

**CITY OF FRANKFORT**  
**Ordinance No. 1 of 2005**

AN ORDINANCE AMENDING SECTION 8120 OF THE CITY OF FRANKFORT ZONING ORDINANCE AUTHORIZING THE DEPOSIT OF ZONING FEES INTO ESCROW.

THE CITY OF FRANKFORT ORDAINS:

**Section 1. Amendment of Section 8120.**

Section 8120 of the City of Frankfort Zoning Ordinance is hereby amended to add a new subsection 8120.08, which shall read in its entirety as follows:

**8120.08 Fee Schedule and Escrow Account for Zoning Fees**

- (1) To assist in defraying costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the City, the City Council may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
  - (a) Zoning permits
  - (b) Special use permits
  - (c) Appeals to or requests for interpretations by the Zoning Board of Appeals. However, appeals and requests for interpretations initiated by the City Council, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  - (d) Classification of unlisted property uses.
  - (e) Requests for variances from the Zoning Board of Appeals.
  - (f) Requests for rezoning of property by individual property owners. Rezoning of property initiated by the City Council, or the Planning Commission shall not be subject to a zoning fee.
  - (g) Site plan reviews.
  - (h) Requests for a Planned Unit Development (PUD).
  - (i) Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission

and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- (2) If the Planning Commission, Zoning Board of Appeals, or Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission, Zoning Board of Appeals, or Zoning Administrator determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the City Treasurer such additional zoning fees in an amount determined by the Planning Commission, Zoning Board of Appeals, or Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission, Zoning Board of Appeals, or Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the City in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

**Section 2. Severability.**

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

**Section 3. Effective Date.**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the City.

CITY OF FRANKFORT

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Its: Clerk