

AGENDA
CITY OF VALLEY CENTER
7:00 pm
January 2, 2007
City Hall - 121 S. Meridian

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION — Ministerial Alliance Jason Ramsey**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA p2**
- 6. CONSENT AGENDA**
 - A. Minutes p2
 - B. Appropriation Ordinance p7
 - C. Grant Township Fire Contract Renewal p8
 - D. Park Township Fire Contract Renewal p9
 - E. Valley Center Township Contract Renewal p10
- 7. CLERK’S AGENDA p11**
- 8. PUBLIC FORUM (Citizen input and requests)**
 - A. NIMS Training for Elected Officials p12
- 9. COMMITTEES AND COMMISSIONS—REPORTS**
 - A. Proposed Ordinance – Updating Zoning Regulations p13
- 10. OLD BUSINESS p19**
- 11. NEW BUSINESS**
 - A. Proposed Ordinance – Governing Body Compensation p20
- 12. STAFF REPORTS p22**
 - A. Flood Plain Management Open House
- 13. GOVERNING BODY REPORTS**
- 14. ADJOURN**

Approval of Agenda

City Staff recommends motion to approve the agenda as presented/amended.

Consent Agenda

City Staff recommends motion to approve the consent agenda as presented.

A. Minutes: p3

Attached are the corrected minutes from the December 5, 2006 meeting as determined by the Governing Body December 19th.

Attached are the minutes from the meeting of December 19, 2006 as prepared by the City Clerk.

For Your Information: Corrected Minutes from December 11th meeting begin on page 25.

B. Appropriation Ordinance: p7

Attached is the proposed appropriation ordinance for December 31, 2006 as prepared by City Staff including only 2006 expenditure items to be allocated from the 2006 Adopted Budget.

Attached is the proposed appropriation ordinance for January 2, 2007 as prepared by City Staff.

C. Grant Township Fire Contract Renewal: p8

Attached is proposed contract renewal for fire service to Grant Township.

Contract continues the current agreement with payment of \$1,000 provided by Grant Township for the service.

D. Park Township Fire Contract Renewal: p9

Attached is proposed contract renewal for fire service to Park Township.

Contract continues the current agreement with payment of \$1,000 provided by Park Township for the service.

E. Valley Center Township Fire Contract Renewal: p10

Attached is proposed contract renewal for fire service to Valley Center Township.

Contract continues the current agreement with payment of \$1,000 provided by Valley Center Township for the service.

REGULAR COUNCIL MEETING
DECEMBER 19, 2006
CITY HALL
121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 pm with the following members present: Virginia Black, Bess Roberts, Dale Blumanhourst, Michael Houston and Richard Yarnell.

Members absent: Cheryl Nordstedt and Dale Blumanhourst

Staff present: I.D. Creech- City Administrator
Kristine Polian, City Clerk
Richard Dunn, City Superintendent
Lonnie Tormey, Fire Chief
Barry Arbuckle, City Attorney
Eldon Miller, Community Development Officer
Neal Owings, Parks Superintendent
Lloyd Newman, Police Sergeant

Press present: The Ark Valley News

APPROVAL OF AGENDA

Houston moved, second by Blumanhourst, to approve the agenda as presented. Vote yea: unanimous. Motion carried.

CONSENT AGENDA

Mayor McNown asked that the minutes be pulled from the Consent Agenda so as to discuss them further.

Black moved, second by Roberts, to approve Consent Agenda without the minutes as presented. Vote yea: unanimous. Motion carried.

Councilmember Roberts pointed out that she had opposed the PUD for the Marquez Horse farm. Mayor McNown pointed out that the Conceal and Carry issue was to be tabled until the City Attorney was present and that Ordinance 1140-06 was never adopted. Councilmember Black stated that her announcement about the Taskforce meeting was to include that it was on December 14th at City Hall regarding the Campus site. Councilmember Yarnell stated that in his report, he stated that there was a large area in which signage could be put in front of City Hall to tell people where City Hall was, not that there "should" be a large area in front of City Hall to tell people where it is. Councilmember Roberts indicated that this meeting's Agenda included amending the City Code for second reading, when the previous meeting she made the motion to adopt the Ordinance and waive first reading. Therefore the issue should be stricken from tonight's agenda.

