

PR 88-8: METROPOLITAN AREA PLANNING DEPT.
PROPOSES POSSIBLE AMENDMENTS TO SECTION
2.12.580 OF THE CITY CODE RE: BZA FILING
FEES

ACTION

DATE

S/D COMMITTEE

M.A.P.C.	<u>Referred two months</u>	<u>9-15-88</u>
M.A.P.C.	<u>Approved</u>	<u>9-29-88</u>
W.C.C./B.C.C.-C.	<u>Referred until PR 88-6</u>	<u>10-25-88</u>
	<u>is resubmitted.</u>	
W.C.C.	<u>Referred one week</u>	<u>11-22-88</u>
W.C.C.	<u>Approved for <u>incorporate</u></u>	<u>11-29-88</u>
	<u>as recommended by MAPC</u>	
	<u>(and staff) and placed in</u>	
	<u>new section of Title 2.</u>	

BZA approved 9-27-88

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 OBTAINED 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"	N/A	\$550	\$650	\$750
"OC", "LC", "CC", "D", "G" & "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, 1938.

SHELDON KAMEN, MAYOR
JOHN MOIR, DIRECTOR OF FINANCE/CITY CLERK
ATTEST: (SEAL)
(D 2)

ORDINANCE NO. 40-526

AN ORDINANCE AMENDING SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO REMOVAL OF FEES FOR BOARD OF ZONING APPEALS APPLICATIONS FROM THIS SECTION OF THE CITY CODE, AND REPEALING SAID ORIGINAL SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 1. SECTION 2.12.580 of the Code of the City of Wichita shall read as follows:

"SAME - PROCEDURE. (a) The board of zoning appeals shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules to be not in conflict with law or ordinance.

(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, and by 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.

Page 2

(d) Every decision or determination by the board shall be filed in the office of the city clerk not more than five working days following the date of hearing and shall become a public record."

SECTION 2. The original Section 2.12.580 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:

Dale E. Moir, Jr.
for John Moir, Director of Finance/
City Clerk

APPROVED AS TO FORM:

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

1642 (Published in The Daily Reporter
December 23, 1988)

ORDINANCE NO. 40-528
AN ORDINANCE AMENDING
SECTION 2.12.580 OF THE CODE OF
THE CITY OF WICHITA, KANSAS,
PERTAINING TO REMOVAL OF
FEES FOR BOARD OF ZONING
APPEALS APPLICATIONS FROM
THIS SECTION OF THE CITY CODE,
AND REPEALING SAID ORIGINAL
SECTION 2.12.580 OF THE CODE OF
THE CITY OF WICHITA.

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

SECTION 1. SECTION 2.12.580 of the
Code of the City of Wichita shall read as
follows:

"SAME - PROCEDURE. (a) The board
of zoning appeals shall adopt rules of
procedure as may be necessary and
proper to govern its own proceedings;
such rules to be not in conflict with law
or ordinance.

(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, and by 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.

(d) Every decision or determination
by the board shall be filed in the office of
the city clerk not more than five
working days following the date of
hearing and shall become a public
record."

SECTION 2. The original Section
2.12.580 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, 1988.

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

Revisy

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__

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
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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 ____ day of _____, 1988.

Sheldon Kamen, Mayor

ATTEST:

John Moir, Director of Finance/
City Clerk

Approved as to Form:

Thomas R. Powell for JAL 12/2/58
Thomas R. Powell, Director of Law

(_____) Published in The Daily Reporter _____, 19

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO REMOVAL OF FEES FOR BOARD OF ZONING APPEALS APPLICATIONS FROM THIS SECTION OF THE CITY CODE, AND REPEALING SAID ORIGINAL SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA. copy

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

SECTION 1. SECTION 2.12.580 of the Code of the City of Wichita shall read as follows:

"SANE - PROCEDURE. (a) The board of zoning appeals shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules to be not in conflict with law or ordinance.

(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, and by 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.

Page 2

(d) Every decision or determination by the board shall be filed in the office of the city clerk not more than five working days following the date of hearing and shall become a public record."

SECTION 2. The original Section 2.12.580 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 12/88

Thomas R. Powell, Director of Law

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

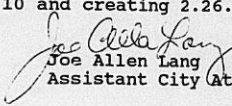
DATE: December 2, 1988

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
October 25, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DR-88-8: AMENDMENTS TO CITY BZA 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, including appeals, use exceptions, and variances that are approved by the Board of Zoning Appeals. The Board of Zoning Appeals also reviewed the proposed increases at their meeting of September 27, 1988, and endorsed the changes unanimously. The proposed changes would increase fees on appeals from \$175 to \$250, on variances from \$200-\$300 to \$300-\$400, and on exceptions for residential uses from \$200 to \$300.

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 (see DR 88-6 report). 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.

