

RESOLUTION NO. 2010 – 4

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR CHARGES FOR PROCEEDINGS GOVERNED BY THE ZONING REGULATIONS AND SUBDIVISION REGULATIONS OF THE CITY OF CUNNINGHAM, KANSAS

WHEREAS, the City of Cunningham has adopted Zoning Regulations and Subdivision Regulations which create the need for a fee schedule to wholly or partially defray the costs for administration and enforcement of such regulations; and

WHEREAS, the City is authorized pursuant to K.S.A. 12-757(a) to establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment; and

WHEREAS, the City is authorized pursuant to K.S.A. 12-759(a) to established a scale of reasonable fees to be paid in advance by applicants for cases heard by the Board of Zoning Appeals; and

WHEREAS, the City is authorized pursuant to K.S.A. 12-752(d) to establish a scale of reasonable fees to be paid by the applicant for each plat filed with the Planning Commission:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CUNNINGHAM, KANSAS:

Section 1. That the following fees are hereby established for the purpose of wholly or partially defraying costs of proceedings under the City Zoning Regulations for amendments to zoning district classifications and for special use applications:

Amendment to District Classification.....	\$50.00
Special Use Application.....	\$50.00 *

\*If an amendment to a district classification and a special use application are concurrently processed for the same zoning lot, only one fee is to be charged which would be the higher of the two fees listed.

If notifications have been given for an amendment to a district classification or a special use application and the applicant requests a deferral of the hearing, the applicant will be charged the direct cost of renotification.

Section 2. That the following fees are hereby established for the purpose of wholly or partially defraying the costs of proceedings before the City Board of Zoning Appeals for appeals from the determination of the Zoning Administrator, variances, and conditional uses:

Appeal.....	\$50.00
Variance.....	\$50.00
Conditional Use.....	\$50.00

If notifications have been given for an appeal, variance, or conditional use and the applicant requests a deferral of the hearing, the applicant will be charged the direct cost of renotification.

Section 3. That the following fees are hereby established for the purpose of wholly or partially defraying the costs of administration and enforcement under the Zoning Regulations for various permits and certificates:

Zoning Permits and Occupancy Certificates

Principal Structure or Use.....	\$25.00
Accessory Structure or Use.....	\$15.00
Sign Only.....	\$10.00
Portable Sign – 30 days or less.....	\$10.00
Portable Sign – Annual.....	\$10.00
Service Charge for Redeeming Illegally Placed Portable Sign..... (Signs removed by City personnel will be kept no longer than 7 days)	\$10.00
Temporary Permit..... (Nonprofit Recycling Collection Center, small or large, temporary permit required but no fee charge)	\$10.00 *

\*This fee is not separately required if an application is concurrently made and a fee paid for a Building Permit. When an application for a permit is concurrently made for any combination of principle, accessory, or sign structures or uses, the highest fee applicable to any one of the structures or uses will apply. If a permit is not approved, the fee will be returned to the applicant.

If there is a failure to apply for a zoning permit, prior to commencing the construction, structural alteration, enlargement of moving of a structure or the establishment, change to another, extension or enlargement of a use which upon investigation would otherwise have been permitted by the Zoning Regulations, there shall be an investigation charge added to the above permit fee which triples the cost of the fee.

Section 4. That the following fees are hereby established for the purpose of wholly or partially defraying the costs of proceedings under the Subdivision Regulations for applications pertaining to platting:

Sketch Plan.....	No Charge
Preliminary Plat and Final Replat.....	\$50.00
Final Plat for Small Tract.....	\$50.00
Final Plat.....	No Charge
Lot Split.....	\$20.00

Correction of Platting Error.....	Engineering Costs and Recording fee For affidavit
Vacation of a Street, Alley, Public Easement, or Public Reservation (Building setback line, access control, etc.).....	\$200.00

The cost of recording documents, publications, writs, engineering costs, excavation costs, and inspections are payable in addition to filing fees. These, if any, will be billed to the applicant.

No fee shall be required when a proposed plat or lot split is submitted by any agency, political subdivision, board or commission of any township, city, the county, the state or federal government.

Section 5. That no part of the fees in Sections 1 – 4 shall be refunded after payment is made in advance of filing an application, except when a zoning permit is not approved by the Zoning Administrator in Section 3. A written receipt shall be issued by the City to the person making the payment and records thereof shall be kept in such manner as prescribed by law.

Section 6. That the foregoing fees shall become effective on May 28, 2010.

PASSED BY THE CITY COUNCIL this 24<sup>th</sup> day of May, 2010.

APPROVED BY THE MAYOR this 24<sup>th</sup> day of May, 2010.



*Roberta Kobbe*  
Roberta Kobbe, Mayor

*David Steffen*  
David Steffen, City Clerk