Yarnell moved, second by Houston, to approve the December 11 minutes as amended. Vote yea: unanimous. Motion carried.

CLERK'S AGENDA

CEREAL MALT BEVERAGE LICENSE APPLICATIONS- 2007

Roberts moved, second by Black, to issue Cereal Malt Beverage Licenses to Leeker's Valley Center, Inc., Kwik Shop, Inc., Pizza Hut of Valley Center and MC's Country Store. Vote yea: unanimous. Motion carried.

PUBLIC FORUM

Dan Gentry of Valley Center stated that he would like to open a Sport's Bar/ Restaurant in the downtown area of Valley Center with the intent of selling liquor. Asked that the Council consider waiving the City Code that prohibits the sale of liquor within 300 feet of a church. The church across the street from the intended business location, the old drug store, will be moving as soon as their new church is built, however, they will not be moved by the time he hopes to open in March. Stated that he hopes to open in March since March Madness is a very busy time for Sport's Bars.

Councilmember Black said that she would not be comfortable making a decision tonight, but from a business standpoint, she thinks the restaurant is a good idea.

Council members Houston and McNown stated that they would both like to hear from the church.

Councilmember Yarnell stated that he would like to see more research done and more information presented before any decisions could be made. Said that he is not opposed to the idea, but sees other problematic areas, like parking.

Hawkins stated that there is still interest from volunteers, but nothing has been solidified.

PROPOSED CONTRACT- PLANNING SERVICES: FOSTER

Gentry indicated that he would do more research and present at a later date.

COMMITTEES AND COMMISSIONS

PARK BOARD: ARROWHEAD PARK UPDATE

Jerry Hawkins of the Park and Tree Board presented the improvements for Arrowhead Park they would like to see in the future. Provided a map and a list indicating the improvements. Asked the Council if they thought the phases they had described in the project seemed feasible, and asked if the Governing Body would like to see a full list of expenditures to approve or if the costs should be broken down by phases.

Council consensus that they like what the Board has done, and asked that they work with Staff to get estimates for the project.

Councilmember Yarnell asked about volunteers.AND ASSOCIATES.

Houston moved, second by Yarnell, to enter into agreement with Foster and Associates for planning consulting services for 2007 in an amount not to exceed \$5,000. Vote yea: unanimous. Motion carried.

OLD BUSINESS

2ND READING PROPOSED ORDINANCE AMENDING CITY CODE- SIDEWALKS, CURBS

The matter was already taken care of previous meeting.

NEW BUSINESS

PROPOSED RESOLUTION- CITY BOUNDARY

Houston moved, second by Roberts, to adopt Resolution No. 517-06 identifying the City Limits of the City of Valley Center, Sedgwick County, Kansas. Vote yea: unanimous. Motion carried.

WICHITA-VALLEY CENTER FLOODWAY: FEMA REQUIREMENTS

Roberts moved, second by Black, to approve signing the Provisionally Accredited Levees letter with FEMA. Vote yea: unanimous. Motion carried.

STAFF REPORTS

GOVERNING BODY COMPENSATION

Mayor McNown stated for the record that no Council members brought this issue to him, and that in fact this was his idea to present to the Governing Body.

Council compared the statistics given to them regarding other municipalities' policies on paying the Governing Body.

Houston moved, second by Yarnell, to direct Staff to bring an Ordinance containing new wage rates for the Governing Body at \$25/meeting for the Council and \$40/meeting for the Mayor. Vote yea: unanimous. Motion carried.

CITY CLERK POLIAN

Stated that there would be a Holiday lunch at the Senior Center at 12:00 on Thursday, December 21. All Council members have been invited to attend.

POLICE CHIEF PARKS

Reminded people to be safe if drinking, as this was a high time of DUI deaths. Also stated that there are now two Valley Center police officers certified to do car seat adjustments, so if anyone needs that particular assistance to please call dispatch.

PARKS SUPERINTENDENT OWINGS

Stated that the Tree Recycling Program at Veteran's Park would run from December 22 to January 23.