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. For BZA fees, this means moving the fees out of their current section in Title 2 that outlines the BZA's authority and procedures. The MAPC has recommended that the City BZA fees be moved from Title 2 to 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 to the Council, is uniquely and unnecessarily cumbersome and time-consuming. However, the MAPC feels that all fees for planning and zoning applications should 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 a new section of Title 2, per staff recommendation.
2. Concur with the MAPC's recommended fee increases, and direct staff to prepare an amendment to Title 28 incorporating the BZA fee schedule into the city zoning ordinance, per MAPC recommendation.
3. Take other action as appropriate.

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL -- TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4551

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 CUPs 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

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

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>
"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

Fees effective Jan 1,
1989, 1990, 1991

GENERALLY 28.04.210

when filed with rezoning application

Residential C.U.P.

Original ~~\$500~~ ^{615, 730, 845} plus \$5 per acre
for each acre over
40 acres

Original when filed separately
Amendments

710, 920, 1130, plus \$5
for each acre over
40 acres

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

~~\$500~~ 615, 730, 845

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

~~\$200~~ 320, 440, 560

Adjustment -

\$100

Commercial C.U.P.

Original- when filed with
rezoning application

~~\$200~~ ^{415, 630, 845} plus
\$5 per acre for
each acre over 15
acres

Original- when filed
separately

~~\$500~~ ^{710, 920, 1130} 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~~ 615, 730, 845

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

~~\$200~~ 320, 440, 560

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, \$50 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.~~ 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.*

Excerpt from City Zoning Regs. 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:

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 Permit 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		
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 application)	APPLICATION
Variance for All Other Uses	\$300.00	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 deferral at the request of applicant requiring the mailing of new notices or readvertisement. \$50.00
A separate fee shall be required for each proceeding.

EXCERPT FROM COUNTY ZONING REGS. AND: BZA FEES

BOARDS, AGENCIES AND COMMISSIONS 2.12.580

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	<u>250.00</u>
Variations for residential uses		
(individual zoning lot)	200.00	<u>300.00</u>
Additional variance on individual zoning lot	75.00	<u>100.00</u>
Variations for residential uses		
(multiple zoning lots)	200.00	<u>300.00</u>
Plus 25.00 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.

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.

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

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:

- \$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 out in portions, each final plat after ~~the first~~ shall be charged a ~~fee~~ ^{\$225 in 1989, and a \$300 fee in 1990} ~~of \$150.00~~ ~~\$200.00~~ ~~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 \$500 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

10. 1985

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.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: September 20, 1988

TO: City Board of Zoning Appeals
FROM: Jack H. Galbraith, Secretary *JHG*
SUBJECT: Proposed Fee Increases for City BZA
Cases and Other Cases Filed with MAPD

For discussion on your September 27, 1988, agenda is an item regarding proposed City BZA fee increases. The current fee schedule is included in 2.12.580 of the City Code. The City Council is scheduled to hold public hearings in the near future to review the proposed fee changes for BZA changes, as well as all other zoning and subdivision type cases filed with the MAPD.

Attached is a copy of a memo from Marvin Krout, Director of Planning, to the Planning Commission outlining these proposed fee changes. Also included is a July 1988 fee analysis of processing costs for a typical variance request; a table comparing actual fees for all types of cases; and a table illustrating projected 1989 revenue increases. A hand-delineated excerpt from the City Code which shows existing and proposed BZA fees is also attached. It is recommended that all fees be taken out of the zoning regulations and reestablished in a separate resolution (County) and ordinance (City).

JG:jcm
Attachments

*BZA approved the
proposed fee changes 3-0
at their 9-27-88 meeting.*

RE: AGENDA ITEM NO. 7

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

DATE: August 26, 1988

TO: Metropolitan Area Planning Commission
FROM: Marvin S. Krout, Director of Planning
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

20-Jul-68

FBI ANALYSIS

5. BZA VARIANCE

Job Task	Staff	Total Time	Hourly Rate	Estimated Costs
Preapplication conference with applicant	PP	0.50	26.22	13.11
	JP	0.25	22.46	5.62
Receiving application - includes review of application for legal description, ownership list, addresses, etc.	PP	0.50	26.22	13.11
	JP	0.25	22.46	5.62
				0.00
Logging in application, setting up files, filing notices, agendas, mailouts, posting to atlas, picture sheet for mailout and file	Sec. II	1.50	13.80	20.70
	PA III	1.25	17.56	21.95
				0.00
				0.00
Inspect site	PP	0.50	26.22	13.11
Conferences - with applicant and explaining notices	PP	1.00	26.22	26.22
	CP	0.25	33.89	8.47
Staff review - includes intra-staff conferences, research	PP	2.00	26.22	52.44
	CP	3.50	33.89	16.95
Reports, follow up correspondence final letters	PP	1.50	26.22	39.33
	Sec. II	1.25	13.80	17.25
BZA meetings - includes preparation, actual meeting time, taking minutes	CP	1.00	33.89	33.89
	PP	1.00	26.22	26.22
	Sec. II	1.00	13.80	13.80
Preparation of BZA, resolution - includes drafting and editing minutes	CP	0.25	33.89	8.47
	PP	1.00	26.22	26.22
	Sec. II	1.75	13.80	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

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)	934.52	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>

BOARDS, AGENCIES AND COMMISSIONS 2.12.580

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	<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: ZONING FEES

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.
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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.

