750 plus \$5 per acre for each acre over 40 acres
Original -- when filed separately	\$1000 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.)	\$750
Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$500
Adjustment -	\$100

Commercial C.U.P.

Original - when filed with rezoning application	\$750 plus \$5 per acre for each acre over 15 acres
Original - when filed separately	\$1000 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.)	\$750
Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$500
Adjustment -	\$100

A fee of three hundred fifty dollars (\$350) shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the council to the metropolitan area planning commission for public hearing and recommendation except that when filed with a zone change, the fee for a special permit shall be one hundred seventy-five dollars (\$175). 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 (\$50) 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."

SECTION 2. Section 2.26.020 of the Code of the City of Wichita shall read as follows:

"Fees for Board of Zoning Appeals Applications. For the purpose of defraying costs of Board of Zoning Appeals proceedings, the governing body establishes the following schedule of fees to be paid at the time of filing for the application:

Appeals	\$250.00
Variances for residential uses (individual zoning lot)	\$300.00
Additional variance on individual zoning lot	\$100.00
Variances for residential uses (multiple zoning lots)	\$300 plus \$25 for each lot in the application
Additional variance on multiple zoning lots.	\$100 plus \$25 for each lot in the application
Variances for non-residential uses	\$400.00
Additional variance on same zoning lot	\$150.00
Exceptions for uses in residential districts	\$300.00
Exceptions for uses in all other districts	\$400.00
For uses on a zoning lot exceeding 3 acres	\$500.00

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring
the mailing of new notices or readvertisement ... \$ 50.00"

SECTION 3. This ordinance shall be included in the Code of the
City of Wichita and shall be effective upon its publication once in the
official City paper.

ADOPTED at Wichita, Kansas, this ____ day of _____, 1988.

Sheldon Kamen, Mayor

ATTEST:

John Moir, Director of Finance/
City Clerk

Approved as to Form:

Thomas R. Powell by JHL 12/2/88
Thomas R. Powell, Director of Law

() Published in The Daily Reporter _____, 19 .

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28.04.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE REMOVAL OF THE SCHEDULE OF FILING FEES FROM THE ZONING ORDINANCE 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 1. SECTION 28.04.210 of the Code of the City of Wichita shall be 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 city council, 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 council 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 council.

2.1 The council 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 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 council. A vote either for or against an amendment by less than a majority of all the planning commissioners present constitutes a "failure to recommend." Upon receipt of a recommendation of approval or disapproval, the council, 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 council may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the council disapproves, the council 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 council 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 council.

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 fees shall be paid upon the filing of each application as established by the schedule adopted by the Governing Body.

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

Page 3

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."

SECTION 2. The original Section 28.04.210 of the Code of the City of Wichita is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ____ day of _____, 1988.

Sheldon Kamen, Mayor

ATTEST:

John Moir, Director of Finance/
City Clerk

APPROVED AS TO FORM:

Thomas R. Powell by JH 10/28

Thomas R. Powell, Director of Law

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

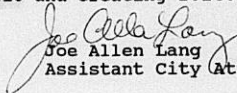
DATE: December 2, 1988

TO: Louise Olivarez, Planning

FROM: Joe Allen Lang, Assistant City Attorney

SUBJECT: Ordinances on Zoning Fees

I have reviewed and approved as to form this date three ordinances amending 2.12.580 and 28.04.210 and creating 2.26.010 and 2.26.020.


Joe Allen Lang
Assistant City Attorney

Planning Agenda Item # _____

City of Wichita
City Council Meeting
November 22, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DR-88-6: AMENDMENTS TO CITY ZONING FEES

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Background: On September 29, 1988, the Metropolitan Area Planning Commission unanimously recommended a package of increases in application fees for zone change requests, Community Unit Plans, and special permits. These fees represent the first year in a two or three year program of graduated fee increases that was adopted in policy by MAPC. The recommended "first year" fees for zone changes, which range from \$200-\$700 today, would be raised by \$75; for special permits, which are \$150 today, by \$100; and for CUPs, which range from \$200-\$500, by \$100-\$200.

Fees and processing costs for planning and zoning applications were comprehensively analyzed by the Planning Department earlier this year, for the first time in nine years. Methodology, conclusions, comparisons to other cities, and other information was included in the attachments which accompanied the October 25th referral sheet for this item. That analysis formed the basis for a suggested new set of fees that would increase revenues from this source by \$75,000 from the current level of \$105,000. This new revenue was identified as the funding source for a 1989 budget betterment request that was adopted by the governing bodies to initiate the update of the Comprehensive Plan. The fees recommended by MAPC will generate less than 50% of the increased revenue identified in the adopted budget. Staff still believes that the originally proposed increases (+\$150 for zone changes, +\$200 for special permits, and +\$250-\$550 for CUPs) are insubstantial in relation to overall costs of development (e.g., a \$500 increase on a 1000-unit residential C.U.P. is only 50 cents per unit), and should be adopted. Staff had also recommended that filing fees for zoning related cases be removed from the Zoning Ordinance and placed in a separate section of the

City Code. The Planning Commission unanimously voted to keep the fees in the Zoning Ordinance so that the MAPC could hold public hearings to review fee amendments.

Your action on October 25th was to return this matter to the MAPC for rehearing. At their meeting on November 10th, the MAPC discussed zoning fee increases once again and reconfirmed, by a vote of 7 to 0, their original recommendation that fees be increased over a several year period (subject to their review before implementation in future years) rather than all in one year. They also unanimously reconfirmed their recommendation that fees remain a part of the Zoning Ordinance.

Recommendations/Actions:

1. Concur with the MAPC's recommended fee increases and direct staff to prepare the ordinance amending the schedule in the zoning text; or
2. Concur with MAPC's recommended fee increases, but direct staff to prepare the ordinances creating a section for zoning fee schedules in Title 2 of the City Code and delete the zoning fee schedules from the Zoning Ordinance; or
3. Concur with staff's recommended fee increase, and direct staff to prepare the ordinances creating a section for zoning fee schedules in Title 2 of the City Code and delete the zoning fee schedules from the Zoning Ordinance.

**Location of Fee Schedules
City Applications (10/88)**

type of fees	current location	MAPC rec	Staff rec
zoning CUPs special permits historic designation	Title 28	leave as is	move to new administrative section in Title 2
BZA appeals, variances exceptions	Title 2	move to Title 28	leave in Title 2 but move to separate new section for all fees
plats vacations lot splits platting extension* street name change* letter of credit extension*	City/County Subdivision Regs (by state statute, MAPC adopts regs and sets fees)	leave as is	support statutory amendments giving governing bodies final authority over adoption of regs and fees; then move to Title 2

*proposed new fee

**Fee Change Summary
City Applications (10/88)**

type of application	current fee	fee recommended by MAPC	fee recommended by staff
zoning	\$200 - \$700	\$275 - \$775	\$350 - \$850
CUPs	\$200 - \$500	\$300 - \$700	\$500 - \$1000
special permits	\$150	\$250	\$350
historic designation	\$200 - \$500	no change	no change
BZA appeals	\$175	\$250	\$250
BZA variances	\$200 - \$300	\$300 - \$400	\$300 - \$400
BZA exceptions	\$200 - \$500	\$300 - \$500	\$300 - \$500
plats	\$ 50 - \$200	\$125 - \$300	\$150 - \$500
vacations	\$125 - \$250	\$125 - \$250	\$125 - \$250
lot splits	\$125 - \$150	\$200 - \$250	\$200 - \$250
platting extension	none	\$ 50 - \$100	\$ 50 - \$100
street name change	none	\$200	\$200
letter of credit	none	\$ 50	\$ 50
extension			

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 25, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DR-88-6: AMENDMENTS TO CITY ZONING FEES

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Background: On September 29, 1988, the Metropolitan Area Planning Commission unanimously recommended a package of increases in application fees for zone change requests, Community Unit Plans, and special permits. These fees represent the first year in a two or three year program of graduated fee increases that was adopted in policy by MAPC. The recommended "first year" fees for zone changes, which range from \$200-\$700 today, would be raised by \$75; for special permits, which are \$150 today, by \$100; and for CUPs, which range from \$200-\$500, by \$100-\$200.

Fees and processing costs for planning and zoning applications were comprehensively analyzed by the Planning Department earlier this year, for the first time in nine years. Methodology, conclusions, comparisons to other cities, and other information is included in the attachments. That analysis formed the basis for a suggested new set of fees that would increase revenues from this source by \$75,000 from the current level of \$105,000. This new revenue was identified as the funding source for a 1989 budget betterment request that was adopted by the governing bodies to initiate the update of the Comprehensive Plan. The fees recommended by MAPC will generate less than 50% of the increased revenue identified in the adopted budget. Staff still believes that the originally proposed increases (+\$150 for zone changes, +\$200 for special permits, and +\$250-\$550 for CUPs) are insubstantial in relation to overall costs of development (e.g., a \$500 increase on a 1000-unit residential C.U.P. is only 50 cents per unit), and should be adopted.

A letter from the Wichita Area Homebuilders' Association has been submitted which indicates that group's opposition to any increase in fees at this time.

Separate from the question of fee increases, staff recommended that all fees for planning and zoning regulations be placed in a new administrative section of Title 2 of the City Code, and that the fee schedule be deleted from the zoning ordinance in Title 28. We pointed out that the current process of amending the zoning ordinance, which requires advance newspaper notice, MAPC public hearing, detailed minutes preparation, Council action, and quite possibly, the "ping pong" back to MAPC and then back to the Council, is uniquely and unnecessarily cumbersome and time-consuming. However, the MAPC has recommended that the fee schedule for zone change requests, CUPS, and special permits continue to reside in the zoning ordinance, so that any proposed increases will get a more adequate hearing.

Recommendations/Actions:

1. Concur with the MAPC's recommended fee increases and direct staff to prepare the ordinance amending the schedule in the zoning text.
2. Return this item to the MAPC for reconsideration, stating whether the fee increase amounts and/or the proper location of the fee schedule in the city code should be reconsidered.

**Fee Change Summary
City Applications (10/88)**

<u>type of application</u>	<u>current fee</u>	<u>fee recommended by MAPC</u>	<u>fee recommended by staff</u>
zoning	\$200 - \$700	\$275 - \$775	\$350 - \$850
CUPs	\$200 - \$500	\$300 - \$700	\$500 - \$1000
special permits	\$150	\$250	\$350
historic designation	\$200 - \$500	no change	no change
BZA appeals	\$175	\$250	\$250
BZA variances	\$200 - \$300	\$300 - \$400	\$300 - \$400
BZA exceptions	\$200 - \$500	\$300 - \$500	\$300 - \$500
plats	\$ 50 - \$200	\$125 - \$300	\$150 - \$500
vacations	\$125 - \$250	\$125 - \$250	\$125 - \$250
lot splits	\$125 - \$150	\$200 - \$250	\$200 - \$250
platting extension	none	\$ 50 - \$100	\$ 50 - \$100
street name change	none	\$200	\$200
letter of credit extension	none	\$ 50	\$ 50

**Location of Fee Schedules
City Applications (10/88)**

type of fees	current location	MAPC rec	Staff rec
zoning CUPs special permits historic designation	Title 23	leave as is	move to new administrative section in Title 2
BZA appeals, variances exceptions	Title 2	move to Title 28	leave in Title 2 but move to separate new section for all fees
plats vacations lot splits platting extension* street name change* letter of credit extension*	City/County Subdivision Regs (by state statute, MAPC adopts regs and sets fees)	leave as is	support statutory amendments giving governing bodies final authority over adoption of regs and fees; then move to Title 2

*proposed new fee

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: August 26, 1988

TO: Metropolitan Area Planning Commission
FROM: Marvin S. Krout, Director of Planning *MS Krout*
SUBJECT: MAPD Application Fees

Attached are proposed amendments to the various fee schedules in city and county ordinances and resolutions pertaining to applications received by MAPD (for zoning changes, subdivisions, CUPS, special permits, variances, etc.). These amendments are based on a comprehensive analysis of our costs in processing these applications. As you know, MAPD's 1989 budget proposal to add two staffers and provide a contingency fund for consultant assistance was approved by the governing bodies, but is conditional on our ability to raise revenues from fee increases.

MAPD took in approximately \$105,000 in revenues from application fees in 1987. These revenues reduce the city's and county's contributions from their general funds that are needed to support MAPD operations. Current application fees are recovering less than 60 percent of our direct costs related to processing these applications. The proposed fee schedules would come close to full cost recovery for most applications, and generate an additional \$75,000 in annual revenues. The discussion below summarizes the recent history of MAPD fees, the methodology used in our analysis, the conclusions of the analysis, philosophical issues, comparison to other cities, and our overall recommendations.

A MAPC public hearing has been advertised for September 15 to consider these amendments. An informal workshop has been scheduled for 10:30 a.m. on September 1, to go over these proposed changes with you and to invite representatives of the development community for their input.

History: The last time that MAPD fees were analyzed in a comprehensive manner was 1979. At that time, fees had not been increased for 16 years. The 1979 analysis resulted in fee increases for most types of applications. The aim of that study was to generate an additional \$40,000 in revenues, though not necessarily to charge a fee to recover full cost of service.

In 1986, city and county BZA fees were increased from \$75 - 200 to \$175 - 500. In 1987, MAPD proposed increases in fees for lot splits and vacations, and a new \$100 fee for administrative adjustments to CUPs in the city. These changes were adopted and resulted in approximately \$10,000 in increased revenues in 1987. A proposal to increase the cost of commercial CUPs when filed together with a rezoning application, which would bring that fee in line with the current charge for residential CUPs, was recommended for disapproval by the MAPC, and the City Commission concurred with the MAPC recommendation.

Methodology: In a manner similar to the 1979 analysis, staff estimated the costs of processing a number of "typical" applications. Estimated costs include: staff time for preapplication conferences, reviewing and logging in applications, setting up files, field inspection, staff research and report writing, preparing notices, mailouts, and graphics, conferencing with applicants, preparation for board meetings, participating at those meetings, followup correspondence, minutes preparation, preparing resolutions and instruments, costs of publishing and recording, costs of supplies, postage, xeroxing and photography, and updating official maps. In addition, a 6% "administrative" charge, for assistance of the clerk, attorney's office, personnel, etc., and a proportionate charge for office rent are included. Not included was staff time spent with "prospective" applicants and with the general public, work spent on text amendments, etc. by Current Plans division staff, or the time spent by the Planning Director or by a number of other departments involved in development review.

Costs for these "typical" applications were then compared to the actual fees charged. Based on this comparison, recommendations were prepared for increases in the fee schedules that would bring more application fees close to full cost recovery. Staff also identified a number of services for which no fee was being charged, and included proposed new fees in the schedules.

Conclusions: There is a wide variation in the degree to which typical application fees recover the costs of service. Fees for vacations, raised just last year, approach full cost recovery. The cost of processing a typical CUP is about eight times the fee charged; the cost of processing a plat that is made a requirement of an approved zoning change is more than ten times the fee charged. Fees for most other types of applications range from 24-72% of cost recovery.

No fees are currently being charged for a number of services which are time-consuming; these include requests to extend platting times and to amend letters of credit required by platting, requests to change street names, review of Certificates of Appropriateness for designated historic landmarks, and various administrative reviews, annexation requests, and dedications.

Philosophical Issues:

Local governments across the country, under increasing financial strains, are increasing development-related fees and establishing new fees to transfer a greater share of the cost of providing services to the "users" of those services. The two streams of criticism to this strategy are: a) there is a "community benefit" to processing these applications, because they provide for appropriate community development and are part of efforts to encourage economic development and increase the local tax base; and b) higher development-related fees increase the total cost of development, and are therefore passed on to the "consumer" in the form of increased sales price or rental, running contrary to community objectives to maintain housing affordability.

However, the fee increases recommended in this report result in schedules which are still moderate in comparison to many other communities. A typical subdivision application that we are recommending to increase from \$450 to \$750 now costs an average of \$1588 in six surveyed cities. A typical zone change request that we are recommending to increase from \$400 to \$550 now costs an average of \$709 in those same cities. Many other communities also charge "impact fees" for road improvements, park land, and other services that are not currently imposed in Wichita.

There are just a few types of applications for which we are not proposing to increase fees to recover our administrative costs. These are cases where the applicant does not particularly benefit from the approval of an application, but the regulatory requirements provide a substantial community benefit. We would include in this category:

- Annexation requests. Costs and benefits, to the city and to the property owner requesting annexation, vary in each of these cases, but in almost all cases annexation will have a net positive fiscal impact to the city, and should continue to be encouraged by processing at no expense to the applicant.

- Certificate of Appropriateness. The owners of historic properties do get free design assistance, but they are subjected to additional time, and often increased construction costs, to get permit approval for planned exterior alterations. The preservation of our historic resources is a substantial community benefit. For that reason, we would also recommend that the existing fees for designating historic landmarks and districts, which discourage applications, be deleted. Since a fee for historic landmark designation was imposed several years ago, only two applications have been filed. The Historic Preservation Board has already voted their support for this amendment.

The existing fee schedules and proposed revisions provide for flat fees, with add-ons in some cases (on a per-lot or per-acre basis) to account for the fact that larger tracts do cost more to process (but at a decreasing marginal cost). Another approach to

setting fees is to tailor them to each individual application. "Individual-cost" systems are in limited use; they involve logging staff hours, and other costs for each individual application. A number of communities that experimented with such systems have returned to a flat fee system, for a number of reasons: applicants cannot predict fees, some costs are beyond an applicant's control (e.g., governing body sending a case back to MAPC for reconsideration), collection difficulties, administrative problems and expense in accurate record keeping.

It should be pointed out that MAPD is also looking at ways to reduce time and costs involved in getting development approvals. Text amendments in the "draft and discussion" stage include a proposal for "administrative adjustments" to replace BZA hearings in the case of some minor variances, and provisions for allowing zero lot line and cluster developments without the need to file a residential CUP application.

Recommendations: Based on our analysis and the discussion above, we are recommending the following changes:

1. Review fees and adopt new schedules on an annual or semi-annual basis, to reflect cost of living increases and other changes. Small annual or semi-annual increases will not create the impact or controversy of major, infrequent increases.
2. In order to make this process simpler, fee schedules should be removed from the regulations that require public hearings and review by the MAPC, as follows:
 - a) The city zoning ordinance and the county zoning resolution should be amended so that fees are established by separate city ordinance and county resolution, rather than as "text amendments" through the MAPC. Subsection 28.04.210/3.2 of the city zoning ordinance and a portion of Section 17.C.2 of the county zoning resolution should be deleted. No other fee schedule adopted by either governing body must go through the complicated, expensive, and time-consuming procedural hoops as these do. The MAPC is not charged in the city-county ordinance or agreement with setting fees, and unlike other administrative boards that do set fees, has no budgetary authority.
 - b) State enabling laws should be amended to make the governing bodies, rather than the planning commission, responsible for setting subdivision fees (in practice, the governing bodies do establish these fees by approving amendments to the subdivision regulations). When that is accomplished, Article 3, Part 3 of the Subdivision Regulations on fees should also be deleted and moved to separate city ordinance and county resolution.