COMMUNITY DEVELOPMENT OFFICER MILLER

Said that the Railroad Committee met and has set another meeting for January 3 at 7:00 pm. Said that the Wichita Area Metropolitan Planning Organization is doing research for this specific issue, and will be having an Open House in the future (time to be announced) for anyone that wants to discuss railroad issues.

CITY ATTORNEY ARBUCKLE

Said that in regards to the Conceal and Carry issue addressed at the previous Council meeting, subsection (B) of the State Statute allows for employers, cities and landowners to prohibit people, to include employees, from bringing guns on to the premises. But since the city adopted the 2006 Uniform Public Offense Code, there should not be a need to create and adopt a separate Ordinance prohibiting the same. Said that he believes it is important, for philosophical reasons, to maintain local control of the law.

GOVERNING BODY REPORTS

MAYOR MCNOWN

Stated that he attended the D.A.R.E. Graduation on Thursday and that it is the largest class they have had. Said that Officer Adams, and the Police Department, should be very proud of themselves for the work they have done. Thanked City Clerk for the Holiday party. Said that he would be attending the

Advanced Municipal Finance training put on by the League of Kansas Municipalities, and that if any other Governing Body members decided to go to please contact the City Clerk.

COUNCILMEMBER BLACK

Stated that the Campus Site Taskforce would be meeting January 9, 2007 at 7:00 pm at City Hall.

COUNCILMEMBER ROBERTS

Said that normally she attends the D.A.R.E. Graduations, as she really enjoys them, however, she was unable to attend this year. Asked that the REAP dues be paid, and noted that the organization has been gaining strength.

Black moved, second by Yarnell, to approve payment of the REAP dues in the amount of \$1336. Vote yea: unanimous. Motion carried.

COUNCILMEMBER HOUSTON

Stated that the Chief of Police Taskforce would be meeting on Thursday December 21st at 7:00 pm and Wednesday, December 27th at 7:00 pm, both meetings at City Hall. Said that though most of the meeting would not be open to the public, during the first few minutes of each meeting the public was more than welcome to sit and listen to the Taskforce discuss general topics related to finding a new Police Chief.

Meeting adjourned 8:56 p.m.

Kristine A. Polian, City Clerk

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
233	KS MUNICIPAL INS TRUST I-200612273297	WORK COMP INS	H	12/08/2006		39,650.00CR	036345	39,650.00
93	CINGULAR WIRELESS I-200612273294	CELL PHONE BILL	H	12/22/2006		232.87CR	036423	232.87
06	INTRUST BANK N.A. I-200612273302	PR TAXES 12-22-06	D	12/27/2006		11,886.15CR	000000	11,886.15
0	KPERS I-200612273301	KPERS 12/22/06	D	12/27/2006		3,849.89CR	000000	3,849.89
1	AFLAC I-634544	INSURANCE PREMIUMS	H	12/27/2006		114.50CR	036424	114.50
8	A T & T I-200612273298	LIFT STATIONS PHONE BILL	R	12/27/2006		110.23CR	036425	110.23
9	BURBACH AQUATICS, INC I-07097	REIMBURSE POOL EXPENSE	R	12/27/2006		500.00CR	036426	500.00
	BUSINESS SYSTEMS, INC. I-736644	COPIER MAINT CONTRACT	R	12/27/2006		11.73CR	036427	
	I-737095	COPIER MAINT CONTRACT	R	12/27/2006		45.00CR	036427	56.73
	CINTAS CORPORATION #451 I-200612273299	UNIFORM RENTAL	R	12/27/2006		806.42CR	036428	806.42
	CIVIC PLUS I-43422	MONTHLY WEBSITE FEE	R	12/27/2006		325.00CR	036429	325.00
	COUNTRYSIDE LAWN & TREE I-460296	PRE-EMERGENT APP	R	12/27/2006		220.00CR	036430	220.00
	CTA I-205938	COMPUTER REPAIRS	R	12/27/2006		146.70CR	036431	146.70
	DATA FLOW I-40476	W-2'S AND 1099'S	R	12/27/2006		71.70CR	036432	71.70
	DER PRINTING HAUS I-2914	BURN PERMITS	R	12/27/2006		175.00CR	036433	175.00