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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-98

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
Logging in application, setting up file, posting cards and filing	Sec. II	2.00	13.80	27.60
				0.00
Post to atlas and picture sheet for mailout and file	PA III	1.00	17.56	17.56
				0.00
Field check, take pictures, slide preparation	PA III	1.50	17.56	26.34
	SP	0.25	24.35	6.09
Typing, mailing, filing notice of hearings, legal notices, ordinances, xeroxing	Sec. II	3.75	13.80	51.75
				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
MAPC mailout	Sec. II	0.25	13.80	3.45
				0.00
Reports, follow up correspondence agendas, final letters, drafting ordinances	CP	0.50	33.89	16.95
	SP	3.00	24.35	73.05
	Sec. II	1.50	13.80	20.70
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-68

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	12.19
				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 - MAPC, 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
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
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
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-33

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	0.75	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
				0.00
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	50.34
	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, NAPC, 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-38

FEE ANALYSIS

C.O.P. page 2

Mileage 15mi. @.25/mi.		3.75
Legal publications for notices		19.50
Rent @ \$11 sq. ft.		47.11
	-----	-----
Plus 6% Admin.	58.50	1547.61
		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	0.50	26.22	13.11
	JP	0.25	22.46	5.62
Receiving application - includes review of application for legal description, ownership list, addresses, etc.	PP	0.50	26.22	13.11
	JP	0.25	22.46	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	1.50	13.80	20.70
	PA III	1.25	17.56	21.95
				0.00
Inspect site	PP	0.50	26.22	13.11
				0.00
Conferences - with applicant and explaining notices	PP	1.00	26.22	26.22
	CP	0.25	33.89	8.47
Staff review - includes intra-staff conferences, research	PP	2.00	26.22	52.44
	CP	0.50	33.89	16.95
Reports, follow up correspondence final letters	PP	1.50	26.22	39.33
	Sec. II	1.25	13.80	17.25
				0.00
BZA meetings - includes preparation, actual meeting time, taking minutes	CP	1.00	33.89	33.89
	PP	1.00	26.22	26.22
	Sec. II	1.00	13.80	13.80
Preparation of BZA, resolution - includes drafting and editing minutes	CP	0.25	33.89	8.47
	PP	1.00	26.22	26.22
	Sec. II	1.75	13.80	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-88

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 SP	0.50 3.25	22.46 24.35	11.23 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 0.00
Post to atlas, picture sheet for file and staff report, slide preparation	PA III	1.00	17.56	17.56 0.30 0.00
Conferences - interdepartmental and with applicant	SP JP	0.50 0.50	24.35 22.46	12.18 11.23 0.00
Notices, agendas and mailouts	Sec. II	1.00	13.80	13.80 0.00
Staff review-includes preparing staff report	CP SP JP	0.25 0.75 1.00	33.89 24.35 22.46	8.47 18.26 22.46
Correspondence, reports and final letters	SP Sec. II	0.50 1.50	24.35 13.80	12.18 20.70 0.00
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 SP JP Sec. II	0.25 1.00 0.50 1.25	33.89 24.35 22.46 13.80	8.47 24.35 11.23 17.25 0.00 0.00 0.00
Posting on official base maps and zoning maps. Reshoot zoning slides	PA III	0.75	17.56	13.17
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 SP JP	0.25 0.25 2.00	33.89 24.35 22.46	8.47 6.09 44.92
Posting to atlas	PA III	0.25	17.56	4.39
Follow up correspondence, final letter to City Clerk	JP Sec. II	1.50 0.50	22.46 13.80	33.69 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

8A. PRELIMINARY PLAT

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 - MAPD 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% Admin.				26.27
Total				464.11

FEE 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		311.14
Plus 6% Admin.				19.27
Total				340.41
				464.11 Preliminary
				804.52

20-Jul-88

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, mailouts, 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, 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				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. 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. SEA 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 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	3,698
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 28.04.020 of the zoning ordinance. An application for the designation of a historic landmark district, comprised

DELETE
FEE
→

EXCERPT FROM CITY ZONING REGS. RE: PRESERVATION

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>
"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

GENERALLY 28.04.210

when filed with rezoning application

Residential C.U.P.

Original - ~~\$500~~ ^{\$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

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 REGS. 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 and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

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

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

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or 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 \$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"	\$250 <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 ~~\$175~~
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.

EXCERPT FROM COUNTY ZONING REGULATIONS RE: ZONING APPLICATION USE & SPECIAL PERMITS

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)
		400.00
Variance for All Other Uses	\$300.00	300.00
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.

EXEMPT FROM COUNTY ZONING REG. 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	<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

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)

~~(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.

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 proposed ordinance. Further revised (as to format) prior to NCC 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 _____

8/17/88

ORDINANCE NO. _____

Superseded

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:

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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
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"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

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

FEES

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.