Metropolitan Area Planning Commission
August 26, 1967
Page 5

3. Adopt new increased fee schedules as follows:

- a) for city zoning-related applications, establish a new city code Section 2.26, moving the fee schedules from Title 28 and also from Section 2.12, which governs BZA applications;
- b) adopt new fees for county zoning applications by separate county resolution; and
- c) amend the fee schedule in the city/county subdivision regulations.

The increases proposed will bring the fees charged for most applications at or close to full recovery of the department's processing costs, increasing annual revenues by approximately \$75,000. The proposed new fee schedules include new fees for processing requests for platting time extensions, street name changes, and amendments to letters of credit. Annexation requests, dedications, and Certificates of Appropriateness would continue to be processed without fee and the fee for historic designation would be deleted.

MSK:rme
Attachments

cc: Chris Cherches, City Manager
Kim Dewey, County Manager
Wes Galyon, Wichita Area Builders Association
Lynda Tousley, Wichita Area Board of Realtors
Tim Witsman, Wichita Area Chamber of Commerce
Board of County Commissioners

EXPLANATORY NOTES ON CASES

1. ZONE CASE

The cost and time (22.25 staff hours) shown reflect a typical zoning case "AA" to "LC" that encompasses approximately two acres. Time would be about the same whether the case was in Wichita or in the County, except for the driving and meeting time required of the Chief Planner to attend Planning Commission meetings in the smaller cities. It was assumed, in estimating time requirements, that there would not be a large amount of protest; although one or two people could be expected to call the MAPD and/or speak at the MAPC meetings. Time required to process an application for an area of less than one acre could involve less time. However, the time required for many of the actions, such as notices, meeting time and agendas, would not be reduced.

Rezoning applications, other than to "LC" or "C" will, on the average, take less time since there tend to be fewer protestors for residential requests. However, many of the actions require the same amount of time to accomplish regardless of the zoning classification requested.

2. SPECIAL USE PERMIT

Time (15.5 staff hours) and cost are reflected in processing a special permit request for a neighborhood swimming pool in an "AA" district, or an auto salvage yard in an "E" district.

3. COUNTY CONDITIONAL USE PERMIT

Reflects approximately 19 staff hours to process a typical conditional use application for a four acre mobile home park in an "AA" district.

4. COMMUNITY UNIT PLAN (C.U.P.)

A commercial Community Unit Plan, approximately 15 acres in size, with no major opposition, will take approximately 58.25 staff hours to process. When processing a C.U.P., a substantial amount of time is required to review the proposed plans and meet with the applicant to discuss the C.U.P. In addition, C.U.P.'s require additional MAPC meeting time due to the size, the explanation by staff of the C.U.P. provisions and the presentation by the applicant. Generally, a C.U.P. covers an area that requires sending notices to all property owners within a 1,000 foot radius, which increases secretarial time and also increases the possibility of protest. A residential C.U.P. proposing apartments around a sandpit would take approximately the same amount of time.

5. BZA VARIANCE

The fee analysis shows the time (17.25 staff hours) and costs incurred in processing a typical application requesting a variance of the off-street parking requirements. Requests for exceptions take approximately the same amount of time as a variance. However, it should be noted that some cases will require a substantial amount of time to process due to unique circumstances. Conversely, some cases, such as a variance of a setback line, will take relatively little time to process. In all cases there is a certain amount of time required to receive and log in the application, prepare and mail notices and present the case at the BZA meeting.

6. VACATION

Time and cost reflect a "typical" vacation of easement or setback. A street or alley vacation would require a greater amount of time.

Approximately 12 staff hours are needed to process a typical easement or setback vacation. Estimated cost to process a vacation request is \$250.07. Generally the process of setback or easement vacations take less processing time than street or alley vacations. This is due in part to the amount of area covered, number of adjoining properties affected, increased interdepartmental conferences and additional notices. As in all tables, a "typical" application was used in determining estimated time and cost since a few cases will take a minimum of time to process while others will take considerably longer due to protest, size, drainage problems, amended applications, etc.

7. LOT SPLIT

Lot splits for industrially zoned land will generally require more time. Lot split appeals require much more time. Time (8.5 staff hours) and cost estimates reflect a lot split in a residential area. It assumes that major problems such as access or utility service to the new building sites would not have to be resolved. Generally, commercial lot splits take slightly longer. Industrial lot splits also take additional time due to increased size of the original lot, drainage problems, utility service, etc.

8. PLAT (final and preliminary)

The fee analysis shows the estimated time and cost attributed to processing a residential, twenty acre, 50-70 lot plat. The time and costs are broken down into two phases of plat review,

preliminary and final. Total estimated time is 33.5 hours at a cost of \$804.52, beginning when the application is filed until it is recorded. In estimating the processing time, it was assumed that there would not be any major drainage problems or other substantial difficulties in providing service to the site.

In most cases there would not be a significant difference in time to process a twenty acre residential plat or a twenty acre commercial plat. Factors which increase processing time of plats include drainage, utilities and other problems unique to the site, not the development. These problems would increase the amount of staff time needed to confer with other departments and the applicant.

FEE ANALYSIS AUGUST, 1988

TYPE OF CASE	ACTUAL COST	CURRENT FEE CHARGED	PERCENT OF COST RECOVERY	PROPOSED FEE
1. Zone Case	553.16	400.00	72%	550.00
2. Special Use Permit	388.36	150.00	39%	350.00
3. County Conditional Use Permit	499.81	300.00	60%	450.00
4. Community Unit Plan	1,640.47	200.00	12%	750.00
5. BZA Variance	455.76	300.00	66%	400.00
6. Vacation	274.38	250.00	91%	same
7. Lot Split	205.21	125.00	61%	200.00
8. Plat (final and preliminary)	804.52	450.00	56%	750.00
9. Final Plat filed on later portion of preliminary	450.35	150.00	33%	300.00
10. Plat filed as condition to zoning approval	804.52	50.00	6%	750.00

FEE ANALYSIS AUGUST, 1988

TYPE OF CASE	#FILED IN 1987	X AVG. FEE	-1987 REVENUE	PROPOSED AVG. INCREASE	PROJECTED 1989 REVENUE INCREASE
PLATS	117	\$242	\$28,289	+350	\$40,950
LOT SPLITS	32	\$130	\$4,150	+75	\$2,400
VACATIONS	72	\$204	\$14,700	0	\$0
CITY BZA	53	\$299	\$15,850	+100	\$5,300
COUNTY BZA	8	\$235	\$1,880	+100	\$800
SPECIAL PERMITS	6	\$150	\$900	+200	\$1,200
COUNTY ZONE CASES	6	\$467	\$2,803	+150	\$900
COUNTY C.U.S.	7	\$357	\$2,500	+100	\$700
CITY ZONE CASES	59	\$417	\$24,626	+150	\$8,850
CUPS	21	\$458	\$9,616	+600	\$12,600
					<u>\$72,900</u>
STREET NAME CHANGE	2	\$0	\$0	+200	\$400
EXTENSION OF LETTER OF CREDIT	4	\$0	\$0	+50	\$200
EXTENSION OF PLATTING TIME	15	\$0	\$0	+75	\$1,125
			<u>\$105,314</u>		<u>\$74,625</u>

Fee Comparison to other Cities- 3/15/88

CITY	FEE FOR TYPICAL ZONE CASE	FEE FOR TYPICAL PLAT	IMPACT FEES
Albuquerque	\$ 290 (includes site plan review)	\$1,000	Water: \$1.15/sf lot Sewer: 603/sf lot
Austin	1,302	3,698	No
Colorado Springs	175	230	Schools: \$312/sf lot Parks: 163/sf lot Drainage: \$890-5045/acre Bridges: 30-450/acre Water: \$3,732/sf lot Sewer: 596/sf lot
Dallas	1,250	2,700	No
Oklahoma City	730	1,500	No
Omaha	400 (includes site plan review)	637	San swr: \$510/sf lot
Overland Park	400 (+\$150 site plan review)	250	Traffic improvements: \$.15/sf of non residential floor area
Tulsa	510	400	(Stormwater utility fee)
Wichita proposed fees:	\$550	\$750	

The Wichita Area
BUILDERS
Association

Chairman of the Board, M. S. Mitchell
First Vice Chairman, Tamara Gross
Second Vice Chairman, John Glat
Third Vice Chairman, Jeff Kutilek

730 North Main, Suite 1 • Wichita, Kansas 67203
316-265-4226

Secretary/Treasurer, Ercy Smith
Past Chairman of the Board, Elton Parsons
President/CEO, Wes Galyon

September 29, 1988

RECEIVED

SEP 29 1988

METROPOLITAN PLANNING

ROUTE

Mr. Marvin Krout, Director
Metropolitan Area Planning Department
City Hall
455 N. Main
Wichita, KS 67202

Dear Mr. Krout:

This letter will advise you that the Developers Committee of the Wichita Area Builders Association does not feel it can justifiably support an increase in fees, as recommended, at this time.

The Wichita economy is very fragile at the present time and we are making every effort to keep development and housing costs as low as possible.

With the market already contracted, an excessive number of lots on the market, and new starts down approximately 12% to date we feel everyone should hold the line where possible.

Your consideration and that of the Planning Commission would be appreciated in this regard.

Sincerely,

Wesley E. Galyon
Wesley E. Galyon
President/CEO
Wichita Area Builders Association

WG/ak

cc: Planning Commission Members

BOARD OF DIRECTORS:

Gary Brown
Larry Chambers
Alexander Dean
James Goetzl
George Kelley
Bill Keltner
Don King
Joe H. Lee
Mike Miller
Larry Peer
Earl Saylor
Bill Townsend
Tom Werner
Marjorie Zwiester

NAHB DIRECTORS:

Dave Spruiell
Stephen Critchfield
Harold Warner, Jr.
James D. Miner
Elton Parsons

HONORARY LIFE

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

NAHB NATIONAL REPRESENTATIVE:

Jim Miner

NAHB'S ASSOCIATE

ADVISORY COUNCILMAN:
George Fahnestock

STATE DIRECTORS:

Jim Goetzl
Richard Gross
John McKay, Jr.
M. S. Mitchell
Elton Parsons
Harold Warner, Jr.

PAST PRESIDENTS

COUNCIL:
Elton Parsons
Stephen Critchfield
Harold Holding
Robert E. Muzzy

Robert R. Fox
Dave Spruiell
James D. Miner
Harold Warner, Jr.
Vogel Woelder
John McKay, Jr.
Jerry Don Andrews
Bob Arnold
Ron Lang
Morris Stauffer
Jim Clander
Harold Warner
L. E. Forsee
S. H. Womer
John S. Lawrence

FORREST WEIRICK

Gene Miles
*Roger Harter
Donald Louis
Jerald Jones
Harold Bauer
William Vesitch
*D. G. Jones
Earl T. Graves
*Eric W. Jennings
*Frank Kessler
James L. Gardner
*Francis Harvey
Ken Stowell

REMODELERS COUNCIL:

Paul Fahnestock

SALES & MARKETING

COUNCIL:
Jim Wood

AIR CONDITIONING

CONTRACTORS COUNCIL:
Pat Moody

SPIKE CLUB:

Jim Goetzl

*Deceased

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 15, 1988

5. Case No. DR 88-6 - Public hearing proposed amendments to Wichita Zoning Ordinance regarding filing fees.
6. Case No. DR 88-7 - Public hearing regarding proposed amendments to Sedgwick County zoning regulations regarding filing fees.
7. Case No. S-152-10 - Amendments to Section 3-301 (Filing Fees) of the Subdivision Regulations of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

KROUT stated that these items all concern a set of recommended changes to the fee schedules to the City Zoning Ordinance, Chapter 28, and the City Code, Chapter 2 which is where the City BZA application fees currently reside. The County Resolution which is where the zoning and BZA fees reside for the County, and the City-County Subdivision Regulations where the fees for plats, vacations, and lot splits reside.

KROUT remarked that this has been talked about during the workshop session. He said that he had a few minor modifications to suggest for the Commission's consideration on some of the items as a result of the discussions they have had since the workshop. He said that the governing bodies approved the 1989 budget with a \$75,000 betterment that will enable the department to tackle an update of the Comprehensive Plan is contingent on staff's ability to raise fees. Staff, earlier in the year, comprehensively reexamined the fees and the cost of processing applications that has not been done since 1980, and staff thought that after the budget was adopted, they would be able to raise fees to reasonably recover administrative costs and raise the \$75,000. He said that it would have been before the Planning Commission if they had not gotten the betterment from the City-County budget adoption with a similar package because he felt that in most of the cases of these applications it should be the applicant rather than the taxpayer who is paying for the cost of the service of processing these applications. He said that overall, they are recovering on the average, although it varies quite a bit, a little over half of the direct departmental cost to process all of the various applications. The increases, in most cases, would bring fees at or close to full recovery; in some cases staff is recommending no change in fee, or they are recommending a fee which is less than full cost recovery, or no fee at all. They are recommending some new fees in the Subdivision Regulations for services that are currently handled at no cost, street name changes, extension of letter of credits, and extension of platting time.

KROUT said that as far as the City zoning regulations go, Chapter 28, staff would withdraw the recommendation for deletion

of the historic designation fees at this time. They have reconsidered that and think that there are some costs, and substantial public benefits like there are in some other cases, and felt that some fee is appropriate like the Landmark Committee is talking about possibly recording some instrument that would notify owners when they have acquired historic properties, so staff is recommending that they not delete the fee for historic designation.

KROUT said that in Chapter 28, staff is recommending a set of increase fees. The zoning related fees would generally go up by \$150.00; CUPs would go up higher, but would not go up to nearly the direct cost of providing that service. It may seem like a lot of money today or in the future if the fees are increased, but staff still feels that by reducing CUP fees to less than the cost of service we are recognizing that there is some substantial public benefit in the CUP process from commercial and residential CUPs. They are also recommending that the fee schedule be deleted from Chapter 28 from the City zoning chapter which requires the advertised public hearing process in advance of the hearing notification and the forwarding of detailed minutes and the City Council rendering a judgment, and if they disapprove, sending the case back to the Planning Commission. Staff believes that the Planning Commission does not have a budget and is not an administrative board, and should not be that involved in the setting of fees. There are no other fees that have to go through such an elaborate process and it will make it less difficult for staff to be able to increase fees slightly more than once every 7 or 8 years and going through this sort of trauma, if it can be moved to the administrative section of the City Code where most of the other fees reside today. KROUT said that staff is recommending some fee increases in what is currently in Chapter 28, and then removing that whole section to the administrative section of Chapter 2.

KROUT said that on the County Zoning Resolution side staff is recommending increase in fees for zoning and Board of Zoning Appeals cases by an average of \$100 to \$150, and they are also recommending that the process be changed and that they also be removed from the Zoning Resolution and be adopted by separate County Zoning Resolutions, and they do not have to go through the elaborate time consuming expensive process when they want to amend fees in the future. He said that the County Board of Zoning Appeals reviewed the proposed new fee schedule last week and they have recommended unanimously that the increases be adopted. The City BZA will be reviewing the increases September 27 before any recommendations go on to the City Council.

KROUT stated that staff is recommending that the fees stay in the Subdivision Regulations, although they would hope for the Planning Commission's support to the governing bodies for a statutory amendment that would delete the provision that now says that the Planning Commission sets fees for subdivision cases. It does not say that this Planning Commission should set fees for

any other types of cases; they do not really understand why that is in the regulations; the Planning Commission is not an administrative board with a budget. Staff feels that the governing body should be responsible for setting fees, and in fact they do, because the City Council and the Board of County Commissioners ultimately approve the amendments to the Subdivision Regulations.

As far as the changes themselves, KROUT said that staff is standing by most of their recommendations. He wanted to go over a few changes that he felt like they could support with the problem that they heard at the Subdivision Committee meeting about the smaller property owner maybe being more affected by any increases than a larger property owner. He said that staff could agree to reducing the proposed fee change from \$200 to \$500 for a sketch plat, or \$200 to \$500 for a preliminary plat, reducing the \$500 and \$5.00 per lot to \$400 and \$10.00 per lot so that the burden is shifted to someone who has a larger number of lots or a larger acreage in the plat. Secondly, a preliminary plat that is finalized out in portions, staff would agree to reduce that to \$200 if \$5.00 a lot or acre fee is added. On item 6, which staff had originally recommended deleting, they would agree to retaining a reduced fee for a replat that results from a zoning requirement, and suggest that that fee be increased to \$200 plus \$5.00 per lot or per acre. Basically what they are trying to do is to recognize that there is, like in historic designations, benefit and in sending someone who already has a platted lot through the process so that the City can obtain some of the things that are done through the platting process.

KROUT mentioned that the Commission had asked for, and staff provided, some additional information on fees. He said that they had looked at Albuquerque, Austin, Colorado Springs, Dallas, Oklahoma City, and Tulsa, and they have added to the list, Omaha, Nebraska and Overland Park. They also added a column called impact fees. KROUT said it is a very complicated area and it is hard to get the detailed information and understand exactly how everybody's impact fees work. They all seem to be different, but basically Omaha and Overland Park have relatively low zoning and subdivision fees, although when staff spoke to both Omaha and Overland Park, they said that they have a site plan review requirement on all of their commercial developments, and Overland Park charges for its site plan review even if it is a part of a zoning case. So if you have the \$400 and the \$150, that would be equal to the fee that staff is suggesting for the proposed new fee for a typical light commercial zoning case on a small acreage.

CROCKETT asked if that would include site plan review.

KROUT said no, staff is not suggesting site plan review except in specialized cases.

KROUT stated that Colorado Springs is at the top of the list in terms of their charges. Austin and Dallas both do not have fees existing, although they are looking at them. Oklahoma City does not have fees. All of the other cities have one kind of fee or another; most typically for water and sewer. Overland Park does not tag single family development, but do have a traffic improvement fee based on nonresidential floor area above the exactions that they require in the subdivision process. In most of these cases the subdivision process exacts more in the way of improvements than is the case in Wichita.

