

RESOLUTION

A RESOLUTION REPEALING RESOLUTION NO. 146-2014 AND ESTABLISHING FEES AND CHARGES FOR PLANNING AND ZONING APPLICATIONS AND PROCEEDINGS

WHEREAS, Sedgwick County adopted Resolution No. 146-2014 regarding fee and charges for planning and zoning applications and proceedings; and

WHEREAS, it is deemed by the Board of County Commissioners that Resolution No. 146-2014 should be repealed and the prior fee structure reinstated.

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

1. Sections 21-1, 21-47 and 21-48 of the Sedgwick County Code, as amended by Res. No. 146-2014 are hereby repealed and replaced by the following provisions.

Sec. 21-1. Fees for subdivision applications and proceedings.

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

- (1) *Subdivision applications.* Upon the filing of each application for subdivision approval, the following shall be paid:
 - a. One hundred sixty-five dollars (\$165.00) for a sketch plat. Said one-hundred-sixty-five-dollar fee shall be credited toward the fee required for a preliminary plat as established in subsection b.
 - b. Six hundred sixty dollars (\$660.00) plus fourteen dollars (\$14.00) 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 fourteen-dollar per acre fee will be charged instead of fourteen dollars (\$14.00) per lot.
 - c. Six hundred sixty dollars (\$660.00) plus fourteen dollars (\$14.00) 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 fourteen-dollar per acre fee will be charged instead of fourteen dollars (\$14.00) per lot.
 - d. Three hundred thirty dollars (\$330.00) plus seven dollars (\$7.00) per lot for a final-form-only plat. If the property is zoned or approved for rezoning to other than a one-family or two-family district, a seven-dollar per acre fee will be charged instead of seven dollars (\$7.00) per lot.
 - e. Whenever an overall preliminary plat is finaled out in portions, each final plat after the first shall be charged a fee of four hundred forty dollars (\$440.00) for administration purposes.

- f. A one-hundred-ninety-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.
 - g. Two hundred seventy-five dollars (\$275.00) plus seven dollars (\$7.00) per lot for a replat resulting from requirements of zone case approval. Said two hundred seventy-five dollars (\$275.00) plus seven dollars (\$7.00) 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, a seven-dollar per acre fee shall be charged instead of seven dollars (\$7.00) per lot.
- (2) *Lot split applications.* Upon the filing of each application for lot split approval, the following shall be paid:
- a. Residential zoned lot split two hundred twenty dollars (\$220.00) plus fifty-five dollars (\$55.00) per lot.
 - b. Office, commercial or industrial zoned lot split two hundred seventy-five dollars (\$275.00) plus fifty-five dollars (\$55.00) per lot.
- (3) *Vacation applications.* The filing fee for vacation applications shall be three hundred eighty-five dollars (\$385.00). A lesser fee of one hundred ninety five dollars (\$195.00) shall be assessed for reprocessing a vacation case previously considered and approved by the planning commission and governing body, but never completed.
- (4) *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 fifty-five dollars (\$55.00).
- (5) *Street name change.* The fee for processing a street name change request shall be two hundred twenty dollars (\$220.00).
- (6) *Extension of platting time.* The fee for processing a request for extension of platting time associated with a zone change request shall be fifty-five dollars (\$55.00) for an administrative action. A one-hundred-ten-dollar fee shall be required for a platting time extension when governing body approval is required.
- (7) *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. For lot split, street name changes and vacation applications, costs associated with recording and publishing documents shall be included as part of the filing fee and no separate recording or publishing costs will be billed to the applicant.

Sec. 21-47. Fees for zone change, conditional use and special permit applications.

(a) For the purpose of defraying costs of zoning proceedings, the board of county commissioners 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 resolution, the following shall be paid based on the zoning classification requested:

RR, SF-20, SF-10, SF-5, TF-3	\$440.00 plus \$22.00 per acre
MF-18, MF-29, MH, U, B, NO, GO, NR	\$660.00 plus \$22.00 per acre
LC, GC, CBD, OW, IP, LI, GI	\$880.00 plus \$22.00 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	\$880.00 plus \$22.00 per acre
Original when filed with rezoning application	\$605.00 plus \$22.00 per acre
Major amendments (design or use change that would affect 50 percent or more of the area contained with the C.U.P.)	\$880.00
Minor amendments (design or use change that would affect less than 50 percent of the area contained with the C.U.P.)	\$605.00

(3) *Planned unit development.* Upon the filing of each application for a planned unit development (P.U.D.), the following shall be paid:

Original	\$880.00 plus \$20.00 per acre
Major Amendments (design or use change that would affect 50 percent or more of the area contained with the P.U.D.)	\$880.00
Minor amendments (design or use change that would affect less than 50 percent of the area contained with the P.U.D.)	\$605.00

(4) *Protective overlay.* No fee shall be charged to process a protective overlay (P.O.) except in the following instances:

A fee of four hundred forty dollars (\$440.00) 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 subsection (a)(3).

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

Residential use	\$330.00
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Nonresidential use	\$500.00 plus \$22.00 per acre
Renewal	One-half the original fee listed for the applicable use
Filed with zone change application	One-half the original fee listed for the applicable use

(6) *Deferral.* An applicant requesting deferral of a case shall be charged a fee of one hundred ten dollars (\$110.00) to cover administrative costs at such time that the deferral is granted.

(7) *Adjustment.* A fee of one hundred forty dollars (\$140.00) 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 one-hundred-forty-dollar fee shall be credited toward the fee required for a Variance as established in section 21-48(a). After the original one-hundred-forty-dollar fee for a zoning adjustment, any additional zoning adjustments on the same lot would require a fifty-dollar fee for each adjustment.

(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.

(b) The fees and charges shall be paid in advance of the filing of such application. A written receipt shall be issued to the person making such a payment and records thereof shall be kept in a manner as prescribed by law.

Sec. 21-48. Fees for proceedings before board of zoning appeals.

(a) 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\$ 85.00
 - (2) Variances for residential uses380.00 + \$28.00 per additional zoning lot
Additional variance on same zoning lot110.00
 - (3) Variances for nonresidential uses550.00 + \$28.00 per additional zoning lot
Additional variance on same zoning lot165.00
 - (4) Modified site plan review85.00
 - (5) Time extension to complete BZA conditions55.00
- A separate fee shall be required for each proceeding.

(b) The fees and charges shall be paid in advance of the filing of such application. 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.

SECTION 2. Upon the effective date of this resolution, Sections 21-1, 21-47 and 21-48 of the Sedgwick County Code shall be repealed.

SECTION 3. This resolution shall be effective upon adoption.

Commissioners present and voting were:

RICHARD RANZAU
KARL PETERJOHN
DAVID M. UNRUH
TIM R. NORTON
JAMES M. HOWELL

Dated this _____ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


ATTEST:

KELLY B. ARNOLD, County Clerk

RICHARD RANZAU, Chairman
Commissioner, Fourth District

KARL PETERJOHN, Chair Pro Tem
Commissioner, Third District

APPROVED AS TO FORM:



ROBERT W. PARNACOTT
Assistant County Counselor

DAVID M. UNRUH
Commissioner, First District

TIM R. NORTON
Commissioner, Second District

JAMES M. HOWELL
Commissioner, Fifth District