



Board of Aldermen Request for Action

MEETING DATE: 10/15/2024

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3041-24, Zoning Code Amendment - 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3041-24, amending sections of Chapter 400 of the Zoning Code and Chapter 425 of the Subdivision Code pertaining to fees and costs. Second reading by title only.

SUMMARY:

The ordinance would change the zoning and subdivision codes to update provisions concerning the fees and costs of zoning and subdivision items and moving those fees and costs into the Schedule of Fees.

BACKGROUND:

The zoning and subdivision codes have several provisions related to fees and costs identified within the ordinance. While preparing the FY2025 budget, several items were recommended to be changed by the Board of Aldermen. As with many other code provisions on fee changes, staff has drafted provisions that instead of changing the actual fees per the Board's direction, will change the code to place all fees into the Board's Comprehensive Schedule of Fees. This will allow the Board to have full control of all its' fees and costs, and to be able to annually review those fees and costs within the Schedule of Fees discussions that occur every budget year. The Planning Commission held a public hearing on August 13 and following the hearing, recommended the included changes to the codes.

PREVIOUS ACTION:

The code provisions that include specific fees have been moved to the Schedule of Fees for several different code items.

POLICY ISSUE:

Improves the control and timing of future fee evaluations to solely be within the Board of Aldermen's authority.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

- | | |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input type="checkbox"/> Other: Planning and Zoning meeting is available for viewing online . | |

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 400 OF THE
ZONING CODE AND CHAPTER 425 OF THE SUBDIVISION CODE
PERTAINING TO FEES AND COSTS**

WHEREAS, the Planning Commission advertised and held a public hearing on August 13, 2024 related to proposed changes to various provisions of the zoning and subdivision codes that pertain to the amount of fees and costs; and

WHEREAS, following the public hearings, the Planning and Zoning Commission approved the changes based upon the desire to incorporate all fees for zoning and subdivision matters be identified in the City's Schedule of Fees and to be addressed by the Board of Aldermen on an annual financial basis; and

WHEREAS, the Planning Commission has provided its' statement required by §400.560.B of the Code, which is attached as Exhibit A;

WHEREAS, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to provide for consistent oversight of the costs of each application and the overall financial stability of the City.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

SECTION 1. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.440 regarding Site Plan Review Fees in its' entirety and replacing it with the following new Section 400.400:

Section 400.400 Application and Fees.

A site plan application, together with a site plan application fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be submitted to the Development Director. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with any notices and/or mailings provided because of any application herein.

SECTION 2. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.550.E regarding Rezoning Application Fees in its' entirety and replacing it with the following new Section 400.550.E:

400.550 General Provisions

E. Fees. An application fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be submitted with the application. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with public notices, certified letters, map reprinting, as well as engineering and legal costs incurred in reviewing and approving the applicant's request.

SECTION 3. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.570.B regarding Conditional Use Permit Application Fees in its' entirety and replacing it with the following new Section 400.570.B

B. Procedure. The consideration of a Conditional Use permit application shall be handled in the same manner as a zoning amendment regarding the requirement for public hearing, notices, protests and action by the Planning Commission and Governing Body. The application shall include a fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees.

SECTION 4. Chapter 425 of the Code of Ordinances is amended by deleting Section 425.090 Filing and Permit Fees in its' entirety and replacing it with the following new Section 425.090.

Section 425.090 Filing and Permit Fees.

For all applications in this Chapter 425, a fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be paid. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with any notices and/or mailings provided because of any application herein.

SECTION 5. This ordinance shall be in full force from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this 15th day of October, 2024.

Damien Boley, Mayor

ATTEST

Linda Drummond, City Clerk

First Reading: 10/01/2024

Second Reading 10/15/2024

EXHIBIT A

STATEMENT OF PLANNING COMMISSION ON FEES CODE AMENDMENTS

In accordance with 400.560.B, the Planning Commission recommends approval of the foregoing ordinance changes and makes the following statements:

1. These changes are consistent with the intent and purpose of these regulations.
2. The areas of the city which are most likely to be directly affected by these changes are all zoning districts as it relates to the fees to be paid to make amendments or changes to the zoning or subdivision status of the property.
3. This amendment is made necessary to provide consistent and regular Board of Aldermen review of all fees and costs charged for zoning and subdivision changes.