WES GALYON, Wichita Area Builders Association, pointed out to the Commission that what he is going to say today is based on some conversation that he has had with some members of his developers committee. He said that due to the timing of the proposal that has been submitted, his developers committee who deals with this use of this type will not meet until September 28, and at that point they will discuss Krout's proposal and some other matters more thoroughly. However, based on some conversations that he had was, one, he felt it was fair to say that the proposed increases, at least for those who had an opportunity to look at them, did get their attention. He said that in the latter part of 1986, Mike Lindebak, the then Director of Planning, sent the City Manager a memo asking him to look at some of the fees that were charged and suggested to him as to whether or not some adjustments were appropriate. GALYON said that they were involved at that point and they did support, to a degree, some fee increases because they felt it was appropriate, and did oppose them in some others because they thought it was counterproductive to the overall philosophy that was being suggested at that time. He said that the proposed increase in fees does appear to be dramatic and it does have people's concern. One of the things that concerns them, and this is throughout all business, and when you are dealing with the private sector or the public sector or government in general, people are looking at, when you talk about an increase in fees, the question they tie to that is if they are going to have a dramatic increase in fees, are they going to have any enhancement insofar as the type of service that they get. Are there going to be greater efficiencies? He said that time is money, particularly for people in the building and development community these days, and he felt that was a concern of everyone. The other thing that some have suggested is perhaps an examination of ways to streamline some of the processes currently being used might be in order, and certainly it takes a little more time to do it with the private sector but felt the results were positive. They spend a lot of time working with the Planning staff and other people in the city, and it is cumbersome sometime and does take a little bit longer, but when they finally get through the process, he felt they have something that is generally more supportive overall, not only by government, but by the private sector as well. He said that one suggestion that has been offered is to avoid such dramatic increases being proposed in the future, perhaps a more timely evaluation of the fees that are

being charged would be in order. Perhaps at budget time, or prior to, it certainly might be more favorable to do it at that time than every 3, 5 or 10 years. GAYLON said that based on the interaction they have had in the past, they would be willing to sit down and look at the processes in conjunction with Krout and some of his staff people and see if some efficiencies cannot be achieved. He said that he was not going to suggest that a fee increase is not in order; perhaps it is, and perhaps there is room for a decrease in fees in some other areas, but felt what is taking everybody back at this point is the suggestion that fees be increased to the extent that they are being proposed. He said that the housing development condition in Wichita is real critical and they have been hearing testimony from a number of people coming in and talking to them about it. Overall concern, along with others, is to keep housing affordable. They would obviously not like to see any increase in fees, but they are not foolish enough not to think that maybe some increases may be appropriate. He said that any considerations that the Commission could give to keep fees as reasonable as possible would be appreciated. He said that he would hope that the Planning Commission stays involved in the fee setting process, and he says that somewhat selfishly, but felt that those that he has interaction with would support that. The primary reasons being is that when developers approach the Planning Commission, he felt that there has been a pretty good history and track record of being able to talk to people that understand the development process and has at least empathy with respect to the concerns that the developer has, and getting more politics in it than it needs to be otherwise would make it pretty cumbersome and maybe not in everybody's best interest. GAYLON continued that the thing about impact fees is the City has established a task force and asked that task force to evaluate impact fees, what is being done in various parts of the country and then make a recommendation that the City Council could then take and develop a policy position on. So they are looking at this issue extensively. He said that his experience has been of looking at impact fees around the country, they are sometimes charging very significant amounts, and he could think of a circumstance where it has been real positive if they have been in existence for any long period of time. He said that the thing they have to understand in Wichita is that with special assessment financing available to them, it really negates the need to charge in a manner like some of the other cities are charging, because they do not have the flexibility or the ability to finance in that regard. So it is kind of a double whammy if you look at it in that respect. He said that any consideration they could give in keeping fees as low as possible would certainly be appreciate on the part of the development community.

KROUT commented that they want to work with Mr. Gaylon on improving the process. They are working on some of the residential changes that would not require the filing of a CWP which would save a lot of money and time in the public hearing process, and provide some more flexibility in the Subdivision

Regulations so that they could do some things without having to go through zoning changes. They have also identified administrative adjustments that will not require having to go through a public hearing and filing a fee with the Board of Zoning Appeals. There may be an administrative fee, but would certainly be less and it would take much less time than having to go through the Board of Zoning Appeals on minor variation types of requests. He said that they would work with Mr. Gaylon on other ways that they can be more efficient. If they talk about time-wise more efficient, he felt the real areas for trying to find the efficiencies in the time process probably in the Subdivision process, and probably dealing with interdepartmental issues where a process is going through review that is interdepartmental, especially when it is going through the engineering area, he felt that most of staff's timeframes are set by state law and the Planning Commission adopts calendars that gives them the bare minimum of time to process zoning applications and BZA applications within the advertising requirements of state law. In terms of that time and the way that the zoning staff processes cases, he felt that they were doing it in the minimum timeframe. Staff felt that 20 days notice in the newspaper is excessive. They could cut that down to 10 or 14 and shave a week off of the process perhaps. KROUT felt that overall Galbraith and his staff are efficient. He asked Galbraith how many staff he had lost in the last 8 years, and it was more than 50% of his staff and the case load has been reduced somewhat, but felt that overall things are fairly efficient. KROUT said his concern is if they are going to do this more often, he agrees that they should not be faced with the situation of having to look at this once every 8 years. This process of starting 5 months in advance when they think they may have the fees go into effect because of the requirements that they are under by going through the public hearing process is excessive and unnecessary. The fact that the builders and the realtors may get a sympathetic ear from the Planning Commission, he was not sure that is a real and justifiable reason for going through this extra step.

GARDNER asked that on the proposed fee of \$750 for a community unit plan, if they go to that, are they dropping any additional charges for zoning changes under that?

KROUT said no, but felt it does indicate a lesser charge if you are filing the two together whether it is residential or commercial CUP, there is a lesser total charge if you are filing zoning and a CUP concurrently.

CROCKETT said that she was really troubled by this whole thing. She is troubled that they are having to go to betterments to fund a basic function set out in state statutes of their requirements. She was not sure that the fees should be increased, but if they are to deal with the comprehensive plan, then it should come out of the budget instead of having to come up with a way to fund it through fees. What are they going to do

next year to work on the Comprehensive Plan? Where are they going to get the money next year?

KROUT said that his response has to be that staff would be coming to the Planning Commission for a fee increase based on the cost of processing applications whether or not they had been successful in getting the budget betterment increase for the department.

CROCKETT said that she could see that there needs to be some fee increases. However, these fee increases are the exact same dollar amount as the betterment which goes to fund the updated Comprehensive Plan.

KROUT commented that Mrs. Crockett's criticism is going towards the budget instructions which were to look for ways other than taxing property owners through the general fund to find revenues through user type fees and other ways to increase the level of service.

CROCKETT felt that was a legitimate way of doing things but not to do something as basic as the Comprehensive Plan.

PARSONS stated that he was really offended by the August 31st memo from Chris Cherches to members of the City Council that was distributed without sending a copy to the Planning Commission. He said that the memo stated in essence that the budget is based on getting these fee increases and the Planning Commission, in the past, has not been too cooperative, so why don't you call all your members and see if you can put the arm on them. PARSONS said that really infuriated him. He said that what this is, is an effort to raise money for the budget, it does not have anything to do with cost. PARSONS read the memo into the record:

"August 31, 1988
Mayor and City Councilmembers

From: Chris Cherches, City Manager

"Subject: Proposed Fees and Increases

"Attached is a proposal being distributed to the Planning Commission for consideration. The proposed fee increases are being justified on the basis of making some of the Planning staff work tasks self-supporting. The proposed 1989 budget is predicated on these fee increases. Should such increases not be implemented, the budget will require an amendment to insure the Planning Department work load can be carried out. Without these increases, no funds will be available to finance the expenses required to update the City's Comprehensive Plan now underway. Since the Planning Commission, in the past,

has opposed fee increases of this nature, I would urge each of you to "encourage" your appointees to consider the impacts without such increases. Also it should be noted that such fee increases have not been carefully analyzed and adjusted since 1979 with some exceptions. Based on the increase costs being expressed over the years, it is now time to act on such fee adjustments if the City is to accept the "user pay" principal in the Planning Department. The public hearing on these increases before the Planning Commission is scheduled for September 15 in case you wish to talk with your representative on the Commission.

"Thank you."

GARDNER stated that the memo was provided by the Council-member that appointed him in an effort for him to be aware of it.

KROUT said that he did not find anything offensive about the memo. The way he sees it, the Manager is informing the Council of what is coming to them eventually and that it is coming to their advisory board.

CROCKETT commented that the Manager has tried to go around the Planning Commission several times. This is just one more example. He is going to raise the fees by taking it to the Council.

KROUT remarked that the Council and the County Commission will decide on the fee package.

CROCKETT said that she did not see any point in her spending her time down here.

KROUT stated that personally he felt that she could spend her time a lot more productively dealing with zoning issues and planning issues than with fee issues, and he felt that the builder and realtor interest are perfectly capable, like other interests are who are charged with fees, with representing their interests at the City Council.

CROCKETT said that if this was an isolated instance, yes, but she has watched more end runs in the last couple of years. It has been a consistent effort.

KROUT said that was why one of the questions that he asked them, and that he has made a recommendation on, is whether or not this is the kind of issue that needs to come to the Planning Commission. If the Commission thinks it does, then that needs to be part of the overall recommendation.

PARSONS felt that this memorandum is a good reason why it does need to come to the Planning Commission.

GARDNER commented that one of the reasons this body serves at the consternation of occasionally the Manager, and occasionally with the past Planning Director, and occasionally the Council, is to provide a forum for input, consideration and advice regarding the issues that some other people don't necessarily have the time to wade through and spend time on. In honesty, the comments that this is another end run probably summarizes it as well as anything. It was not presented candidly to the Council in this form during the budget hearings, that the fee increase revenues were for an absolutely imperative portion of the Planning Department's work load or the work funding for the coming year; at least that was the remark from Councilmember Winkler as she described to him some level of shagrin as she grinned at this and its content. The short term advertising that we do in an out-of-town paper, the short fast track approach to having things disseminated and brought back for public comment in spite of the repeated input from professional organizations that it may be a month or month and a half before their people can meet and adequately consider and provide recommendations, is typical of a current administrative style, and it runs entirely contrary to the concept of involving the public in making these considerations and/or providing input that is going to be considered. That is offensive. People sit here and provide their time to consider a variety of things and see something like this and are offended that an end run is occurring, and yet in the same breath feel like they ought to be involved simply because otherwise that would be happening as the standard method of operation, and that is extremely troubling. The problem with the fee increases suggested to this point in time, is that they do distinctly appear to be something backed into to fill a revenue's void in the budget. He said that he was not doubting that there are this many hours are in there, but the coincidence between the dollars to be generated and the dollars that have been assigned to be generated certainly make you question the validity of the analysis.

KROUT said that what really preceded was that the analysis came first, and what they thought they could justify as a reasonable increase that would stay within cost recovery came first, and they kept their betterment request within that limit. KROUT felt that it was extremely unusual to open up a zoning ordinance or subdivision regulations and find fee schedules in there and find the Planning Commission dealing with the issue of what is the appropriate fee.

GARDNER said to Krout that he did not mean to be rude, but Krout had been in town for two years and finds it unusual. They have been doing it here for a long time, and because he finds it strange or peculiar to what he is used to doesn't mean that they should sit there and be offended by the fact that it is something they are used to. GARDNER said that "When in Rome do as the Romans do" is an old saying, and without suggesting, it has worked reasonably well here for some time, and while it may be cumbersome and an annoying thing to involve other people and

solicit their opinion, nevertheless that is how they have done it. He said that he damn well did not find any sympathy with the proposition of making it easier to raise fees for anybody, any governing body. Personally, as a taxpaying citizen, he resented the hell out of making it easier to raise fees or taxes. He said that was the only justification he could find in there for even beginning to go along with proposition they take it out of the ordinance so that they can make it a slick zing around the Manager's budget that flies through without any public comment or knowledge.

CROCKETT commented that's because nobody can read through the damn budget to find out where it is being seen through; it has gotten so complicated.

GARDNER continued that as he sees funding allocated the last two years, the property acquisition, the planning studies, assistance to the WI/SE, economic development, etc., they fund certain budgets for a certain number of personnel. For example, the Police Department, if they are funded for 450 people and they have only got 430 on staff so that they are 20 shy for a month there is a void there between the money allocated and the actual expenditures that is a pile of money that collects. There are numerous things of that nature within the budgetary process that we see utilized, and the idea that we are \$75,000 away from being able to do a Comp Plan is just preposterous. Maybe it isn't in the budget appropriately allocated, but the idea that they have a 1/4 million dollars or better in the last couple of years to spend on other activities that weren't in the budget prior to but was discretionary funding should be obvious to anybody, and if the Comp Plan is important, allocate money for it from there.

NOTION: That the Planning Commission not approve the suggested fee increases. Crockett moved, Moore seconded.

BRINEGAR commented that there is some justification for certain increases within the categories of the fees, not necessarily all fees. He felt that there was some justification for increases over maybe a 2 or 3 year period. He said that he has some problems with maybe one category recovering "90% of the indicated cost of processing" which some has 6% of the indicated cost of recovering. He said that he also has a problem with trying to step that differential up to a closer recovery in a short period of time. He felt, which may be contrary to the general consensus on the bench, that maybe fees should be recovered from the party who is using the services, but he does have a problem with the way it is being forced upon the MAPC, and the way it is being presented, not from the aspect of the data presented to the Commission, but from the aspect of how it is coming around the back door.

PARSONS stated that he has a lot of those same considerations and opinions, and for that reason he did not think he could

vote for the motion as it has been made. What he would like to see happen is if this truly is not a revenue generator to fill a budget void, and if it truly is an attempt to recover the cost, he would not be opposed. If they could look at some other things and look at stepping this as Brinegar has suggested, trying to go from a 6% recover to 100% recover overnight is expecting a lot from the people who are paying the fees, and he finds it a little bit questionable, at least in his mind, that every fee needs to be increased. There may be some justification for that, and he is not even questioning the numbers that staff has come up with; they may be right, but if they are right, show him how they are right, then let them look to see how they can get to that. He said that he could not support a 1400% increase, or even 100% increase all in one step.

PARSONS felt that the fee scheduled should be approved, or at least reviewed by the Planning Commission before it goes to the governing bodies, and have public input and input from all of the affected parties in a public setting. He said that Mr. Cherches memorandum is just one example of why he believes it should be done.

CROCKETT said that she had no problem of adding that amendment. She felt that fees needed to be reconsidered and increased, but not in this method.

KROUT did not feel that staff could give them any more justification. They have done a pretty careful and detail analysis. If the Commission wanted them to come back and show them how in a 2 or 3 year period they could step up some of these increases, it can be done, but still felt there was a question about whether or not they think at the end those numbers are still acceptable.

PARSONS said that he was more concerned about implementing the fee increases in one step than he was in implementing the fee increases.

GARDNER stated that he believed that there is every reason to believe that these numbers have been backed into on the basis of an amount needed to be raised.

GALBRAITH said that he wished Gardner would not feel that way and it bothers him that he says that because he was making an assumption that was just incorrect. GALBRAITH said that when he started this process and was trying to analyze it for Krout right after he got here, he knows how he has asked his staff to go back and really make sure that they are spending 15 to 30 minutes during this exercise. He asked staff to be honest and straightforward and he felt that the facts have actually reduced the amount of staff time spent from what they had originally started out with.

GARDNER said that he was not faulting that, he just wanted to state what was apparent otherwise and the impression is most unfortunate. He felt that the comment has been made that some justification or additional justification is needed, and he believe that what is being said probably revolves around several items. The first is they have already observed that a number of hours are in there for drafting purposes and elements that could otherwise, if they had a computerized GIS system, be handled, and with an ongoing level of efficiency that diminishes the expense level. There is no analysis provided to this point that if they received one of those systems, what would they diminish the cost for future years to come. He felt that some analysis there would be well spent time pointing out that they would reduce expenses into the future and have a recovery. There, he believes, is a need to do an efficiency study or a justification for the time expended in some of these areas, and quite possibly to that sort of analysis they could determine that there are areas where they could make some significant savings or eliminate repetition or achieve additional savings. Otherwise they would have the impression that they have identified these many hours being allocated, and they assume all of the hours are justified whether they are or not.

MOTION: That the Planning Commission deny the recommended rate increase and ask staff to come back with a plan to implement the increase over a longer period of time of about three years, and with an additional analysis, and deny the removal from the zoning ordinance. Parsons moved, Moore seconded.

KROUT asked for clarification if they were expecting that he would come back to the Planning Commission before going on to the Council or that staff would prepare analysis as they go on to the Council with this and the Commission's recommendation because there is a good chance that whatever happens, the Council has two choices, it could accept the Commission's recommendation to deny, or if it is approved, they would send it back.

PARSONS said that he would like to see it. He did not understand why Krout would even ask that question.

One of the Commissioners asked if there was a chance that this could go to a smaller committee, be reviewed and then brought back to the Planning Commissioners in two weeks.

KROUT said staff would bring them something back in two weeks.

VOTE ON THE MOTION: It carried unanimously.
Sherman was absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 29, 1988

4. DR 88-6 Public hearing regarding proposed amendments to Wichita Zoning Ordinance regarding filing fees.
5. DR 88-7 Public hearing regarding proposed amendments to Sedgwick County zoning regulations regarding filing fees.
6. S-152-10 Amendments to Section 3-301 (Filing Fees) of the Subdivision Regulations of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

KROUT stated that two weeks ago the Commission had a long discussion on proposed fees and they asked staff to prepare a plan that they could review that would graduate some of the heftier increases over a multi-year period, and there was a request for further justification of staff's cost estimates. He said that on the graduated fees, staff looked at the fees and suggested that any fees over \$100 would be something that could be stepped over a multi-year period, and so the City and County BZA fees, which were in the \$75 to \$100 range, staff would recommend still staying at one year. The zoning changes, both for the City and the County regulations, which were about \$150, would be staged over a 2-year period of \$75 each year, and some of the platting fees also over 2 years, and the other platting fees and CUP fees which were the largest percentage increases, staff adjusted over a 3-year period. They also recognized that over a 3-year period there probably would be increases in costs and they would not want to fall further behind and be faced with this situation again. He said that they have built in an additional increase for the 3-year adjustments that represents an estimated cost of living increase.

KROUT stated if the Planning Commission's recommendations include increases, and any of them are for multi-year period, then staff would like for them to clarify whether or not their intention is just to pass the fee increase for the year 1989, or if they are talking about a multi-year increase; whether or not they think the ordinance itself should reflect the stepped increases and should actually say the fee should be "x" in 1989, "y" in 1990, and "z" in 1991.

KROUT continued that as far as the justification, staff went back and reviewed their estimates and feel that they have done their best to give the Commission their best shot of how they use their time, and felt that they were basically using their time and equipment and people who are available efficiently. That is not to say that there are not other efficiencies that they can look to in the future and will continue to look for them, and any future analysis they do regarding fee increases should reflect any efficiencies that they have managed to make.

KROUT stated that earlier this week staff reviewed the City's BZA fee proposals with the City BZA, and they unanimously recommended approval of the fee increases. The County BZA had earlier recommended in favor the County BZA increases. He said that he received a letter from the Homebuilders Association that was given to the Commission just before the hearing, and the Homebuilders requested that there be no increase in fees at this time due to what they perceive as a fragile state of the housing industry. KROUT said that in addition to deciding whether or not they want to have multi-year fees built into the ordinance, staff would also like their recommendation as to whether or not they want the fee schedules to remain in their present ordinances, or whether they would prefer, as staff had suggested earlier, they be removed to administrative portions of the City and County Codes.

CROCKETT asked that if they go to the 2 or 3-year implementation of fee increases, how will the shortage be made up.

KROUT said that he would have to take that up with the City Manager and the County Commissioners. He did not know at this time.