VENDOR SET: 09 City Council Meeting January 2, 2007

BANK : APBK INTRUST CHECKING

ENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
743	DOCUFORCE I-22028	COPIER MAINT CONTRACT	R	12/27/2006		186.80CR	036434	186.80
222	DON HUME LEATHERGOODS I-21696	LEATHER GEAR	R	12/27/2006		118.87CR	036435	118.87
22	EMERGENCY FIRE EQUIPMENT CO I-17987	FIRE HOSES	R	12/27/2006		3,088.00CR	036436	3,088.00
23	EXECUTRAIN OF WICHITA I-1081-14073	TRAINING FOR POLIAN	R	12/27/2006		180.00CR	036437	180.00
8	KWIK SHOP I-200612273303	FUEL	R	12/27/2006		151.48CR	036438	151.48
6	LEEKERS FAMILY FOODS I-378482	FILM DEVELOPING	R	12/27/2006		175.51CR	036439	175.51
5	LEWIS STREET GLASS CO INC I-96566	DOOR CLOSER	R	12/27/2006		181.00CR	036440	181.00
	NAFECO INC I-085054	GOGGLES	R	12/27/2006		98.37CR	036441	
	I-087278	GLOVES	R	12/27/2006		345.00CR	036441	443.37
	PITNEY BOWES INC I-200612273295	POSTAGE FOR METER	R	12/27/2006		1,000.00CR	036442	1,000.00
	PREFERRED PLUS OF KANSAS I-200612273300	HEALTH INS PREMIUMS	R	12/27/2006		21,903.15CR	036443	21,903.15
	ROGER STEWART I-200612273293	REIMBURSE LODGING	R	12/27/2006		97.90CR	036444	97.90
	SEDGWICK CO DIV OF FINANC I-1800017574	COMPUTER USAGE	R	12/27/2006		55.00CR	036445	55.00
	SHELLEY ELECTRIC I-53466	TEMP SERV AT LYONS PARK	R	12/27/2006		138.00CR	036446	138.00

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	22	0.00	30,130.86	30,130.86
HANDWRITTEN CHECKS:	3	0.00	39,997.37	39,997.37
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	2	0.00	15,736.04	15,736.04
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00

REGISTER TOTALS:

27

0.00

85,864.27

85,864.27

Appropriation Ordinance page 7b

ENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
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** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT
010	12/2006	13,965.18CR
110	12/2006	67,389.23CR
150	12/2006	1,028.57CR
220	12/2006	27.37CR
610	12/2006	1,849.36CR
620	12/2006	1,604.56CR

ALL		85,864.27CR

CONTRACT FOR FIRE PROTECTION

THIS AGREEMENT made this 3rd day of January 2007 by and between the City of Valley Center, Kansas a duly incorporated city of the second class, located in Sedgwick County, Kansas, hereinafter referred to as the City and Grant Township, a Kansas Municipality, hereinafter referred to as the Township.

WITNESSETH:

WHEREAS, the Township is desirous of continuing fire protection for property and persons located and residing within the limits of said Township; and

WHEREAS, the City is willing to provide fire protection to said Township, subject to the conditions set forth hereinafter,

THEREFORE, The aforementioned parties do hereby contract, covenant and agree as follows to wit:

1. The City agrees to furnish fire protection for property in Grant Township, for a period of (One) 1 year from and after the date of this agreement.

2. The City's Fire Department will respond to fire alarms and calls within the established boundaries of the Township, subject to the following conditions, to wit:

The City is expressly exempted from any liability, of any nature, for the failure of its Fire Department to respond to a fire alarm or call, or the manner in which said Fire Department responds, including, but not limited to, the extinguishing or failure to extinguish any fire, and any damage done to any property as a result thereof.

The City Fire Department will make all reasonable efforts, subject to road and inclement weather conditions to promptly and sufficiently respond to any fire alarm or call.

The City Fire Chief, and/or his designated agent shall at all times have the exclusive right and discretion to determine the amounts and types of equipment, or call to which the City Fire Department may respond hereunder.

