

(150004) Published in the Wichita Eagle on November 28, 2014

ORDINANCE NO. 49-887

A ORDINANCE AMENDING THE SECTIONS 2.26.010, 2.26.020 AND 2.26.030 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO FEES AND CHARGES FOR PLANNING AND ZONING, BOARD OF ZONING APPEALS AND SUBDIVISION APPLICATIONS AND PROCEEDINGS; AND REPEALING THE ORIGINAL SECTION.

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 be amended to read as follows:

Sec. 2.26.010 Fees for zoning applications. For the purpose of defraying costs of zoning proceedings, the governing body establishes the following schedule of fees:

- (1) *Change of zoning district boundaries or classification.* Upon the filing of each application for a change of zoning district boundaries or classification where authorized by the zoning ordinance, the following shall be paid based on the zoning classification requested:

“RR”, “SF-20”, “SF-10”, “SF-5”, “TF-3”	\$505 plus \$25 per acre
“MF-18”, “MF-29”, “MH”, “U”, “B”, “NO”, “GO”, “NR”	\$760 plus \$25 per acre
“LC”, “GC”, “CBD”, “OW”, “IP”, “LI”, “GI”	\$1,010 plus \$25 per acre

- (2) *Community Unit Plan.* Upon the filing of each application for a Community Unit Plan (C.U.P.), the following shall be paid:

Original – when filed separately	\$1,010 plus \$25 per acre
Original – when filed with rezoning application	\$695 plus \$25 per acre
Major Amendments (design or use change that would affect 50% or more of the area contained with the C.U.P.)	\$1,010
Minor Amendments (design or use change that would affect less than 50% of the area contained with the C.U.P.)	\$695

- (3) *Planned Unit Development.* Upon the filing of each application for a Planned Unit Development (P.U.D.), the following shall be paid:

Original	\$1,010 plus \$25 per acre
Major Amendments (design or use change that	\$1,010

would affect 50% or more of the area contained with the P.U.D.)

Minor Amendments (design or use change that would affect less than 50% of the area contained with the P.U.D.)	\$695
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- (4) *Protective overlay.* No fee shall be charged to process a Protective Overlay (P.O.) except in the following instances:

A fee of five hundred five dollars (\$505) shall be paid upon the filing of a new application for a Protective Overlay.

A fee of five hundred five dollars (\$505) shall be paid upon the filing of each application for an amendment or termination of a Protective Overlay in any district, except for property zoned "LC" Limited Commercial or "GC" General Commercial six (6) acres in size or larger.

Property zoned "LC" Limited Commercial or "GC" General Commercial six (6) acres in size or larger held in a single ownership or under single control shall be charged a fee equal to that charged for a Community Unit Plan as established in Sec. 21-47(a)(2).

- (5) *Conditional Use.* Upon the filing of each application for a conditional use (C.U.), the following shall be paid:

Residential Use	\$380
Non-Residential Use	\$635 plus \$25 per acre
Renewal	one-half the fee listed for the applicable use
Filed with zone change application	one-half the fee listed for the applicable use

- (6) *Deferral.* An applicant requesting deferral of a case shall be charged a fee of one hundred twenty five dollars (\$125) to cover administrative costs at such time that the deferral is granted.

- (7) *Adjustment.* A fee shall be charged for processing an adjustment to a Community Unit Plan, Planned Unit Development, Conditional Use, Protective Overlay, or Zoning standard. If the applicant appeals the Zoning Adjustment to the Board of Zoning Appeals, said fee shall be credited toward the fee required for a Variance as established in sec. 21-48(a).

Residential Use	\$160
Non-Residential Use	\$160
Additional Zoning Adjustment on same lot	\$55
Administrative Permit for wireless facility	\$160

- (8) *Withdrawal.* If an applicant should withdraw an application that requires governing body approval within two (2) weeks after the Planning Commission hearing, the applicant shall be refunded fifteen (15) percent of the application fee.
- (9) *Receipt.* 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 be amended to read as follows:

Sec. 2.26.020 For the purpose of defraying costs of Board of Zoning Appeals (BZA) proceedings, the governing body establishes the following schedule of fees to be paid at the time of filing for the application:

(1) Appeals of Administrative Interpretations	\$100
Zoning Verification Letter	\$100
Zoning Interpretation Letter	\$100
(2) Variances for Residential Uses	\$440 plus \$33 per additional zoning lot
Additional variance on same zoning lot	\$125
(3) Variances for Non-Residential Uses	\$635 plus \$33 per additional zoning lot
Additional variance on same lot	\$190
(4) Modified Site Plan Review	\$100
(5) Time Extension for BZA conditions	\$65