BROWN stated that the support material that the Commission received this week indicates that the deletion of the Historic Landmark fee is still proposed.

KROUT said that if that happened, it was a mistake. Staff now recommends no change in the historic designation fee.

FAIRBANKS said that his notes showed him that item "E" on page 4, the fee for amending a letter of credit, performance bond, etc., was to be increased over the years.

KROUT stated that he did not recall increasing those fees over time. That is basically an administrative process and felt that \$50 is adequate for the foreseeable future to cover staff's costs.

FAIRBANKS stated that the one thing that he is really concerned with is the 12.5% markup. He is not critical of what they have gotten out of this so far; he likes the step increases, but is real concerned with the 12.5% markup. They made a recommendation to take this to a 3-year increment; their recommendation goes on paper and comes back with a 12.5% hike. He did not think they needed to consider 3 years and 12.5%; they could consider that or 3 years without the 12.5%. He too would like to see recuperation of as many costs as possible, but they have gone 8 or 9 years without recouping costs. They have sat down as a body and talked about stretching these things over 3 years, and they have kind of changed the rules and the game a little bit, suddenly there is 12.5% more.

KROUT said that if that is the recommendation of the Planning Commission, they could readjust the fees based on that recommendation. He said that during the discussion the last time and the time before, there was some discussion from Commissioners about maybe they should build in some kind of automatic cost of living increase so that they avoid getting into this problem.

MILES said that he would like for them to sometimes try to study a way to save some money. When someone brings a plat in, it should not take a full year to get it to run through this building and other buildings around it. He said that he bought a piece of property a year ago and just did last week get it approved. He felt that was a long time to have your money invested trying to get it through the bureaucratic program, and if they didn't have so much money, maybe it wouldn't take so long.

KROUT responded that one year was probably unusual for a plat. He did not know what Mile's circumstances were, but if the Planning Commission would like, they could take his plat as an example and walk it through the departments and everyone that reviewed it and find out what the problems were and report to him about it.

GARDNER commented that it was appropriate to note for the record that they have discussed the philosophy of who to tag for additional revenues to create the additional funds needed in the Planning budget to compensate the shortfall that the Manager had built in during the budgeting process that was contingent upon raising fees to maintain a service level and handle work items that the Council had indicated were important including an update of the Comprehensive Plan. Philosophically it was decided that persons who utilize the Current Plans section with zoning cases and platting cases and the items for which the associated fees are being discussed should be those saddled with the increase. Philosophically it was determined that it was improper to charge the neighbors an opposition fee for which staff spends copious hours hunting and shuffling papers and totaling commercial areas, etc. in a seemingly unending stream of requests for data. There was a discussion that the Planning Department exists to provide in many ways a source for community data relative to the community's development, growth, and overall condition, and they do not have charges for things of that nature. Certainly the Planning Department exists in such a manner that it should be open and available to the public and accessible for consultation and other uses of their time in a manner that would benefit the public in general, and the Commission has obviously spent a great deal of time in dealing with the downtown revitalization, having issued what, for all intents and appearances, is a carte blanche availability in terms of staff hours to service whatever needs are generated there, again, under the apparent concept of a public benefit. He said that if they are going to apply a user fee concept with equity, it would philosophically require that

they attempt to structure something to compensate in those areas that he had just mentioned as opposed to laying the burdens solely upon the one group using rezoning and platting as their prime concern. He said that they were being selective. They are being admittedly discriminatory in their approach to charging for certain areas and agreeing to not charge for others. He felt it should be understood that there needs to be a level of equity in the attempt to charge where they hold forth these fees as needing to be recovered because they are user related whereas they have philosophically determined not to charge for other things claiming that they should not be charged for. The inequity stands. He did not believe it was necessary to fully recover as is being proposed, or even to the percentage they are attempting to recover, and as a result of that have some problems with the magnitude of the increases that they are talking about. GARDNER said that he appreciated that they were addressing it on a graduated basis, however, for implementation.

GARDNER continued that there is every likelihood, and he was not going to ring the bell too loudly for Stockwell's shop, but that shop operates a good grantsmanship where they acquire funds for a variety of other beneficiaries through the processing of applications, etc., and he hoped that they were able to lug back some kind of an administrative key as a result of the benefit that other departments accrue. He said that he was thinking in terms of the road projects, MTA projects, Airport projects, etc., and he did not think that the Planning Commission had ever been privy to a discussion of how they are charging for that and whether or not they have a recovery capacity there as well. He felt that it is an area where a yeoman's work is done annually in terms of acquiring those monies back into the community that otherwise would not be acquired here and there probably ought to be a charge from that to subsidize the operation.

SHERMAN stated that he agreed philosophically with what Commissioner Gardner is saying that it would be nice to charge some sort of an opposition fee. He said that he was not aware of anywhere that does anything like that and felt that it would be a nightmare to attempt to do such a thing. He said that he appreciated staff trying to buffer this a little bit by spreading it out, but he still has a problem with the idea of cost recovery or full cost recovery or some attempt to approach that. He felt that the developers and the people that are taking the brunt of this are generally taxpayers.

CROCKETT asked if all of the affected groups had been given this information, and had they responded.

KROUT said that staff had heard informally from Marvin Wynn at the Chamber of Commerce. He did not disagree philosophically with the idea of raising fees, but said it looked like a high percentage to happen in one year.

MOTION: That the Planning Commission agree to adopt a policy of increased fees for the subject items, but not stating what that increase is at this time. Fairbanks moved, Brinegar seconded.

BRINEGAR stated that he has a little problem with the 3-year step up. He said that he disagrees with building in an additional cost of living increase. He can see some justification, as they previously discussed, for the incremental step if they are trying to recover "cost". He said that he really could not go for the 12.5% overall increase.

GARDNER commented that they have already identified in previous discussions that if the betterment proposal to go to computer mapping had been adopted, which was an initial outlay, a substantial number of staff hours could have been reduced from the processing across the board and on an increasing basis in terms of the number of staff hours saved per annum. He said that perhaps what the Commission ought to do would be to concur that a fee increase is appropriate which runs highly contrary to the Manager's supposition in a recent letter as to the general Planning Commission attitude. He said that they could agree to an increase, spread it over a 3-year period subject to annual approval, and not include the 12.5% for the 4% per annum. He felt that the manner in which they would look at recommending adoption of the increase the second year might be predicated upon whether or not computer mapping had been included as a betterment in an attempt to effectively reduce staff hours. In that regard you make some of the continuing increases and the achievement of that revenue contingently upon an administrative commitment towards reducing those staff hours.

VOTE ON THE MOTION: It carried unanimously. Moore and Parsons were absent.

FAIRBANKS was not clear on which fees would be left to the Planning Commission to determine and which fees the City Council or some other group would determine.

KROUT stated that the City BZA fees are in Chapter 2 of the City Code, and so those are not in the zoning ordinance and were not advertised for this hearing, and they are not formally a part of the Planning Commission's review.

KROUT stated that another set of fees are in the Subdivision Regulations and according to state law, the Subdivision Regulations are adopted by the Planning Commission, which means that the City Council and the County Commission do not have the authority to raise fees any higher than the Planning Commission wants to set them.

KROUT stated that for the fees in the City zoning regulations, the Planning Commission is the recommending body. He said that staff's recommendation was to put them in Chapter 2, the same chapter as the BZA fees, and not go through the hearing process before the Planning Commission.

KROUT said that the County zoning resolution contains both the County zoning fees and the County BZA fees, and staff had recommended that both of those be taken out and put into an administrative section of the County Resolution.

MOTION: The Planning Commission resolves that none of the fee schedules should be removed to administrative sections of the codes which would in any way delete the present policy for public input and participation in establishing equity in fees, and that the City BZA fees be taken to Chapter 28 and be consistent with the rest. Gardner moved, Fairbanks seconded.

SHERMAN commented that with the exception of the lack of public hearing he would just as soon put this in the hands of the governing bodies.

VOTE ON THE MOTION: It carried unanimously. Moore and Parsons were absent.

Item 4. (DR 88-6) City Zoning Fees

KROUT explained that staff has made the fees that they originally brought to the Planning Commission effective in 1990, and divided the \$150 difference up into two years. There are no cost of living increases added in the zoning fees. In the CUP, where there are 3-year increments, the cost of living was added.

GARDNER stated that the Planning Commission seems to have a consensus on a gradual fee increase but he would like to see only the first year increase approved now with future increases coming back to them for review before they are implemented.

MOTION: That the Planning Commission recommend to the governing body that the January 1, 1989 fee schedule for City zoning, CUPS, and special permits be adopted, less the cost-of-living percentage factor, and indicate a general consensus in the incremental fees schedule, but withhold a recommendation of approval for the second and third year increases subject to MAPC's annual September review and approval. Gardner moved, Goebel seconded.

GARDNER felt that the intent here should be stated very clearly and is the hope that certain betterments that have been

requested, specifically the computerized mapping and several other elements, if included as betterments in next year's operating budget, could effectively reduce some of the costs currently inherent in these items, and the Planning Commission may in fact, in an annual review, have an opportunity to make a reduction in fees based on those potential savings.

VOTE ON THE MOTION: It carried unanimously.
Moore and Parsons were absent.

Item 5. (DR 88-7) County Zoning and BZA Fees.

MOTION: That the Planning Commission recommend to the governing body that the January 1, 1989 fee schedule for County zoning and BZA be adopted, and indicate a general consensus in the incremental fees schedule, but withhold a recommendation of approval for the second year increases subject to MAPC's annual September review and approval. Gardner moved, Brinegar seconded and it carried unanimously. Moore and Parsons were absent.

City BZA Fees.

MOTION: That the Planning Commission recommend to the governing body that the City BZA fees be approved, and that they be incorporated into Chapter 28.04 of the City Code. The reasoning is that there should be the same kind of public input and the public opportunity for input in that process as there is in any other case. Gardner moved, Sherman seconded and it carried unanimously. Moore and Parsons were absent.

Item 6. (S-152-10) Subdivision Filing Fees.

MOTION: That the Planning Commission recommend to the governing body that the Subdivision fees for 1989 be adopted. Gardner moved, Brinegar seconded and it carried unanimously. Moore and Parsons were absent.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

October 4, 1988

Mr. Wes Galyon
Wichita Area Builders Association
730 N. Main
Wichita, KS 67202

Re: Proposed Amendments to MAPD Filing Fees

Dear Mr. Galyon:

At their meeting on September 29, 1988, the Metropolitan Area Planning Commission continued their public hearing on proposed fee increases for cases (both zoning and subdivision) filed with the MAPD. The action of the Planning Commission was to unanimously recommend only the first year of a stepped increase, without the cost of living adjustment, as they had discussed at their September 15 meeting. They also voted unanimously to retain the review authority for future fee schedules for zoning-related applications and to add to Chapter 28.04 of the City Code (Zoning Ordinance) the fee schedule for City Board of Zoning Appeals cases. That schedule is currently included in Chapter 2.12, which requires only the City Council's approval to change.

These proposed filing fee changes will now be scheduled for review by the City Council on October 25, 1988, and by the County Commission on October 26, 1988. If you have any questions regarding this matter of fees, please call our office.

Sincerely,


Louise Olivarez
Principal Planner

LO:jcm

cc: Lynda Tousley, Wichita Area Board of Realtors
Tim Witsman, Wichita Area Chamber of Commerce
Joyce Smith, Building Owners and Managers Association

FILE COPY

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: September 22, 1988

TO: Metropolitan Area Planning Commission

FROM: Marvin S. Krout, Director of Planning *MSK*

SUBJECT: Application Fees

Attached are proposed amendments to fee schedules that reflect "graduated" increases in some cases, per your September 15 discussion on this subject. In summary, we have stepped those fees which involved an increase of over \$100 in a two or three year period. Fee increases for zoning changes and special permits would be stepped over a two-year period, fees for CUPUs over a three-year period, fees for BZA applications in one year, and fees for subdivisions over a two or three-year period. In the case of the three-year graduated increases, we felt that it was necessary to build in a "COL" adjustment: our cost estimates were based on 1988 costs; in 1989 our costs will be 4% higher, and by 1991 they could be 12.5% higher. We think that in order to avoid a future problem of "playing catchup", any plan to increase fees over a three-year period should account for expected cost increases.

If the MAPC makes a recommendation for multi-year increases, you should clarify whether or not it is your intent to officially adopt increases for 1989 only, or to include increases for 1990 and 1991 in the ordinances. You should also make a recommendation on whether any or all of the fee schedules should be removed to administrative sections of the codes.

The MAPC motion also directed staff to provide "additional justification" for our cost estimates. My staff has already gone to considerable effort in developing the detailed estimates that were previously provided to you. I stand by their assertion that these estimates are reliable and based on an efficient use of available personnel and equipment. That is not to say that additional efficiencies are not possible; we will continue to explore these and they will be reflected in any future analyses of fees.

MSK:rme
Attachment

RE: AGENDA ITEMS NO. 4-6

to be filed with the director of planning and with the official charged with the enforcement of zoning. After receiving the recommendation of the commission, the governing body may approve, disapprove or amend, by motion, the plan subject to changes, special conditions and safeguards as may be deemed by either the commission or governing body to be in the public interest.

c. All amendments to any plan approved hereunder or under previous procedures shall follow the same procedure as for the hearing and approval of an original development plan.

d. No building permit shall be issued on lands meeting the conditions and criteria under B.1.a of this section unless a development plan shall have been approved in accordance with provisions herein.

e. After a plan has been submitted and approved for tracts as one unit, development in compliance with the plan may proceed on parts of a unit.

f. Any substantial deviation as determined by the superintendent of central inspection from the plans submitted shall constitute a violation of the building permit authorizing construction of the proposed development. No building permit shall be issued for any construction which is not in conformity with an approved development plan.

g. Notice of hearing of the plan shall be given by publication in a newspaper of general circulation in the city for one publication not less than twenty days in advance of hearing, and by notice by mail to adjoining property owners as may be determined necessary under adopted policies of the commission. (Ord. No. 28-670, § 1; Ord. No. 27-712, § 1.)

28.04.195 Historic landmark designation. The purpose and intent of this section is to provide means of designating on the official zoning map of the city of Wichita those properties determined to be historic landmarks by the board of city commissioners of the city of Wichita. The determination of eligibility for designation as a historic landmark shall be based on the conclusions and findings of fact of the historic landmark preservation committee as created and directed by Sections 2.12.1015 through 2.12.1025 inclusive of the code of the city of Wichita and upon the recommendations of the metropolitan area planning commission following public hearing as hereinafter provided.

Upon recommendation of the historic landmark preservation committee, an application may be initiated for the designation of a historic landmark on legally described property or properties which have been incorporated into the historic landmark preservation plan of the city of Wichita.

The applicant shall provide the names of the owner(s) of record, together with an accurate legal description of the property proposed to be designated, and from and after December 31, 1980, shall accompany the application with a fee of two hundred dollars when the application encompasses a single zoning lot as defined in Section 28.04.020 of the zoning ordinance. An application for the designation of a historic landmark district, comprised

DELETE
FEE
→

EXCERPT FROM CITY ZONING REGS. RE: PRESERVATION

(This page should not have been included as Historic fees are to be retained)

28.04.200 ZONING

~~of two or more zoning lots shall be accompanied by a fee of five hundred dollars plus one dollar per zoning lot within the district. The fees shall be used to cover the expenses associated with the handling of the case. The applicant shall also identify the specific criteria as set out in Sections 2.12.1019 and 2.12.1020(2) of this code under which the described property is proposed to be designated as a historic landmark.~~

Upon receipt of the complete application ~~and fee~~, the metropolitan area planning department shall establish a case file and proceed to prepare a notice for a public hearing before the metropolitan area planning commission. The notice shall be sent by certified mail with return receipt requested to the owner(s) of record of the property directly involved and shall be published once in the official city newspaper at least twenty days prior to the hearing date.

At the conclusion of the public hearing, the metropolitan area planning commission shall forward its recommendation for approval or disapproval of historic designation to the board of city commissioners. In the event the board of city commissioners takes action to approve the historic designation of the property involved, the metropolitan area planning department, on the basis of the public meeting record, shall set out on the official zoning map of the city of Wichita a designation corresponding to the case number and a delineation of the property involved.

The establishment of the historic landmark designation shall in no way alter the uses permitted by the zoning classification or districts of this chapter as previously established on the property. A desire to change permitted uses will require the filing of an application requesting a zoning change as provided for in Section 28.04.210.

In the event a permit is issued as provided for in Section 2.12.1024 of this code, for the demolition or removal of a designated historic landmark structure not located within a landmark district, the superintendent of central inspection shall instruct the metropolitan area planning department to remove the designation from the official zoning map of the city; provided that, upon removal of a structure within an historic landmark district, the land shall retain its classification as, and remain a part of said designated historic landmark district. (Ord. No. 36-595, (part).)

28.04.200 Sectional zoning maps. A. PREPARATION. The planning commission shall cause to be prepared sectional maps of all lots, tracts and parcels of lands located within the city, which maps describe by legend and color the zoning classification or district of each such lot, tract and parcel of land as the same has been heretofore approved and established by the planning commission and the city commission according to law.

B. OFFICIAL TITLE. Each such sectional map, identified by the particular section, township and range of the lands, embraced therein, shall be marked "Official Zoning Map, City of Wichita, Kansas," and shall be

28.04.210 ZONING

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 council may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the council disapproves, the council 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 council 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 council.

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:

Fees Jan 1, 1989

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 <u>275</u>	\$300 <u>375</u>	\$400 <u>475</u>	\$500 <u>575</u>
"RB," "R-5", "R-6" & "U"	\$300 <u>375</u>	\$400 <u>475</u>	\$500 <u>575</u>	\$600 <u>675</u>
"G"	N/A	\$400 <u>475</u>	\$500 <u>575</u>	\$600 <u>675</u>
"B" & "BB"	\$350 <u>425</u>	\$450 <u>525</u>	\$550 <u>625</u>	\$650 <u>725</u>
"OC", "LC", "C", "D", "E" & "F"	\$400 <u>475</u>	\$500 <u>575</u>	\$600 <u>675</u>	\$700 <u>775</u>

Fees Jan 1, 1990

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 <u>350</u>	\$300 <u>450</u>	\$400 <u>550</u>	\$500 <u>650</u>
"RB," "R-5", "R-6" & "U"	\$300 <u>450</u>	\$400 <u>550</u>	\$500 <u>650</u>	\$600 <u>750</u>
"C"	N/A	\$400 <u>550</u>	\$500 <u>650</u>	\$600 <u>750</u>
"B" & "BB"	\$350 <u>500</u>	\$450 <u>600</u>	\$550 <u>700</u>	\$650 <u>800</u>
"OC", "LC", "C", "D", "E" & "F"	\$400 <u>550</u>	\$500 <u>650</u>	\$600 <u>750</u>	\$700 <u>850</u>

Excerpt from City Zoning Regs. RE: Zoning Fees

Fees effective Jan 1,
1989, 1990, 1991

GENERALLY 28.04.210

when filed with rezoning application

Residential C.U.P.	Original	\$500 <u>615, 730, 845</u> plus \$5 per acre for each acre over 40 acres
	Original Amendments	<u>when filed separately</u> <u>710, 920, 1130, plus \$5 for each acre over 40 acres</u>
	Major- (design or use change that would affect 50% or more of the area contained within the C.U.P.)	\$500 <u>615, 730, 845</u>
	Minor- (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$200 <u>320, 440, 560</u>
Commercial C.U.P.	Adjustment -	\$100
	Original- when filed with rezoning application	\$200 <u>415, 630, 845</u> plus \$5 per acre for each acre over 15 acres
	Original- when filed separately	\$500 <u>710, 920, 1130</u> 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 <u>615, 730, 845</u>
	Minor- (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$200 <u>320, 440, 560</u>
	Adjustment -	\$100

1062-16a

(Wichita 6-30-87)

Re: C.U.P. Fees
Excerpt from City Zoning Regs.