3. In consideration of the City providing the fire protection on the terms set forth above, the Township does hereby agree to pay the City the following amount of money at the time indicated to pay.

January 31, 2007.....\$1,000.00

4. The responsibilities of the City hereunder shall be subject to its responsibilities under any agreements for mutual aid entered, at any time, between the City and Sedgwick County.

5. This agreement may be cancelled by either party hereto upon ninety days (90) written notice to the other party.

IN WITNESS WHEREOF the Parties hereto have executed this agreement according to law the day and year first above written.

CITY OF VALLEY CENTER, KANSAS

GRANT TOWNSHIP BOARD

CONTRACT FOR FIRE PROTECTION

THIS AGREEMENT made this 3rd day of January, 2007 by and between the City of Valley Center, Kansas a duly incorporated city of the second class, located in Sedgwick County, Kansas, hereinafter referred to as the City and Park Township, a Kansas Municipality, hereinafter referred to as the Township.

WITNESSETH:

WHEREAS, the Township is desirous of continuing fire protection for property and persons located and residing within the limits of said Township; and

WHEREAS, the City is willing to provide fire protection to said Township, subject to the conditions set forth hereinafter,

THEREFORE, The aforementioned parties do hereby contract, covenant and agree as follows to wit:

1. The City agrees to furnish fire protection for property in Park Township, for a period of (One) 1 year from and after the date of this agreement.

2. The City's Fire Department will respond to fire alarms and calls within the established boundaries of the Township, subject to the following conditions, to wit:

- a. The City is expressly exempted from any liability, of any nature, for the failure of its Fire Department to respond to a fire alarm or call, or the manner in which said Fire Department responds, including, but not limited to, the extinguishing or failure to extinguish any fire, and any damage done to any property as a result thereof.
- b. The City Fire Department will make all reasonable efforts, subject to road and inclement weather conditions to promptly and sufficiently respond to any fire alarm or call.
- c. The City Fire Chief, and/or his designated agent shall at all times have the exclusive right and discretion to determine the amounts and types of equipment, or call to which the City Fire Department may respond hereunder.

3. In consideration of the City providing the fire protection on the terms set forth above, the Township does hereby agree to pay the City the following amount of money at the time indicated to pay.

January 31, 2007.....\$1,000.00

4. The responsibilities of the City hereunder shall be subject to its responsibilities under any agreements for mutual aid entered, at any time, between the City and Sedgwick County.

5. This agreement may be cancelled by either party hereto upon ninety days (90) written notice to the other party.

IN WITNESS WHEREOF the Parties hereto have executed this agreement according to law the day and year first above written.

CITY OF VALLEY CENTER, KANSAS

PARK TOWNSHIP BOARD

CONTRACT FOR FIRE PROTECTION

THIS AGREEMENT made this 3rd day of January, 2007 by and between the City of Valley Center, Kansas a duly incorporated city of the second class, located in Sedgwick County, Kansas, hereinafter referred to as the City and Valley Center Township, a Kansas Municipality, hereinafter referred to as the Township.

WITNESSETH:

WHEREAS, the Township is desirous of continuing fire protection for property and persons located and residing within the limits of said Township; and

WHEREAS, the City is willing to provide fire protection to said Township, subject to the conditions set forth hereinafter,

THEREFORE, The aforementioned parties do hereby contract, covenant and agree as follows to wit:

- 1. The City agrees to furnish fire protection for property in Valley Center Township, for a period of (One) 1 year from and after the date of this agreement.
- 2. The City's Fire Department will respond to fire alarms and calls within the established boundaries of the Township, subject to the following conditions, to wit:
 - d. The City is expressly exempted from any liability, of any nature, for the failure of its Fire Department to respond to a fire alarm or call, or the manner in which said Fire Department responds, including, but not limited to, the extinguishing or failure to extinguish any fire, and any damage done to any property as a result thereof.
 - e. The City Fire Department will make all reasonable efforts, subject to road and inclement weather conditions to promptly and sufficiently respond to any fire alarm or call.
 - f. The City Fire Chief, and/or his designated agent shall at all times have the exclusive right and discretion to determine the amounts and types of equipment, or call to which the City Fire Department may respond hereunder.
- 3. In consideration of the City providing the fire protection on the terms set forth above, the Township does hereby agree to pay the City the following amount of money at the time indicated to pay.