A separate fee shall be required for each proceeding

SECTION 3. Section 2.26.030 of the Code of the City of Wichita shall be amended to read as follows:

Sec. 2.26.030 For the purpose of defraying costs of subdivision applications and proceedings, the governing body establishes the following schedule of fees:

- (a) *Subdivision applications.* Upon the filing of each application for subdivision approval, the following shall be paid:
 - (1) One hundred ninety dollars (\$190.00) for a sketch plat. Said one hundred ninety dollar fee shall be credited toward the fee required for a preliminary plat as established in subsection b.
 - (2) Seven hundred sixty dollars (\$760.00) plus sixteen dollars (\$16.00) per lot for a preliminary plat. If the property is zoned or approved for rezoning to other than a one-family or two-family district, a sixteen-dollar per acre fee will be charged instead of sixteen dollars (\$16.00) per lot.
 - (3) Seven hundred sixty dollars (\$760.00) plus sixteen dollars (\$16.00) per lot for a one-step plat. If the property is zoned or approved for rezoning to other than a one-family or two-family district, a sixteen-dollar per acre fee will be charged instead of sixteen dollars (\$16.00) per lot.
 - (4) Whenever an overall preliminary plat is finalized out in portions, each final plat after the first shall be charged a fee of five hundred five dollars (\$505.00) for administration purposes.

- (5) A two-hundred-twenty-five-dollar fee shall 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 committee. If, in the opinion of the director of planning, proposed revisions are so significant as to constitute a new plat, the fee required for a preliminary plat as established in subsection b. will be charged.
- (6) Three hundred fifteen dollars (\$315) plus eight dollars (\$8) per lot for a replat resulting from requirements of zone case approval. Said Three hundred fifteen dollars (\$315) plus eight dollars (\$8) per lot filing fee shall be charged when the zone change involves an existing platted lot(s) for which a building permit could be issued. If the property is approved for rezoning to other than one-family or two-family district, an eight dollar per acre fee shall be charged instead of eight dollars (\$8) per lot.
- (b) *Lot split applications.* Upon the filing of each application for lot split approval, the following shall be paid:
 - (1) Residential zoned lot split two hundred fifty-five dollars (\$255.00) plus sixty-five dollars (\$65.00) per lot.
 - (2) Office, commercial or industrial zoned lot split three hundred fifteen dollars (\$315.00) plus sixty-five dollars (\$65.00) per lot.
- (c) *Vacation applications.* The filing fee for vacation applications shall be four hundred forty-five dollars (\$445.00). A lesser fee of two hundred twenty five dollars (\$225.00) shall be assessed for reprocessing a vacation case previously considered and approved by the planning commission and governing body, but never completed.
- (d) *Amending letter of credit, performance bond, or cash guarantee.* 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 sixty-five dollars (\$65.00).
- (e) *Street name change.* The fee for processing a street name change request shall be two hundred fifty five dollars (\$255.00).
- (f) *Extension of platting time.* The fee for processing a request for extension of platting time associated with a zone change request shall be sixty-five dollars (\$65.00) for an administrative action. A one-hundred-twenty-five-dollar fee shall be required for a platting time extension when governing body approval is required.
- (g) *Additional costs.* For subdivision applications, the charges associated with engineering costs and recording documents are in addition to the filing fees. These will be billed to the applicant.

SECTION 4. Section 2.26.040 of the Code of the City of Wichita shall be amended to read as follows:

Sec. 2.26.040 For the purpose of defraying costs, the governing body establishes the following schedule of fees:

- (a) *Sign Code Adjustment.* A fee of one hundred sixty dollars shall be charged for processing a sign code adjustment application. After the one hundred sixty dollar original fee for a sign code adjustment, any additional adjustments on the same lot shall require a fifty five dollar fee for each additional adjustment requested on the same application as the original adjustment. If the applicant appeals the sign code adjustment to the board of zoning appeals, the fee for the adjustment shall be credited toward the fee required for a variance as established in Section 2.26.020
- (b) *Special Review Approval for Off-Site Billboard Sign Permits.* A fee of five hundred seventy five dollars shall be charged for processing a special review approval for off-site billboard sign permit application.

SECTION 5. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

**PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS
THIS 25th DAY OF November, 2014.**

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

(SEAL)