28.04.220 ZONING

\$250 in 1989, 350 in 1990

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 council to the metropolitan area planning commission for public hearing, ~~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 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. (Ord. No. 39-836.)~~

28.04.220 Building permits; certificates of occupancy and compliance; performance guarantees to assure compliance; waiver or extension. A. The existing use and occupancy of premises shall not be changed nor shall any

* except that when filed with a zone change, the fee for a special permit shall be \$125 in 1989 and \$175 in 1990.

RE. Special Permit Fees.
Excerpt from City Zoning Regs.

C. CHANGE AND AMENDMENTS TO REGULATIONS, DISTRICT BOUNDARIES, CLASSIFICATION OF PROPERTY, OR ZONING AREAS OF INFLUENCE.

1. **Initiation:** Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of County Commissioners may by Resolution, after report thereof by the Commission, and subject to the procedure provided in this Section, amend, supplement or change the regulations, district boundaries, or classification of property now or hereafter established by these regulations. An amendment, supplement, reclassification or change may be initiated by the Commission or the Board of County Commissioners, or by an application by the owner or owners of the property proposed to be changed.
2. **Application:** Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Applications must be accompanied by a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of 1,000 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be paid in accordance with the signed agreement between the City of Wichita and Sedgwick County concerning MAPD, upon the filing of such application for change in district classification. The fee for such application is as follows:

Excerpt from County Zoning Regs.
 RE: Zoning, Conditional Use &
 Special Permits

Fees Jan 1, 1989

Zoning Classification	Size of Application Area			
	up to & including 3 acres	over 3 acres to 6 acres	over 6 acres to 15 acres	over 15 acres
"R", "R-1" & "AA"	\$200 <u>275</u>	\$300 <u>375</u>	\$400 <u>475</u>	\$500 <u>575</u>
"BB"	\$350 <u>425</u>	\$450 <u>525</u>	\$550 <u>625</u>	\$650 <u>725</u>
"OC", "LC", "C", "E" & "F"	\$400 <u>475</u>	\$500 <u>575</u>	\$600 <u>675</u>	\$700 <u>775</u>

Fees Jan 1, 1990

Zoning Classification	Size of Application Area			
	up to & including 3 acres	over 3 acres to 6 acres	over 6 acres to 15 acres	over 15 acres
"R", "R-1" & "AA"	\$200 <u>350</u>	\$300 <u>450</u>	\$400 <u>550</u>	\$500 <u>650</u>
"BB"	\$350 <u>500</u>	\$450 <u>600</u>	\$550 <u>700</u>	\$650 <u>800</u>
"OC", "LC", "C", "E" & "F"	\$400 <u>550</u>	\$500 <u>650</u>	\$600 <u>750</u>	\$700 <u>850</u>

"CU" Conditional Use Permit - Fee required is the same as for the District in which located, unless filed with a zone change, in which case the fee is 50% of the required fee for the zone change.

Special Permits as authorized by these regulations \$150

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time that the deferral is granted to cover administrative costs.

Zone change, the fee shall be \$125 in 1989, and \$175 in 1990.

R# 192-1986

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTION 16-(B) OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 24, 1986, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 16- "BOARD OF ZONING APPEALS"; SUBSECTION B. "PROCEDURE" shall be amended to read as follows:

B. PROCEDURE

1. Written applications for the approval of an appeal, variance or exception referred to in this section shall be filed in a manner prescribed by the Board.

A fee, as set forth herein, shall be paid in accordance with the signed agreement between the City of Wichita and Sedgwick County concerning MAPD, upon the filing of each application for an appeal, variance or exception, for the purpose of defraying costs of the proceeding described herein. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. Applications for appeals from the decisions of the enforcing officer shall be made within twenty (20) days of the date of such decision.

Board of Zoning Appeals

Application Fees

Appeals	\$175.00	250.00
Variances for Residential Uses	\$200.00	300.00
For Individual zoning lot	\$75.00	100.00
Additional variance on same property	\$200.00	300.00 (PLUS
Multiple lot application	(plus \$20 per lot in applications)	\$25 PER LOT APPLICATION
Variance for All Other Uses	\$200.00	400.00
For additional variance on lot	\$150.00	
Exceptions for Residential Uses	\$200.00	300.00
Exceptions for All Other Uses	\$200.00	400.00

A decrease at the request of applicant requiring the mailing of new notices or readvertisement. A separate fee shall be required for each proceeding. \$450.00

EXCERPT FROM COUNTY ZONING REGS. AND BZA FEES

BOARDS, AGENCIES AND COMMISSIONS 2.12.580

Additional variance on multiple zoning lots 100 plus 125 for each lot in the application

(b) All applications to the board of zoning appeals for any type of proceeding, shall be in writing and shall be filed at the office of the secretary of the board of zoning appeals. Applications shall be filed upon forms provided for that purpose by the secretary of the board and shall be accompanied by:

1. A fee as set forth herein payable to the City of Wichita.		
Appeals	\$175.00	<u>250.00</u>
Variances for residential uses (individual zoning lot)	200.00	<u>300.00</u>
Additional variance on individual zoning lot	75.00	<u>100.00</u>
Variances for residential uses (multiple zoning lots)	200.00	<u>300.00</u>
Plus 20.00 for each lot in the application		
All other variances	300.00	<u>400.00</u>
Additional variance on individual zoning lot	150.00	
Exceptions for residential uses	200.00	<u>300.00</u>
Exceptions for other uses permitted in residential districts	300.00	
Exceptions for uses in all other districts	400.00	
For uses on a zoning lot exceeding 3 acres	500.00	
A separate fee shall be required for each proceeding.		
A deferral at request of applicant requiring the mailing of new notices or readvertisement	50.00	

2. A current certified list, prepared by a local abstract firm, of the names and mailing addresses of all property owners within two hundred feet of the exterior boundaries of the property to be considered in the application.

Any proceeding authorized hereunder may be initiated by the board itself (or any other governmental agency) in cases where the property is residential and occupied and the payment of the application fee and the cost of furnishing an ownership list would create a financial hardship on the property owner. In any such case the property owner may be relieved of such costs of the proceeding before the board, but shall not be relieved of the responsibility of complying with all of the approval conditions imposed by the board, including the expenses or costs thereof.

(c) The secretary of the board of zoning appeals shall cause to be published in the official paper of the city, a notice as to the time, place, date and subject of hearing, of a public hearing for each application; such notice to appear once in the official city paper no less than twenty days prior to the date of hearing. The secretary shall also cause notice to be given by mail no less than twenty days prior to the date of the hearing, to each of the property owners within two hundred feet of the exterior boundaries of the property to be considered in the application; as such owners are listed on the current certified list accompanying the application, to each party to the appeal or other proceeding and to each member of the metropolitan planning commission.

EXCERPT FROM CITY CODE RE: RZA FEES

PART 3. FILING FEES

3-301

FILING FEES.

(A) The filing fees for subdivision applications shall be as follows:

- \$300 in 1989, \$400 in 1990 and \$500 in 1991*
- (1) ~~\$200.00~~ ~~\$500.00~~ for sketch plat. At the time of filing preliminary plat, an additional ~~\$5.00~~ ^{\$10.00} per lot will be charged. If the property is zoned for industrial purposes or approved for re-zoning to other than a one-family, two-family or four-family district, the additional fee will be ~~\$5.00~~ ^{\$10.00} per acre.
- \$300 in 1989, \$400 in 1990 and \$500 in 1991*
- (2) ~~\$200.00~~ ~~\$500.00~~ plus ~~\$5.00~~ ^{\$10.00} per lot for a preliminary plat if a filing fee for a sketch plat has not been previously paid. If the property is zoned for industrial purposes, or approved for re-zoning to other than a one-family, two-family or four-family district, a ~~\$5.00~~ ^{\$10.00} per acre fee will be charged instead of ~~\$5.00~~ ^{\$10.00} per lot.
- (3) ~~\$200.00~~ \$300.00 PLUS \$5.00 per lot for a final plat filed under Article 4, Part 5 of these regulations. If the property is zoned for industrial purposes, or approved for

EXCERPT FROM SUBDIVISION REGS.

re-zoning to other than a one-family, two-family or four-family district a \$5.00 per acre fee will be charged instead of \$5.00 per lot.

(4) Whenever an overall preliminary plat is finalized in portions, each final plat after \$225 in 1989, and a \$300 fee in 1990 the first shall be charged a ~~\$150.00~~ ~~\$300.00~~ fee for administration purposes.

(5) A ~~\$100.00~~ \$150.00 fee will be charged for any revised preliminary or final plat which, in the opinion of the Director of Planning, requires a rehearing before the Subdivision and Utility Advisory Committees. If, in the opinion of the Director, proposed revisions are so significant as to constitute a new plat, a full filing fee will be charged.

~~(6) \$50.00 for a replat resulting from requirements of zone case approval. The \$50.00 filing fee shall be charged when the zone change involves an existing platted lot(s) for which a building permit could be issued.~~

(6) \$125 in 1989, ^{and} \$200 in 1990 + \$5.00 per lot, or if the property is approved for rezoning to other than a one, two, or four-family dwelling district, a \$5.00 per acre fee shall be charged instead of \$5.00 per lot. The filing fee shall be charged when the change involves an existing platted lot(s) for which a building permit could be issued.

(B) The filing fees for lot split applications shall be as follows:

- (1) Residential zoned lot split - ~~\$125.00~~
\$200.00.
- (2) Office, commercial or industrial zoned lot split ~~\$150.00~~ \$250.00.

(C) The filing fees for vacation applications shall be as follows:

- (1) City Case - \$250.00
- (2) County Case - \$150.00
- (3) A \$125.00 fee shall be assessed for reprocessing a City vacation case, previously considered by the Metropolitan Area Planning Commission and approved by the Wichita City Council, under the revised State statute which vests with cities the title to streets, alleys and other public reservations.

(D) For subdivision applications, the charges associated with engineering costs and recording documents are in addition to filing fees. These will be billed to the applicant. For lot split, street name changes and City vacation applications, costs associated with recording and publishing documents shall be included as part of the filing

fee and no separate recording and publishing costs will be billed to the applicant. For County vacation cases, there will be separate charges for publication of a Vacation Notice and recording of a Vacation Order.

(E) The fee for amending a letter of credit, performance bond or cash guarantee that was submitted to assure the construction of required improvements shall be \$50.00.

(F) The fee for processing a street name change request shall be \$200.00.

(G) The fee for processing a request for extension of platting time associated with a zone change request, shall be \$50.00 for an administrative action. A \$100.00 fee shall be required for a platting time extension when governing body approval is required.

(H)

~~(H)~~ A written receipt shall be issued to the person(s) paying filing fees.

(I)

~~(F)~~ A fee shall not be required when such proposed plat, vacation or lot split site is owned by any department, agency, political subdivision, board or commission of any city, the county, state or federal government.

(J)

~~(G)~~ A fee shall not be refunded in the event any application is disapproved or withdrawn.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: August 26, 1988

TO: Metropolitan Area Planning Commission
FROM: Marvin S. Krout, Director of Planning *M. Krout*
SUBJECT: MAPD Application Fees

Attached are proposed amendments to the various fee schedules in city and county ordinances and resolutions pertaining to applications received by MAPD (for zoning changes, subdivisions, CUPs, special permits, variances, etc.). These amendments are based on a comprehensive analysis of our costs in processing these applications. As you know, MAPD's 1989 budget proposal to add two staffers and provide a contingency fund for consultant assistance was approved by the governing bodies, but is conditional on our ability to raise revenues from fee increases.

MAPD took in approximately \$105,000 in revenues from application fees in 1987. These revenues reduce the city's and county's contributions from their general funds that are needed to support MAPD operations. Current application fees are recovering less than 60 percent of our direct costs related to processing these applications. The proposed fee schedules would come close to full cost recovery for most applications, and generate an additional \$75,000 in annual revenues. The discussion below summarizes the recent history of MAPD fees, the methodology used in our analysis, the conclusions of the analysis, philosophical issues, comparison to other cities, and our overall recommendations.

A MAPC public hearing has been advertised for September 15 to consider these amendments. An informal workshop has been scheduled for 10:30 a.m. on September 1, to go over these proposed changes with you and to invite representatives of the development community for their input.

History: The last time that MAPD fees were analyzed in a comprehensive manner was 1979. At that time, fees had not been increased for 16 years. The 1979 analysis resulted in fee increases for most types of applications. The aim of that study was to generate an additional \$40,000 in revenues, though not necessarily to charge a fee to recover full cost of service.

In 1986, city and county BZA fees were increased from \$75 - 200 to \$175 - 500. In 1987, MAPD proposed increases in fees for lot splits and vacations, and a new \$100 fee for administrative adjustments to CUPs in the city. These changes were adopted and resulted in approximately \$10,000 in increased revenues in 1987. A proposal to increase the cost of commercial CUPs when filed together with a rezoning application, which would bring that fee in line with the current charge for residential CUPs, was recommended for disapproval by the MAPC, and the City Commission concurred with the MAPC recommendation.

Methodology: In a manner similar to the 1979 analysis, staff estimated the costs of processing a number of "typical" applications. Estimated costs include: staff time for preapplication conferences, reviewing and logging in applications, setting up files, field inspection, staff research and report writing, preparing notices, mailouts, and graphics, conferencing with applicants, preparation for board meetings, participating at those meetings, followup correspondence, minutes preparation, preparing resolutions and instruments, costs of publishing and recording, costs of supplies, postage, xeroxing and photography, and updating official maps. In addition, a 6% "administrative" charge, for assistance of the clerk, attorney's office, personnel, etc., and a proportionate charge for office rent are included. Not included was staff time spent with "prospective" applicants and with the general public, work spent on text amendments, etc. by Current Plans division staff, or the time spent by the Planning Director or by a number of other departments involved in development review.

Costs for these "typical" applications were then compared to the actual fees charged. Based on this comparison, recommendations were prepared for increases in the fee schedules that would bring more application fees close to full cost recovery. Staff also identified a number of services for which no fee was being charged, and included proposed new fees in the schedules.

Conclusions: There is a wide variation in the degree to which typical application fees recover the costs of service. Fees for vacations, raised just last year, approach full cost recovery. The cost of processing a typical CUP is about eight times the fee charged; the cost of processing a plat that is made a requirement of an approved zoning change is more than ten times the fee charged. Fees for most other types of applications range from 24-72% of cost recovery.

No fees are currently being charged for a number of services which are time-consuming; these include requests to extend platting times and to amend letters of credit required by platting, requests to change street names, review of Certificates of Appropriateness for designated historic landmarks, and various administrative reviews, annexation requests, and dedications.

Philosophical Issues:

Local governments across the country, under increasing financial strains, are increasing development-related fees and establishing new fees to transfer a greater share of the cost of providing services to the "users" of those services. The two streams of criticism to this strategy are: a) there is a "community benefit" to processing these applications, because they provide for appropriate community development and are part of efforts to encourage economic development and increase the local tax base; and b) higher development-related fees increase the total cost of development, and are therefore passed on to the "consumer" in the form of increased sales price or rental, running contrary to community objectives to maintain housing affordability.

However, the fee increases recommended in this report result in schedules which are still moderate in comparison to many other communities. A typical subdivision application that we are recommending to increase from \$450 to \$750 now costs an average of \$1588 in six surveyed cities. A typical zone change request that we are recommending to increase from \$400 to \$550 now costs an average of \$709 in those same cities. Many other communities also charge "impact fees" for road improvements, park land, and other services that are not currently imposed in Wichita.

There are just a few types of applications for which we are not proposing to increase fees to recover our administrative costs. These are cases where the applicant does not particularly benefit from the approval of an application, but the regulatory requirements provide a substantial community benefit. We would include in this category:

- Annexation requests. Costs and benefits, to the city and to the property owner requesting annexation, vary in each of these cases, but in almost all cases annexation will have a net positive fiscal impact to the city, and should continue to be encouraged by processing at no expense to the applicant.

- Certificate of Appropriateness. The owners of historic properties do get free design assistance, but they are subjected to additional time, and often increased construction costs, to get permit approval for planned exterior alterations. The preservation of our historic resources is a substantial community benefit. For that reason, we would also recommend that the existing fees for designating historic landmarks and districts, which discourage applications, be deleted. Since a fee for historic landmark designation was imposed several years ago, only two applications have been filed. The Historic Preservation Board has already voted their support for this amendment.

The existing fee schedules and proposed revisions provide for flat fees, with add-ons in some cases (on a per-lot or per-acre basis) to account for the fact that larger tracts do cost more to process (but at a decreasing marginal cost). Another approach to

setting fees is to tailor them to each individual application. "Individual-cost" systems are in limited use; they involve logging staff hours, and other costs for each individual application. A number of communities that experimented with such systems have returned to a flat fee system, for a number of reasons: applicants cannot predict fees, some costs are beyond an applicant's control (e.g., governing body sending a case back to MAPC for reconsideration), collection difficulties, administrative problems and expense in accurate record keeping.

It should be pointed out that MAPD is also looking at ways to reduce time and costs involved in getting development approvals. Text amendments in the "draft and discussion" stage include a proposal for "administrative adjustments" to replace BZA hearings in the case of some minor variances, and provisions for allowing zero lot line and cluster developments without the need to file a residential CUP application.

Recommendations: Based on our analysis and the discussion above, we are recommending the following changes:

1. Review fees and adopt new schedules on an annual or semi-annual basis, to reflect cost of living increases and other changes. Small annual or semi-annual increases will not create the impact or controversy of major, infrequent increases.
2. In order to make this process simpler, fee schedules should be removed from the regulations that require public hearings and review by the MAPC, as follows:
 - a) The city zoning ordinance and the county zoning resolution should be amended so that fees are established by separate city ordinance and county resolution, rather than as "text amendments" through the MAPC. Subsection 28.04.210/3.2 of the city zoning ordinance and a portion of Section 17.C.2 of the county zoning resolution should be deleted. No other fee schedule adopted by either governing body must go through the complicated, expensive, and time-consuming procedural hoops as these do. The MAPC is not charged in the city-county ordinance or agreement with setting fees, and unlike other administrative boards that do set fees, has no budgetary authority.
 - b) State enabling laws should be amended to make the governing bodies, rather than the planning commission, responsible for setting subdivision fees (in practice, the governing bodies do establish these fees by approving amendments to the subdivision regulations). When that is accomplished, Article 3, Part 3 of the Subdivision Regulations on fees should also be deleted and moved to separate city ordinance and county resolution.