January 31, 2007.....\$1,000.00

- 4. The responsibilities of the City hereunder shall be subject to its responsibilities under any agreements for mutual aid entered, at any time, between the City and Sedgwick County.
- 5. This agreement may be cancelled by either party hereto upon ninety days (90) written notice to the other party.

IN WITNESS WHEREOF the Parties hereto have executed this agreement according to law the day and year first above written.

CITY OF VALLEY CENTER, KANSAS

VALLEY CENTER TOWNSHIP BOARD

Clerk's Agenda

Public Forum

A. NIMS Training for Elected Officials:

Ms. DeAnn Konkel of the Sedgwick County Emergency Management Department has requested time before the Governing Body to outline the upcoming **National Incident Management System (NIMS)** training for Elected Officials to be held February 17th in Wichita.

On February 28, 2003, President George W. Bush issued *Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents*, which directed the Secretary of Homeland Security to develop and administer the National Incident Management System. After the proposed system had gone through extensive vetting and coordination from Federal agencies, NIMS was released by Homeland Security Secretary Tom Ridge on March 1, 2004.

The National Incident Management System (NIMS) integrates effective practices in emergency preparedness and response into a comprehensive national framework for incident management. NIMS will enable responders at all levels to work together more effectively to manage domestic incidents no matter what the cause, size or complexity.

HSPD-5 required all federal agencies to adopt the NIMS and to use it in their individual domestic incident management and emergency prevention, preparedness, response, recovery and mitigation programs and activities. The directive also required Federal departments to make adoption of NIMS by State, tribal and local organizations a condition for Federal preparedness assistance beginning in Fiscal Year 2005. In addition, all State, tribal and local emergency personnel with a direct role in emergency preparedness, incident management or response were to have completed NIMS training by October 1, 2005. **All State, tribal and local personnel with any type of emergency assignment must complete NIMS training by October 1, 2006.**

Committees and Commissions – REPORTS

A. Proposed Ordinance – Updating Zoning Regulations:

Below is a proposed ordinance forwarded for consideration by the Valley Center Planning & Zoning Commission with regard to Zoning Regulations

A public hearing on the proposed model regulations was held on October 24, 2006.

Changes proposed in the regulations are provided in the appendix beginning on page 28.

Excerpt of Minutes:

VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS
7:00 P.M.
SEPTEMBER 26, 2006
121 S. MERIDIAN

UPDATES TO VALLEY CENTER ZONING REGULATIONS

Eldon G. Miller, AICP, discussed the proposed changes to the Floodplain Overlay District. Commission Member Jackson moved, second by Hobson to direct staff to advertise for Public Hearing on October 24, 2006 at 7:00 p.m. Vote Yea: Unanimous.

VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS
7:00 P.M.
OCTOBER 24, 2006
121 S. MERIDIAN

PUBLIC HEARING - AMENDING THE ZONING MAP AND REGULATIONS

Chairman Hobson open the public hearing at 7:16 p.m.

Chairman Hobson introduced the Planning Commissioners, Mayor McNown and city staff.

Eldon G. Miller, Recording Secretary verified that on September 28, 2006 a notification was published in the Ark Valley News and on October 3, 2006 letters were sent to individual landowners affected by rezoning of their property.

Commission Member Schroeder stated that she has had ex parte communications with four persons reference the zone changes for their properties.

Chairman Hobson stated that he has had ex parte communications reference the rezoning.

Commission Member Dailey stated that he had some ex parte communications reference the rezoning.

Eldon G. Miller, AICP, CFM, Deputy Zoning Administrator presented the staff report and changes to the zoning map.

George Massey, 9 High Point, asked about enforcement. George Massey stated that he had a letter from Sedgwick County stating that his home occupation was legal.

Meredith Stevens, 400 W 93rd N, stated that she did not like the change, wanted to be de-annexed and leave her zoning as Sedgwick County "RR" Rural Residential.

Robert Daniels, 1040 S Meridian, asked about Article 6.