Metropolitan Area Planning Commission
August 26, 1988
Page 5

3. Adopt new increased fee schedules as follows:

- a) for city zoning-related applications, establish a new city code Section 2.26, moving the fee schedules from Title 28 and also from Section 2.12, which governs BZA applications;
- b) adopt new fees for county zoning applications by separate county resolution; and
- c) amend the fee schedule in the city/county subdivision regulations.

The increases proposed will bring the fees charged for most applications at or close to full recovery of the department's processing costs, increasing annual revenues by approximately \$75,000. The proposed new fee schedules include new fees for processing requests for platting time extensions, street name changes, and amendments to letters of credit. Annexation requests, dedications, and Certificates of Appropriateness would continue to be processed without fee and the fee for historic designation would be deleted.

MSK:rme
Attachments

cc: Chris Cherches, City Manager
Kim Dewey, County Manager
Wes Galyon, Wichita Area Builders Association
Lynda Tousley, Wichita Area Board of Realtors
Tim Witsman, Wichita Area Chamber of Commerce
Board of County Commissioners

EXPLANATORY NOTES ON CASES

1. ZONE CASE

The cost and time (22.25 staff hours) shown reflect a typical zoning case "AA" to "LC" that encompasses approximately two acres. Time would be about the same whether the case was in Wichita or in the County, except for the driving and meeting time required of the Chief Planner to attend Planning Commission meetings in the smaller cities. It was assumed, in estimating time requirements, that there would not be a large amount of protest; although one or two people could be expected to call the MAPD and/or speak at the MAPC meetings. Time required to process an application for an area of less than one acre could involve less time. However, the time required for many of the actions, such as notices, meeting time and agendas, would not be reduced.

Rezoning applications, other than to "LC" or "C" will, on the average, take less time since there tend to be fewer protestors for residential requests. However, many of the actions require the same amount of time to accomplish regardless of the zoning classification requested.

2. SPECIAL USE PERMIT

Time (15.5 staff hours) and cost are reflected in processing a special permit request for a neighborhood swimming pool in an "AA" district, or an auto salvage yard in an "E" district.

3. COUNTY CONDITIONAL USE PERMIT

Reflects approximately 19 staff hours to process a typical conditional use application for a four acre mobile home park in an "AA" district.

4. COMMUNITY UNIT PLAN (C.U.P.)

A commercial Community Unit Plan, approximately 15 acres in size, with no major opposition, will take approximately 58.25 staff hours to process. When processing a C.U.P., a substantial amount of time is required to review the proposed plans and meet with the applicant to discuss the C.U.P. In addition, C.U.P.'s require additional MAPC meeting time due to the size, the explanation by staff of the C.U.P. provisions and the presentation by the applicant. Generally, a C.U.P. covers an area that requires sending notices to all property owners within a 1,000 foot radius, which increases secretarial time and also increases the possibility of protest. A residential C.U.P. proposing apartments around a sandpit would take approximately the same amount of time.

5. BZA VARIANCE

The fee analysis shows the time (17.25 staff hours) and costs incurred in processing a typical application requesting a variance of the off-street parking requirements. Requests for exceptions take approximately the same amount of time as a variance. However, it should be noted that some cases will require a substantial amount of time to process due to unique circumstances. Conversely, some cases, such as a variance of a setback line, will take relatively little time to process. In all cases there is a certain amount of time required to receive and log in the application, prepare and mail notices and present the case at the BZA meeting.

6. VACATION

Time and cost reflect a "typical" vacation of easement or setback. A street or alley vacation would require a greater amount of time.

Approximately 12 staff hours are needed to process a typical easement or setback vacation. Estimated cost to process a vacation request is \$250.07. Generally the process of setback or easement vacations take less processing time than street or alley vacations. This is due in part to the amount of area covered, number of adjoining properties affected, increased interdepartmental conferences and additional notices. As in all tables, a "typical" application was used in determining estimated time and cost since a few cases will take a minimum of time to process while others will take considerably longer due to protest, size, drainage problems, amended applications, etc.

7. LOT SPLIT

Lot splits for industrially zoned land will generally require more time. Lot split appeals require much more time. Time (8.5 staff hours) and cost estimates reflect a lot split in a residential area. It assumes that major problems such as access or utility service to the new building sites would not have to be resolved. Generally, commercial lot splits take slightly longer. Industrial lot splits also take additional time due to increased size of the original lot, drainage problems, utility service, etc.

8. PLAT (final and preliminary)

The fee analysis shows the estimated time and cost attributed to processing a residential, twenty acre, 50-70 lot plat. The time and costs are broken down into two phases of plat review,

preliminary and final. Total estimated time is 33.5 hours at a cost of \$804.52, beginning when the application is filed until it is recorded. In estimating the processing time, it was assumed that there would not be any major drainage problems or other substantial difficulties in providing service to the site.

In most cases there would not be a significant difference in time to process a twenty acre residential plat or a twenty acre commercial plat. Factors which increase processing time of plats include drainage, utilities and other problems unique to the site, not the development. These problems would increase the amount of staff time needed to confer with other departments and the applicant.

20-Jul-88

FEE ANALYSIS

1. ZONE CASE

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Preapplication conference with applicant	CP	0.50	33.89	16.95
	SP	1.00	24.35	24.35
Receiving application - review of application for legal description, ownership list, addresses, etc.	SP	0.50	24.35	12.18
				0.00
				0.00
Logging in application, setting up file, posting cards and filing	Sec. II	2.00	13.80	27.60
				0.00
				0.00
Post to atlas and picture sheet for mailout and file	PA III	1.00	17.56	17.56
				0.00
				0.00
Field check, take pictures, slide preparation	PA III	1.50	17.56	26.34
	SP	0.25	24.35	6.09
				0.00
Typing, mailing, filing notice of hearings, legal notices, ordinances, xeroxing	Sec. II	3.75	13.80	51.75
				0.00
				0.00
Conferences - interdepartmental	SP	0.50	24.35	12.18
				0.00
Staff review, historical research surrounding land use and zoning intra staff conferences	CP	0.50	33.89	16.95
	SP	1.50	24.35	36.53
				0.00
MAPC mailout	Sec. II	0.25	13.80	3.45
Reports, follow up correspondence agendas, final letters, drafting ordinances	CP	0.50	33.89	16.95
	SP	1.00	24.35	24.35
	Sec. II	1.50	13.80	20.70
				0.00
Hearings - MAPC, CC, BCoC, includes preparation, actual meeting time, referral sheets, minute taking, typing and editing	Dir.	0.50	40.50	20.25
	CP	0.75	33.89	25.42
	SP	0.75	24.35	18.26
	Adm. Sec.	1.50	15.97	23.96
Updating official zoning maps	PA III	1.00	17.56	17.56
Supplies, postage, xeroxing, slides				23.50
Mileage - 15 mi. @ .25/mi.				3.75
Legal publications				10.50
Rent @ \$11 sq. ft.				16.02
		22.25		521.85
Plus 6% Admin.				31.31
Total				553.16

20-Jul-88

FEE ANALYSIS

2. SPECIAL USE PERMIT

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Preapplication conference with applicant	CP	0.50	33.89	16.95
	SP	0.75	24.35	18.26
Receiving application - review of application for legal description ownership list, and addresses	SP	0.50	24.35	12.18
				0.00
Logging in application, posting cards, setting up file	Sec. II	2.00	13.80	27.60
Post to atlas, picture sheet for mailout and file, slide preparation	PA III	1.00	17.56	17.56
	SP	0.25	24.35	6.09
Conferences - interdepartmental and with applicant	SP	0.75	24.35	18.26
	CP	0.25	33.89	8.47
Staff review - includes research and intra staff conferences	CP	0.25	33.89	8.47
	SP	1.50	24.35	36.53
Reports, follow-up correspondence final letters, agendas, mailouts notices, etc.	CP	0.50	33.89	16.95
	SP	1.50	24.35	36.53
	Sec. II	2.50	13.80	34.50
Hearings - NAFPC, CC, preparation, meeting time referral sheets, minute taking, typing and editing	Dir.	0.50	40.50	20.25
	CP	0.50	33.89	16.95
	SP	0.50	24.35	12.18
	Adm. Sec.	1.50	15.97	23.95
Updating official maps	PA III	0.25	17.56	4.39
Supplies, postage, xeroxing and slides				19.14
Rent @ \$11 sq. ft.				11.16
		15.50		366.38
Plus 6% Admin.				21.98
Total				388.36

20-Jul-88

FEE ANALYSIS

3. COUNTY CONDITIONAL USE PERMIT

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Preapplication conference with applicant	CP	0.50	33.89	16.95
	SP	0.75	24.35	18.26
				0.00
Receiving application - review of application for legal description, ownership list, addresses, etc.	SP	0.50	24.35	12.18
				0.00
				0.00
Logging in application, posting cards, setting up files, filing notices, agendas and mailouts	Sec. II	3.00	13.80	41.40
				0.00
				0.00
Post to atlas, picture sheet for mailout and file, slide preparation, field check for land use and photographs of area	PA III	1.50	17.56	26.34
				0.00
				0.00
Conferences - interdepartmental, and with applicant	SP	0.50	24.35	12.18
	CP	0.50	33.89	16.95
	SP	1.00	24.35	24.35
				0.00
Staff review - includes intrastaff conferences, research, etc.	CP	0.25	33.89	8.47
	SP	2.00	24.35	48.70
				0.00
Reports, follow-up correspondence, final letters	CP	0.50	33.89	16.95
	SP	2.00	24.35	48.70
	Sec. II	2.00	13.80	27.60
				0.00
Hearings - MAPC, BCoC, includes preparation, actual meeting time, referral sheets, minute taking, typing and editing	Dir.	0.75	40.50	30.38
	CP	0.75	33.89	25.42
	SP	0.75	24.35	18.26
	Adm. Sec.	1.50	15.97	23.96
				0.00
Update official zoning maps	PA III	0.25	17.56	4.39
Legal publications				31.40
Mileage - 20 mi. @ .25/mi.				5.00
Rent @ \$11 sq. ft.				13.68
		19.00		471.52
Plus 6% Adm.				28.29
Total				499.81

20-Jul-88

FEE ANALYSIS

4. COMMUNITY UNIT PLAN (C.U.P.)

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Preapplication conference with applicant	CP	2.00	33.89	67.78
	SP	3.00	24.35	73.05
Receiving application - review of legal description, ownership lists, addresses, etc.	SP	0.50	24.35	12.18
				0.00
Logging in applications, posting cards, setting up file and filing	Sec. II	2.00	13.80	27.60
Post to atlas, picture sheet for mailout and file	PA III	1.00	17.56	17.56
				0.00
Field check, take pictures, slide preparation	CP	1.00	33.89	33.89
	PA III	1.50	17.56	26.34
	SP	0.25	24.35	6.09
Notices, agendas and mailouts	Sec. II	3.25	13.80	44.85
Review of preliminary plans and correspondence - intra staff conferences	CP	3.00	33.89	101.67
	SP	7.00	24.35	170.45
Review of revised plans, intra staff conferences	CP	1.00	33.89	33.89
	SP	3.00	24.35	73.05
Review of landscape plan, intra staff conferences	CP	0.25	33.89	8.47
	SP	2.50	24.35	60.88
Conferences - interdepartmental	SP	2.00	24.35	48.70
Conferences with applicant	CP	0.50	33.89	16.95
	SP	2.50	24.35	60.88
Reports, follow up correspondence final letters, agendas	CP	1.50	33.89	50.84
	SP	6.00	24.35	146.10
	Sec. II	1.50	13.80	20.70
Updating official zoning maps	PA III	0.25	17.56	4.39
Hearings, MAPC, CC, BCoC preparation, actual meeting time, referral sheets, minute taking, typing and editing	Dir.	1.00	40.50	40.50
	CP	1.00	33.89	33.89
	SP	0.50	24.35	12.18
	Adm. Sec.	1.50	15.97	23.96
Administrative adjustments-interpretation, conferences, letters, follow up	CP	2.00	33.89	67.78
	SP	5.00	24.35	121.75
	Sec. II	1.50	13.80	20.70
Update official zoning maps, micro cards	PA III	0.50	17.56	8.78
Supplies, postage, xeroxing, slides				55.40

20-Jul-88

FEE ANALYSIS
C.U.P. page 2

Mileage 15mi. @ .25/mi.		3.75
Legal publications for notices		10.50
Rent @ \$11 sq. ft.		42.11
	-----	-----
	58.50	1547.61
Plus 6% Admin.		92.86

Total		1640.47

20-Jul-88

FEE ANALYSIS

5. BZA VARIANCE

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Preapplication conference with applicant	PP JP	0.50 0.25	26.22 22.46	13.11 5.62
Receiving application - includes review of application for legal description, ownership list, addresses, etc.	PP JP	0.50 0.25	26.22 22.46	13.11 5.62 0.00 0.00
Logging in application, setting up files, filing notices, agendas, mailouts, posting to atlas, picture sheet for mailout and file	Sec. II PA III	1.50 1.25	13.80 17.56	20.70 21.95 0.00 0.00 0.00
Inspect site	PP	0.50	26.22	13.11 0.00
Conferences - with applicant and explaining notices	PF CP	1.00 0.25	26.22 33.89	26.22 8.47 0.00
Staff review - includes intra-staff conferences, research	PP CP	2.00 3.50	26.22 33.89	52.44 16.95 0.00
Reports, follow up correspondence final letters	PP Sec. II	1.50 1.25	26.22 13.80	39.33 17.25 0.00
BZA meetings - includes preparation, actual meeting time, taking minutes	CP PP Sec. II	1.00 1.00 1.00	33.89 26.22 13.80	33.89 26.22 13.80 0.00
Preparation of BZA. resolution - includes drafting and editing minutes	CP PP Sec. II	0.25 1.00 1.75	33.89 26.22 13.80	8.47 26.22 24.15
Legal publications				4.58
Mileage 10/mi. @ .25/mi.				2.50
Supplies, postage, xeroxing, slides				23.84
Rent @ \$11 sq. ft.				12.42
		17.25		429.97
Plus 6% Admin.				25.80
Total				455.76

20-Jul-83

FEE ANALYSIS

6. VACATION

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Receiving application - includes reviewing application for legal description, ownership list, addresses, preapplication conference with applicant	JP	0.50	22.46	11.23
	SP	0.25	24.35	6.09
				0.00
				0.00
				0.00
Logging in application, posting cards, setting up files and filing	Sec. II	0.50	13.80	6.90
				0.00
Post to atlas, picture sheet for file and staff report, slide preparation	PA III	1.00	17.56	17.56
				0.00
Conferences - interdepartmental and with applicant	SP	0.50	24.35	12.18
	JP	0.50	22.46	11.23
Notices, agendas and mailouts	Sec. II	1.00	13.80	13.80
				0.00
Staff review-includes preparing staff report	CP	0.25	33.89	8.47
	SP	0.75	24.35	18.26
	JF	1.00	22.46	22.46
Correspondence, reports and final letters	SP	0.50	24.35	12.18
	Sec. II	1.50	13.80	20.70
Hearings-Subdivision Committee, MAPC, CC or BCoC, includes preparation, actual meeting time, drafting of resolution or order and notice, referral sheets, minute taking, typing, editing, and closing file	CP	0.25	33.89	8.47
	SP	1.00	24.35	24.35
	JP	0.50	22.46	11.23
	Sec. II	1.25	13.80	17.25
				0.00
Posting on official base maps and zoning maps. Reshoot zoning slides	PA III	0.75	17.56	13.17
				0.00
Supplies, postage, xeroxing, slides, recording costs				14.68
Rent @ \$11 sq. ft.				8.64
		12.00		258.85
Plus 6% Admin.				15.53
Total				274.38

20-Jul-88

FEE ANALYSIS

7. LOT SPLIT

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Receiving application - includes reviewing application for legal description; also preapplication conference	JP	1.00	22.46	22.46
Logging in application, setting up file, filing	Sec. II	0.25	13.80	3.45
Conference, interdepartmental and with applicant	JP	2.50	22.46	56.15
Staff review - includes intra MAPD staff conferences	CP	0.25	33.89	8.47
	SP	0.25	24.35	6.09
	JP	2.00	22.46	44.92
Posting to atlas	PA III	0.25	17.56	4.39
Follow up correspondence, final letter to City Clerk	JP	1.50	22.46	33.69
	Sec. II	0.50	13.80	6.90
Supplies, postage, xeroxing				0.96
Rent @ \$11 sq. ft.				6.12
		8.50		193.60
Plus 6% Admin.				11.62
Total				205.21

FEE ANALYSIS

9A. PRELIMINARY PLAN

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Preapplication conference with conference with applicant	JP	0.50	22.46	11.23
Post to atlas, slide preparation. Prepare picture sheet for staff report	PA III	0.75	17.56	13.17
Logging, posting cards, setting up file, filing	Sec. II	0.50	13.80	6.90
Conferences - interdepartmental and with applicant	SP	0.50	24.35	12.18
	JP	0.75	22.46	16.85
	CP	0.50	33.89	16.95
	SP	1.00	24.35	24.35
	JP	0.25	22.46	5.62
Staff review includes intra - NADP staff conferences	CP	0.50	33.89	16.95
	SP	2.50	24.35	60.88
	JP	2.00	22.46	44.92
Reports and follow up correspondence, mailouts, agendas	CP	0.25	33.89	8.47
	SP	2.00	24.35	48.70
	JP	2.00	22.46	44.92
	Sec. II	2.25	13.80	31.05
Hearings - Subdivision Committee preparation, actual meeting time, minute taking, typing and editing	CP	0.50	33.89	16.95
	SP	0.50	24.35	12.18
	JP	0.50	22.46	11.23
	Sec. II	0.75	13.80	10.35
Supplies, postage, xeroxing				10.67
Rent @ \$11 sq. ft.				13.32
		18.50		437.84
Plus 6 1/2 Admin.				26.27
Total				464.11

FSE ANALYSIS

85. FINAL PLAT

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Receiving and logging in, posting cards, filing	Sec. II	1.00	13.80	13.80
Post atlas and slide preparation prepare picture sheet for staff report	PA III	0.75	17.56	13.17
Conferences interdepartmental, with applicant	SP JP	1.00 1.00	24.35 22.46	24.35 22.46
Staff review includes intra-MAPD staff conferences	CP SP JP	0.25 0.75 1.25	33.89 24.35 22.46	8.47 18.26 28.08
Reports, follow up correspondence, final letters, agendas, mailouts, closing files	CP SP JP Sec. II	0.25 0.50 0.50 1.75	33.89 24.35 22.46 13.80	8.47 12.18 11.23 24.15
Hearings, Subdivision Committee, MAPC, BCC or BCOC - includes preparation, actual meeting time, minute taking, typing and editing	CP SP JP Sec. II	0.25 0.50 0.50 0.75	33.89 24.35 22.46 13.80	8.47 12.18 11.23 10.35
Updating official base maps and zoning maps	PA III	2.75	17.56	48.29
Prints for files and microfilming	JP	0.50	22.46	11.23
Follow up on guarantees after plat has been recorded	JP Sec. II	0.50 0.25	22.46 13.80	11.23 3.28
Supplies, postage, xeroxing				10.18
Rent				10.08
		15.00		321.14
Plus 6% Admin.				19.27
Total				340.41
				464.11 Preliminary
				804.52

20-Jul-83

FEE ANALYSIS

9. FINAL PLAT (filed on later portion of preliminary)

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Receiving and logging in, posting cards, filing	Sec. II	0.75	13.80	10.35
Post to atlas, prepare picture sheet for staff report, slide preparation	PA III	0.75	17.56	13.17
Conferences interdepartmental, with applicant	SP JP	1.00 1.00	24.35 22.46	24.35 22.46
Staff review includes intra-MAPD staff conferences	CP SP JP	0.50 1.50 1.75	33.89 24.35 22.46	16.95 36.53 39.31
Reports, follow up correspondence, final letters, agendas, sailouts, closing files	CP SP JP Sec. II	0.25 1.75 1.75 2.25	33.89 24.35 22.46 13.80	8.47 42.61 39.31 31.05
Hearings, Subdivision Committee, MAFC, BCC or BCoC - includes preparation, actual meeting time, minute taking, typing and editing	CP SP JP Sec. II	0.25 0.50 0.50 0.75	33.89 24.35 22.46 13.80	8.47 12.18 11.23 10.35
Updating official base maps and zoning maps	PA III	2.75	17.56	48.29
Prints for files and microfilming	JP	0.50	22.46	11.23
Follow up on guarantees after plat has been recorded	JP Sec. II	0.50 0.25	22.46 13.80	11.23 3.28
Supplies, postage, xeroxing				10.18
Rent				13.86
		19.25		424.86
Plus 6% Admin.				25.49
Total				450.35

FEE ANALYSIS AUGUST, 1988

TYPE OF CASE	ACTUAL COST	CURRENT FEE CHARGED	PERCENT OF COST RECOVERY	PROPOSED FEE
1. Eone Case	553.16	400.00	72%	550.00
2. Special Use Permit	388.36	150.00	39%	350.00
3. County Conditional Use Permit	499.81	300.00	60%	450.00
4. Community Unit Plan	1,640.47	200.00	12%	750.00
5. BZA Variance	455.76	300.00	66%	400.00
6. Vacation	274.38	250.00	91%	same
7. Lot Split	205.21	125.00	61%	200.00
8. Plat (final and preliminary)	804.52	450.00	56%	750.00
9. Final Plat filed on later portion of preliminary	450.35	150.00	33%	300.00
10. Plat filed as condition to Zoning approval	804.52	50.00	6%	750.00

FEE ANALYSIS AUGUST, 1988

TYPE OF CASE	#FILED IN 1987	X AVG. FEE	-1987 REVENUE	PROPOSED AVG. INCREASE	PROJECTED 1989 REVENUE INCREASE
PLATS	117	\$242	\$28,289	-350	\$40,950
LOT SPLITS	32	\$130	\$4,150	+75	\$2,400
VACATIONS	72	\$204	\$14,700	0	\$0
CITY BZA	53	\$299	\$15,850	+100	\$5,300
COUNTY BZA	8	\$235	\$1,880	+100	\$800
SPECIAL PERMITS	6	\$150	\$900	+200	\$1,200
COUNTY ZONE CASES	6	\$467	\$2,802	+150	\$900
COUNTY C.U.S.	7	\$357	\$2,500	+100	\$700
CITY ZONE CASES	59	\$417	\$24,626	+150	\$8,850
CUPS	21	\$458	\$9,616	+600	\$12,600
					<u>\$72,900</u>
STREET NAME CHANGE	2	\$0	\$0	+200	\$400
EXTENSION OF LETTER OF CREDIT	4	\$0	\$0	+50	\$200
EXTENSION OF PLATTING TIME	15	\$0	\$0	+75	\$1,125
			<u>\$105,314</u>		<u>\$74,625</u>

FEE ANALYSIS - JULY, 1988

<u>City</u>	<u>Fee for typical zone case</u>	<u>Fee for typical plat</u>
Albuquerque	\$ 290	\$1,000
Austin	1,302	3,693
Colorado Springs	175	230
Dallas	1,250	2,700
Oklahoma City	730	1,500
Tulsa	510	400
Average fee	<u>\$ 709</u>	<u>\$1,588</u>
Wichita proposed fees	<u>\$ 550</u>	<u>\$ 750</u>

to be filed with the director of planning and with the official charged with the enforcement of zoning. After receiving the recommendation of the commission, the governing body may approve, disapprove or amend, by motion, the plan subject to changes, special conditions and safeguards as may be deemed by either the commission or governing body to be in the public interest.

c. All amendments to any plan approved hereunder or under previous procedures shall follow the same procedure as for the hearing and approval of an original development plan.

d. No building permit shall be issued on lands meeting the conditions and criteria under B.1.a of this section unless a development plan shall have been approved in accordance with provisions herein.

e. After a plan has been submitted and approved for tracts as one unit, development in compliance with the plan may proceed on parts of a unit.

f. Any substantial deviation as determined by the superintendent of central inspection from the plans submitted shall constitute a violation of the building permit authorizing construction of the proposed development. No building permit shall be issued for any construction which is not in conformity with an approved development plan.

g. Notice of hearing of the plan shall be given by publication in a newspaper of general circulation in the city for one publication not less than twenty days in advance of hearing, and by notice by mail to adjoining property owners as may be determined necessary under adopted policies of the commission. (Ord. No. 28-670, § 1; Ord. No. 27-712, § 1.)

28.04.195 Historic landmark designation. The purpose and intent of this section is to provide means of designating on the official zoning map of the city of Wichita those properties determined to be historic landmarks by the board of city commissioners of the city of Wichita. The determination of eligibility for designation as a historic landmark shall be based on the conclusions and findings of fact of the historic landmark preservation committee as created and directed by Sections 2.12.1015 through 2.12.1025 inclusive of the code of the city of Wichita and upon the recommendations of the metropolitan area planning commission following public hearing as hereinafter provided.

Upon recommendation of the historic landmark preservation committee, an application may be initiated for the designation of a historic landmark on legally described property or properties which have been incorporated into the historic landmark preservation plan of the city of Wichita.

The applicant shall provide the names of the owner(s) of record, together with an accurate legal description of the property proposed to be designated, and from and after December 31, 1980, shall accompany the application with a fee of two hundred dollars when the application encompasses a single zoning lot as defined in Section 28.04.030 of the zoning ordinance. An application for the designation of a historic landmark district, comprised

DELETE
FFF →

EXCERPT FROM CITY ZONING REGS. RE: PRESERVATION

28.04.200 ZONING

~~of two or more zoning lots shall be accompanied by a fee of five hundred dollars plus one dollar per zoning lot within the district. The fees shall be used to cover the expenses associated with the handling of the case. The applicant shall also identify the specific criteria as set out in Sections 2.12.1019 and 2.12.1020(2) of this code under which the described property is proposed to be designated as a historic landmark.~~

Upon receipt of the complete application ~~and fee~~, the metropolitan area planning department shall establish a case file and proceed to prepare a notice for a public hearing before the metropolitan area planning commission. The notice shall be sent by certified mail with return receipt requested to the owner(s) of record of the property directly involved and shall be published once in the official city newspaper at least twenty days prior to the hearing date.

At the conclusion of the public hearing, the metropolitan area planning commission shall forward its recommendation for approval or disapproval of historic designation to the board of city commissioners. In the event the board of city commissioners takes action to approve the historic designation of the property involved, the metropolitan area planning department, on the basis of the public meeting record, shall set out on the official zoning map of the city of Wichita a designation corresponding to the case number and a delineation of the property involved.

The establishment of the historic landmark designation shall in no way alter the uses permitted by the zoning classification or districts of this chapter as previously established on the property. A desire to change permitted uses will require the filing of an application requesting a zoning change as provided for in Section 28.04.210.

In the event a permit is issued as provided for in Section 2.12.1024 of this code, for the demolition or removal of a designated historic landmark structure not located within a landmark district, the superintendent of central inspection shall instruct the metropolitan area planning department to remove the designation from the official zoning map of the city; provided that, upon removal of a structure within an historic landmark district, the land shall retain its classification as, and remain a part of said designated historic landmark district. (Ord. No. 36-595, (part).)

28.04.200 Sectional zoning maps. A. PREPARATION. The planning commission shall cause to be prepared sectional maps of all lots, tracts and parcels of lands located within the city, which maps describe by legend and color the zoning classification or district of each such lot, tract and parcel of land as the same has been heretofore approved and established by the planning commission and the city commission according to law.

B. OFFICIAL TITLE. Each such sectional map, identified by the particular section, township and range of the lands embraced therein, shall be marked "Official Zoning Map, City of Wichita, Kansas," and shall be

28.04.210 ZONING

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 council may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the council disapproves, the council 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 council 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 council.

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 <u>350</u>	\$300 <u>450</u>	\$400 <u>550</u>	\$500 <u>650</u>
"RB," "R-5", "R-6" & "U"	\$300 <u>450</u>	\$400 <u>550</u>	\$500 <u>650</u>	\$600 <u>750</u>
"G"	N/A	\$400 <u>550</u>	\$500 <u>650</u>	\$600 <u>750</u>
"B" & "BB"	\$350 <u>500</u>	\$450 <u>600</u>	\$550 <u>700</u>	\$650 <u>800</u>
"OC", "LC", "C", "D", "E" & "F"	\$400 <u>550</u>	\$500 <u>650</u>	\$600 <u>750</u>	\$700 <u>850</u>

EXCERPT FROM CITY ZONING REGS. RE: ZONING FEES

28.04.210
GENERALLY

when filed with rezoning application

Residential C.U.P.

Original - ~~\$500~~^{\$750} plus \$5 per acre for each acre over

Original - ^{40 acres} when filed separately
Amendments

$\frac{\$1000 \text{ plus } \$5 \text{ per acre}}{40 \text{ acres}}$ over

Major - (design or use change that would affect 50% or more of the area contained within the C.U.P.) \$500 ~~\$750~~

Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.) \$200 ~~\$500~~

Adjustment - \$100

Commercial C.U.P.

Original - when filed with rezoning application ~~\$200~~^{\$750} plus \$5 per acre for each acre over 15 acres

Original - when filed separately ~~\$500~~^{\$1000} 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 ~~\$750~~

Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.) \$200 ~~\$500~~

Adjustment - \$100

C.U.P. FEES

EXCERPT FROM CITY ZONING REFS. RE:

28.04.220 ZONING

A fee of ^{three} ~~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 council to the metropolitan area planning commission for public hearing 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 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.~~ 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. (Ord. No. 39-936.)

28.04.220 Building permits; certificates of occupancy and compliance; performance guarantees to assure compliance; waiver or extension. A. The existing use and occupancy of premises shall not be changed nor shall any

* except that when filed with a zone change,
the fee for a special permit shall be \$145.

EXCERPT FROM CITY ZONING ORD. RE: SPECIAL PERMIT FEES

C. CHANGES AND AMENDMENTS TO REGULATIONS, DISTRICT BOUNDARIES, CLASSIFICATION OF PROPERTY, OR ZONING AREAS OF INFLUENCE.

1. **Initiation:** Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of County Commissioners may by Resolution, after report thereof by the Commission, and subject to the procedure provided in this Section, amend, supplement or change the regulations, district boundaries, or classification of property now or hereafter established by these regulations. An amendment, supplement, reclassification or change may be initiated by the Commission or the Board of County Commissioners, or by an application by the owner or owners of the property proposed to be changed.
2. **Application:** Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Applications must be accompanied by a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of 1,000 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be paid in accordance with the signed agreement between the City of Wichita and Sedgwick County concerning MAPD, upon the filing of such application for change in district classification. The fee for such application is as follows:

Zoning Classification	Size of Application Area			
	up to & including 3 acres	over 3 acres to 6 acres	over 6 acres to 15 acres	over 15 acres
"R", "R-1" & "AA"	\$200 <u>350</u>	\$300 <u>450</u>	\$400 <u>550</u>	\$500 <u>650</u>
"BB"	\$350 <u>500</u>	\$450 <u>600</u>	\$550 <u>700</u>	\$650 <u>800</u>
"OC", "LC", "C", "E" & "F"	\$400 <u>550</u>	\$500 <u>650</u>	\$600 <u>750</u>	\$700 <u>850</u>

"CU" Conditional Use Permit - Fee required is the same as for the District in which located, UNLESS FILED WITH A ZONE CHANGE, IN WHICH CASE THE FEE IS 50% OF THE REQUIRED FEE FOR THE ZONE CHANGE.

Special Permit - as authorized by these regulations ~~Fee shall be \$150~~ Fee shall be \$350 except that when filed with a zone change, the fee for a special permit shall be \$175

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time that the deferral is granted to cover administrative costs. Fee for a special permit shall be \$175

EXCERPT FROM COUNTY ZONING REGULATIONS RE: ZONING APPLICATION USE & FEE SCHEDULE

R# 192-1986

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTION 16-(B) OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 24, 1986, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 16- "BOARD OF ZONING APPEALS"; SUBSECTION B. "PROCEDURE" shall be amended to read as follows:

B. PROCEDURE

1. Written applications for the approval of an appeal, variance or exception referred to in this section shall be filed in a manner prescribed by the Board.

A fee, as set forth herein, shall be paid in accordance with the signed agreement between the City of Wichita and Sedgwick County concerning MAPD, upon the filing of each application for an appeal, variance or exception, for the purpose of defraying costs of the proceeding described herein. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. Applications for appeals from the decisions of the enforcing officer shall be made within twenty (20) days of the date of such decision.

Board of Zoning Appeals
Application Fees

Appeals	\$175.00	250.00
Variances for Residential Uses		
For Individual zoning lot	\$200.00	300.00
Additional variance on same property	\$75.00	100.00
Multiple lot application	\$200.00	300.00 (PLUS
	(plus \$20 per lot	\$25 PER LOT IN
	in-application)	APPLICATION)
Variance for All Other Uses	\$200.00	400.00
For additional variance on lot	\$150.00	
Exceptions for Residential Uses	\$200.00	300.00
Exceptions for All Other Uses	\$200.00	400.00

A separate fee shall be required for each proceeding.

EXCERPT FROM COUNTY ZONING REGS. RE: BZA FEES

Additional variance on multiple zoning lots - \$100 plus \$25 for each lot in the application

(b) All applications to the board of zoning appeals for any type of proceeding, shall be in writing and shall be filed at the office of the secretary of the board of zoning appeals. Applications shall be filed upon forms provided for that purpose by the secretary of the board and shall be accompanied by:

1. A fee as set forth herein payable to the City of Wichita.

Appeals	\$175.00	250.00
Variations for residential uses (individual zoning lot)	200.00	300.00
Additional variance on individual zoning lot	75.00	100.00
Variations for residential uses (multiple zoning lots)	200.00	300.00
Plus 25.00 for each lot in the application		
All other variances	300.00	400.00
Additional variance on individual zoning lot	150.00	
Exceptions for residential uses	200.00	300.00
Exceptions for other uses permitted in residential districts	300.00	
Exceptions for uses in all other districts	400.00	
For uses on a zoning lot exceeding 3 acres	500.00	

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring the mailing of new notices or readvertisement. 50.00

2. A current certified list, prepared by a local abstract firm, of the names and mailing addresses of all property owners within two hundred feet of the exterior boundaries of the property to be considered in the application.

Any proceeding authorized hereunder may be initiated by the board itself (or any other governmental agency) in cases where the property is residential and occupied and the payment of the application fee and the cost of furnishing an ownership list would create a financial hardship on the property owner. In any such case the property owner may be relieved of such costs of the proceeding before the board, but shall not be relieved of the responsibility of complying with all of the approval conditions imposed by the board, including the expenses or costs thereof.

(c) The secretary of the board of zoning appeals shall cause to be published in the official paper of the city, a notice as to the time, place, date and subject of hearing, of a public hearing for each application; such notice to appear once in the official city paper no less than twenty days prior to the date of hearing. The secretary shall also cause notice to be given by mail no less than twenty days prior to the date of the hearing, to each of the property owners within two hundred feet of the exterior boundaries of the property to be considered in the application; as such owners are listed on the current certified list accompanying the application, to each party to the appeal or other proceeding and to each member of the metropolitan planning commission.

EXCERPT FROM CITY CODE RE: BZA FEES

PART 3. FILING FEES

3-301

FILING FEES.

(A) The filing fees for subdivision applications shall be as follows:

- (1) ~~\$200.00~~ \$500.00 for sketch plat. At the time of filing preliminary plat, an additional \$5.00 per lot will be charged. If the property is zoned ~~for industrial purposes~~ or approved for re-zoning to other than a one-family, two-family or four-family district, the additional fee will be \$5.00 per acre.
- (2) ~~\$200.00~~ \$500.00 plus \$5.00 per lot for a preliminary plat if a filing fee for a sketch plat has not been previously paid. If the property is zoned ~~for industrial purposes~~, or approved for re-zoning to other than a one-family, two-family or four-family district, a \$5.00 per acre fee will be charged instead of \$5.00 per lot.
- (3) ~~\$200.00~~ \$300.00 PLUS \$5.00 per lot for a final plat filed under Article 4, Part 5 of these regulations. If the property is zoned ~~for industrial purposes~~, or approved for

EXCERPT FROM SUBDIVISION FEES.

re-zoning to other than a one-family, two-family or four-family district a \$5.00 per acre fee will be charged instead of \$5.00 per lot.

- (4) Whenever an overall preliminary plat is finalized out in portions, each final plat after the first shall be charged a ~~\$150.00~~ \$300.00 fee for administration purposes.
- (5) A ~~\$100.00~~ \$150.00 fee will be charged for any revised preliminary or final plat which, in the opinion of the Director of Planning, requires a rehearing before the Subdivision and Utility Advisory Committees. If, in the opinion of the Director, proposed revisions are so significant as to constitute a new plat, a full filing fee will be charged.
- ~~(6) \$50.00 for a replat resulting from requirements of zone case approval. The \$50.00 filing fee shall be charged when the zone change involves an existing platted lot(s) for which a building permit could be issued.~~

- (B) The filing fees for lot split applications shall be as follows:

- (1) Residential zoned lot split - ~~\$125.00~~
\$200.00.
- (2) Office, commercial or industrial zoned lot
split ~~\$150.00~~ \$250.00.

(C) The filing fees for vacation applications shall be as follows:

- (1) City Case - \$250.00
- (2) County Case - \$150.00
- (3) A \$125.00 fee shall be assessed for reprocessing a City vacation case, previously considered by the Metropolitan Area Planning Commission and approved by the Wichita City Council, under the revised State statute which vests with cities the title to streets, alleys and other public reservations.

(D) For subdivision applications, the charges associated with engineering costs and recording documents are in addition to filing fees. These will be billed to the applicant. For lot split, street name changes and City vacation applications, costs associated with recording and publishing documents shall be included as part of the filing

fee and no separate recording and publishing costs will be billed to the applicant. For County vacation cases, there will be separate charges for publication of a Vacation Notice and recording of a Vacation Order.

- (E) The fee for amending a letter of credit, performance bond or cash guarantee that was submitted to assure the construction of required improvements shall be \$50.00.
- (F) The fee for processing a street name change request shall be \$200.00.
- (G) The fee for processing a request for extension of platting time associated with a zone change request, shall be \$50.00 for an administrative action. A \$100.00 fee shall be required for a platting time extension when governing body approval is required.
- (H)
(E) A written receipt shall be issued to the person(s) paying filing fees.

(I)

~~(F)~~ A fee shall not be required when such proposed plat, vacation or lot split site is owned by any department, agency, political subdivision, board or commission of any city, the county, state or federal government.

(J)

~~(G)~~ A fee shall not be refunded in the event any application is disapproved or withdrawn.

STATE OF KANSAS)
Sedgwick County) ss.

Larry Ricketts , being first duly sworn, Deposes
and says: That he is Publisher of

THE DAILY REPORTER

a daily Newspaper printed in the State of Kansas, and published in and
of general circulation in Sedgwick County, Kansas, with a general
paid circulation on a daily basis in Sedgwick County, Kansas, and that
said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published Monday through Friday and
has been so published continuously and uninterruptedly in said county
and state for a period of more than five years prior to the first
publication of said notice; and has been admitted at the post office of
Derby, Kansas, in said County as second class matter.

That the attached notice is a true copy thereof and was published in
the regular and entire issue of said newspaper for 1 consecutive
week , the first publication thereof being
made as aforesaid on the 24th day of
August , 19 88 , with subsequent publications
being made on the following dates:

- _____ , 19__
- _____ , 19__
- _____ , 19__
- _____ , 19__
- _____ , 19__
- _____ , 19__
- _____ , 19__

[Signature]
Subscribed and sworn to before me this 25th
day of August , 1988.

Elva R. Meadows
Notary Public

My commission expires: February 2, 1991

Printer's fee \$ 39 lines x 1 col. = \$7.78

Additional copies \$ _____

1074 (Published in The Daily Reporter on
August 24, 1988)

**OFFICIAL NOTICE
TO WHOM IT MAY CONCERN AND TO
ALL PERSONS INTERESTED:**

NOTICE IS HEREBY GIVEN that on
September 15, 1988, the Wichita-Sedgwick
County Metropolitan Area Planning Com-
mission, in the City Council Meeting
Room, First Floor, City Hall, 455 North
Main Street, Wichita, Kansas, in a meeting
beginning at 1:30 p.m., will consider the
following changes in Title 28, the Code of
the City of Wichita, Kansas:

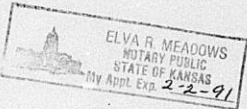
An amendment to Section 28.04.195,
"Historic landmark designation", to
delete portions of the third paragraph
relating to the amount of fees for
applications.

An amendment to Section 28.04.210,
"changes in zoning classifications or dis-
tricts", to delete Subsection 3.2 relating
to the amount of fees for applications.

Copies of the proposed amendments are
available upon request from the Wichita-
Sedgwick County Metropolitan Area Plan-
ning Department, and all persons in-
terested 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 of the
zoning ordinance will be considered by the
Commission as law provided.

WITNESS MY HAND this 23rd day of
August, 1988.

MARVIN S. KROUT, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
(A 24)



1074 (Published in The Daily Reporter on August 24, 1988)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on September 15, 1988, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, in a meeting beginning at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

An amendment to Section 28.04.195, "Historic landmark designation", to delete portions of the third paragraph relating to the amount of fees for applications.

An amendment to Section 28.04.210, "changes in zoning classifications or districts", to delete Subsection 3.2 relating to the amount of fees for applications.

Copies of the proposed amendments are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, 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 of the zoning ordinance will be considered by the Commission as law provided.

WITNESS MY HAND this 23rd day of August, 1988.

MARVIN S. KROUT, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
(A 24)

(Published in The Daily Reporter on _____, 1988)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on September 15, 1988, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, in a meeting beginning at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

An amendment to Section 28.04.195, "Historic landmark designation", to delete portions of the third paragraph relating to the amount of fees for applications.

An amendment to Section 28.04.210, "changes in zoning classifications or districts", to delete Subsection 3.2 relating to the amount of fees for applications.

Copies of the proposed amendments are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, 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 of the zoning ordinance will be considered by the Commission as law provided.

WITNESS MY HAND this _____ day of _____, 1988.

MARVIN S. KROUT, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

8/25/88

ORDINANCE NO. _____

AN ORDINANCE CREATING AND ESTABLISHING SECTIONS 2.26.010 AND 2.26.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ESTABLISHING SCHEDULES OF FEES FOR PLANNING AND ZONING APPLICATIONS.

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

SECTION 1. SECTION 2.26.010 of the Code of the City of Wichita shall read as follows:

"Fees for Zoning Applications. For the purpose of defraying costs of zoning proceedings, the governing body establishes the following schedule of fees.

Upon the filing of each application for a change of district boundaries or classification, the following shall be paid:

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"	\$350	\$450	\$550	\$650
"RB", "R-5", "R-6" & "U"	\$450	\$550	\$650	\$750
"G"	N/A	\$550	\$650	\$750
"B" & "BB"	\$500	\$600	\$700	\$800
"OC", "LC", "C", "D", "E" & "F"	\$550	\$650	\$750	\$850

Upon the filing of each application for a C.U.P., the following shall be paid:

Changes made by MAPD based on Joe Lang's 8-17-88 prepared ordinance. Further revised (as to format) prior to WCC 12-20-88

Residential C.U.P.

Original - when filed with rezoning application	\$750 plus \$5 per acre for each acre over 40 acres
Original - when filed separately	\$1000 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.)	\$750
Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$500
Adjustment -	\$100

Commercial C.U.P.

Original - when filed with rezoning application	\$750 plus \$5 per acre for each acre over 15 acres
Original - when filed separately	\$1000 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.)	\$750
Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P.)	\$500
Adjustment -	\$100

A fee of three hundred fifty dollars (\$350) shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the council to the metropolitan area planning commission for public hearing and recommendation except that when filed with a zone change, the fee for a special permit shall be one hundred seventy-five dollars (\$175). 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 (\$50) 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."

SECTION 2. Section 2.26.020 of the Code of the City of Wichita shall read as follows:

"Fees for Board of Zoning Appeals Applications. For the purpose of defraying costs of Board of Zoning Appeals proceedings, the governing body establishes the following schedule of fees to be paid at the time of filing for the application:

Appeals	\$250.00
Variances for residential uses (individual zoning lot)	\$300.00
Additional variance on individual zoning lot	\$100.00
Variances for residential uses (multiple zoning lots)	\$300 plus \$25 for each lot in the application
Additional variance on multiple zoning lots.	\$100 plus \$25 for each lot in the application
Variances for non-residential uses	\$400.00
Additional variance on same zoning lot	\$150.00
Exceptions for uses in residential districts	\$300.00
Exceptions for uses in all other districts	\$400.00
For uses on a zoning lot exceeding 3 acres	\$500.00

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring
the mailing of new notices or readvertisement ... \$ 50.00"

SECTION 3. This ordinance shall be included in the Code of the
City of Wichita and shall be effective upon its publication once in the
official City paper.

ADOPTED at Wichita, Kansas, this ____ day of _____, 1988.

Sheldon Kamen, Mayor

ATTEST:

John Moir, Director of Finance/
City Clerk

Approved as to Form:

Thomas R. Powell, Director of Law

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE: August 17, 1988

TO: Jack Galbraith, Chief Planner

FROM: Joe Allen Lang, Assistant City Attorney

SUBJECT: Ordinance on Zoning Fees

Please find attached a proposed ordinance establishing a schedule of fees for zoning applications and Board of Zoning Appeals applications in new Chapter 2.26. These schedules are not zoning boundaries, regulations, or restrictions, or amendments thereto and may be established by the governing body (K.S.A. 12-708).

For the governing body to establish a schedule of fees, it should just remove the current schedules from the zoning regulations according to the statutory procedure for amendment.

I have reviewed your amendments to sections 28.04.210(3.2) and 2.12.580(b) and find them to be sufficient. Note that the later section (b) includes a part 2 that should not be deleted. Also, be advised that the amending ordinance must include the entire section being amended (K.S.A. 12-3004).

Please let me know if you need anything further.

Joe Allen Lang
Joe Allen Lang
Assistant City Attorney

JAL:kj

Attachment

RECEIVED

AUG 18 1988

METROPOLITAN PLANNING
ROUTE _____

0/17/88

ORDINANCE NO. _____

AN ORDINANCE CREATING AND ESTABLISHING SECTIONS 2.26.010 AND 2.26.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ESTABLISHING SCHEDULES OF FEES FOR PLANNING AND ZONING APPLICATIONS.

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

SECTION 1. SECTION 2.26.010 of the Code of the City of Wichita shall read as follows:

"Fees for Zoning Applications. For the purpose of defraying costs of zoning proceedings, the governing body establishes the following schedule of fees.

Upon the filing of each application for a change of district boundaries or classification, the following shall be paid:

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"	\$350	\$450	\$550	\$650
"RB", "R-5", "R-6" & "U"	\$450	\$550	\$650	\$750
"G"	N/A	\$550	\$650	\$750
"B" & "BB"	\$500	\$600	\$700	\$800
"OC", "LC", "C", "D", "E" & "F"	\$550	\$650	\$750	\$850

Upon the filing of each application for a C.U.P., the following shall be paid:

Residential C.U.P.

Original -

\$500 plus \$5 per acre for each acre over 40 acres

Superseded.
See 8/25/88
Version

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.)	\$500
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 (\$150) shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the council to the metropolitan area planning commission for public hearing 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 (\$50) 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."

SECTION 2. Section 2.26.020 of the Code of the City of Wichita shall read as follows:

"Fees for Board of Zoning Appeals Applications. For the purpose of defraying costs of Board of Zoning Appeals proceedings, the governing body establishes the following schedule of fees to be paid at the time of filing for the application:

Appeals	\$250.00
Variations for residential uses (individual zoning lot)	\$300.00
Additional variance on individual zoning lot	\$100.00
Variations for residential uses (multiple zoning lots)	\$300 plus \$25 for each lot in the application
All other variance	\$400.00
Additional variance on individual zoning lot	\$150.00
Exceptions for residential uses	\$300.00
Exceptions for other uses permitted in residential districts	\$300.00
Exceptions for uses in all other districts	\$400.00
For uses on a zoning lot exceeding 3 acres	\$500.00

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring the mailing of new notices or readvertisement ... \$ 50.00"

SECTION 3. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ____ day of _____, 1988.

Sheldon Kamen, Mayor

ATTEST:

John Moir, Director of Finance/
City Clerk

Approved as to Form:

Thomas R. Powell, Director of Law

F E E S

Amend 28.04.210(3.2) of City Code to read as follows:

- 3.2 For the purpose of defraying costs of proceedings described herein, filing fees shall be paid upon the filing of each application as established by the schedule adopted by the Governing Body.

Amend 2.12.580(b) of City Code to read as follows:

- (b) All applications to the board of zoning appeals for any type of proceeding shall be in writing and shall be filed at the office of the secretary of the board of zoning appeals. Applications shall be filed upon forms provided for that purpose by the secretary of the board and shall be accompanied by a fee as established by the schedule adopted by the Governing Body.

Amend Section 17.C.2(paragraph 3) of the County Zoning Regulations to read as follows:

For the purpose of defraying costs of proceedings prescribed herein, filing fees shall be paid in accordance with the schedule adopted by the Governing Body and the signed agreement between the City of Wichita and Sedgwick County concerning MAPD, upon the filing of such application for change in district classification.

GENERALLY . 28.04.195

to be filed with the director of planning and with the official charged with the enforcement of zoning. After receiving the recommendation of the commission, the governing body may approve, disapprove or amend, by motion, the plan subject to changes, special conditions and safeguards as may be deemed by either the commission or governing body to be in the public interest.

c. All amendments to any plan approved hereunder or under previous procedures shall follow the same procedure as for the hearing and approval of an original development plan.

d. No building permit shall be issued on lands meeting the conditions and criteria under B.1.a of this section unless a development plan shall have been approved in accordance with provisions herein.

e. After a plan has been submitted and approved for tracts as one unit, development in compliance with the plan may proceed on parts of a unit.

f. Any substantial deviation as determined by the superintendent of central inspection from the plans submitted shall constitute a violation of the building permit authorizing construction of the proposed development. No building permit shall be issued for any construction which is not in conformity with an approved development plan.

g. Notice of hearing of the plan shall be given by publication in a newspaper of general circulation in the city for one publication not less than twenty days in advance of hearing, and by notice by mail to adjoining property owners as may be determined necessary under adopted policies of the commission. (Ord. No. 28-670, § 1; Ord. No. 27-712, § 1.)

28.04.195 Historic landmark designation. The purpose and intent of this section is to provide means of designating on the official zoning map of the city of Wichita those properties determined to be historic landmarks by the board of city commissioners of the city of Wichita. The determination of eligibility for designation as a historic landmark shall be based on the conclusions and findings of fact of the historic landmark preservation committee as created and directed by Sections 2.12.1015 through 2.12.1025 inclusive of the code of the city of Wichita and upon the recommendations of the metropolitan area planning commission following public hearing as hereinafter provided.

Upon recommendation of the historic landmark preservation committee, an application may be initiated for the designation of a historic landmark on legally described property or properties which have been incorporated into the historic landmark preservation plan of the city of Wichita.

The applicant shall provide the names of the owner(s) of record, together with an accurate legal description of the property proposed to be designated, and from and after December 31, 1980, shall accompany the application with a fee of two hundred dollars when the application encompasses a single zoning lot as defined in Section 28.04.020 of the zoning ordinance. An application for the designation of a historic landmark district, comprised

*(deleted for
landmark designation)*

1062-12a

(Wichita 10-80)

28.04.200 ZONING

of two or more zoning lots shall be accompanied by a fee of five hundred dollars plus one dollar per zoning lot within the district. The fees shall be used to cover the expenses associated with the handling of the case. The applicant shall also identify the specific criteria as set out in Sections 2.12.1019 and 2.12.1020(2) of this code under which the described property is proposed to be designated as a historic landmark.

Upon receipt of the complete application and fee, the metropolitan area planning department shall establish a case file and proceed to prepare a notice for a public hearing before the metropolitan area planning commission. The notice shall be sent by certified mail with return receipt requested to the owner(s) of record of the property directly involved and shall be published once in the official city newspaper at least twenty days prior to the hearing date.

At the conclusion of the public hearing, the metropolitan area planning commission shall forward its recommendation for approval or disapproval of historic designation to the board of city commissioners. In the event the board of city commissioners takes action to approve the historic designation of the property involved, the metropolitan area planning department, on the basis of the public meeting record, shall set out on the official zoning map of the city of Wichita a designation corresponding to the case number and a delineation of the property involved.

The establishment of the historic landmark designation shall in no way alter the uses permitted by the zoning classification or districts of this chapter as previously established on the property. A desire to change permitted uses will require the filing of an application requesting a zoning change as provided for in Section 28.04.210.

In the event a permit is issued as provided for in Section 2.12.1024 of this code, for the demolition or removal of a designated historic landmark structure not located within a landmark district, the superintendent of central inspection shall instruct the metropolitan area planning department to remove the designation from the official zoning map of the city; provided that, upon removal of a structure within an historic landmark district, the land shall retain its classification as, and remain a part of said designated historic landmark district. (Ord. No. 36-595, (part).)

28.04.200 Sectional zoning maps. A. PREPARATION. The planning commission shall cause to be prepared sectional maps of all lots, tracts and parcels of lands located within the city, which maps describe by legend and color the zoning classification or district of each such lot, tract and parcel of land as the same has been heretofore approved and established by the planning commission and the city commission according to law.

B. OFFICIAL TITLE. Each such sectional map, identified by the particular section, township and range of the lands, embraced therein, shall be marked "Official Zoning Map, City of Wichita, Kansas," and shall be

28.04.210 ZONING

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 council may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the council disapproves, the council 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 council 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 council.

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"	\$200-350	\$300-450	\$400-550	\$500-650
"RB," "R-5", "R-6" & "U"	\$300-450	\$400-550	\$500-650	\$600-750
"G"	N/A	\$400-550	\$500-650	\$600-750
"B" & "BB"	\$350-500	\$450-600	\$550-700	\$650-800
"OC", "LC", "C", "D", "E" & "F"	\$400-550	\$500-650	\$600-750	\$700-850

BOARDS, AGENCIES AND COMMISSIONS 2.12.580

(b) All applications to the board of zoning appeals for any type of proceeding, shall be in writing and shall be filed at the office of the secretary of the board of zoning appeals. Applications shall be filed upon forms provided for that purpose by the secretary of the board and shall be accompanied by:

1. A fee as set forth herein payable to the City of Wichita.

Appeals	\$175.00	250.00
Variances for residential uses		
(individual zoning lot)	200.00	300.00
Additional variance on individual zoning lot	75.00	100.00
Variances for residential uses		
(multiple zoning lots)	300.00?	200.00 300.00
Plus 20.00 for each lot in the application		
All other variances	300.00	400.00
Additional variance on individual zoning lot	150.00	
Exceptions for residential uses	200.00	300.00
Exceptions for other uses permitted in residential districts	300.00	
Exceptions for uses in all other districts	400.00	
For uses on a zoning lot exceeding 3 acres	500.00	
- A separate fee shall be required for each proceeding.
- A deferral at request of applicant requiring the mailing of new notices or readvertisement. 50.00

2. A current certified list, prepared by a local abstract firm, of the names and mailing addresses of all property owners within two hundred feet of the exterior boundaries of the property to be considered in the application.

Any proceeding authorized hereunder may be initiated by the board itself (or any other governmental agency) in cases where the property is residential and occupied and the payment of the application fee and the cost of furnishing an ownership list would create a financial hardship on the property owner. In any such case the property owner may be relieved of such costs of the proceeding before the board, but shall not be relieved of the responsibility of complying with all of the approval conditions imposed by the board, including the expenses or costs thereof.

(c) The secretary of the board of zoning appeals shall cause to be published in the official paper of the city, a notice as to the time, place, date and subject of hearing, of a public hearing for each application; such notice to appear once in the official city paper no less than twenty days prior to the date of hearing. The secretary shall also cause notice to be given by mail no less than twenty days prior to the date of the hearing, to each of the property owners within two hundred feet of the exterior boundaries of the property to be considered in the application; as such owners are listed on the current certified list accompanying the application, to each party to the appeal or other proceeding and to each member of the metropolitan planning commission.