Jim Goering, 8901 N Eastpoint Road stated that the city needed to work with the people.

Harriet Ducey, 825 W 77th N, asked about the animal regulations and how they would affect her and her horses. By city code she could have almost 80 horses. I. D. Creech stated that the animal ordinance is different than the zoning regulations.

I, Al Hobson, move that the proposed changes to the City Zoning Regulations and Official Zoning Map, be adopted as a model code dated October 24, 2006, and that it be recommended to the City Council for repeal of the current Zoning Regulations and the incorporation of new regulations by approval of an ordinance. Seconded Jackson. Vote: Yea. Hobson, Campbell, Dailey, Dunn, Jackson and Yarnell. Abstain: Schroeder.

DATE: December 26, 2006
TO: City Council
FROM: Eldon G. Miller, AICP, CFM, Community Development Officer
REF: Proposed changes to the Valley Center Zoning Regulations and Map.

Planning Commission recommends to the City Council to approve the zoning regulations and map changes.

The following steps for this case are:

- 1.) Call Agenda Item
- 2.) Ask if any council member intends to disqualify themselves from discussion and voting on this case.
- 3.) Ask City Clerk if she received any protest petitions.
- 4.) Summary of Hearing:
 - a. Included in the packet are the unapproved minutes of the October 24, 2006 Planning Commission meeting pertaining to the public hearing.
 - b. Ask the public if they felt that they had a fair and impartial hearing.
- 5.) Ask for Zoning Administrator's report.
- 6.) Ask if applicant has any new information to present.
- 7.) Ask if the public has any new information to present.

BACKGROUND:

On August 2, 2006, FEMA sent a letter to the City of Valley Center stating that the new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) would become effective on February 2, 2007. Because of the new study and maps, Valley Center had to update its flood plain regulations.

Also the City of Valley Center needed to update the zoning designations from Sedgwick County Zoning Districts to Valley Center Zoning Districts for properties annexed into the city limits.

On December 19, 2006 the City Council approved the Provisionally Accredited Levees letter for FEMA.

On October 24, 2006, the Valley Center City Planning Commission held the public hearing for the proposed changes to the zoning regulations and map.

George Massey, 9 High Point, asked about enforcement. George Massey stated that he had a letter from Sedgwick County stating that his home occupation was legal.

Meredith Stevens, 400 W 93rd N, stated that she did not like the change, wanted to be de-annexed and leave her zoning as Sedgwick County "RR" Rural Residential.

Robert Daniels, 1040 S Meridian, asked about Article 6.

Jim Goering, 8901 N Eastpoint Road stated that the city needed to work with the people.

Harriet Ducey, 825 W 77th N, asked about the animal regulations and how they would affect her and her horses. By city code she could have almost 80 horses. I. D. Creech stated that the animal ordinance is different than the zoning regulations.

The Planning Commission voted to recommend to the City Council to approve the proposed changes to the zoning regulations and map.

The City Council has four choices provided under state statute for Council action: (K.S.A. 12-757[c])

- (1) By a majority vote, move to adopt the findings and factors and recommendation of the Planning Commission and approve the Ordinance No. _____ for zone change.
- (2) By a 2/3 majority vote, move to override the Planning Commission's recommendation, disapprove and describe in detail the findings and factors supporting the motion.
- (3) By a majority vote, return the recommendation to the Planning Commission for further consideration at its next regular meeting with a statement specifying the basis for the Council's concern whether to approve or disapprove the recommendation.
- (4) By a majority vote, move to table until _____, 2007 at 7:00 p.m. in this same meeting room for more information and study in regard to _____.

The Valley Center Planning Commission recommends motion to accept the findings and factors and recommends adoption of Ordinance No. _____ incorporating by reference Model Zoning Regulations and map(s) for the City of Valley Center, Kansas, waiving first reading.

ORDINANCE NO. 1140-07

AN ORDINANCE ENACTING, APPROVING AND INCORPORATING BY REFERENCE CERTAIN MODEL ZONING REGULATIONS DATED OCTOBER 24, 2006 GOVERNING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN THE CITY OF VALLEY CENTER, KANSAS, AS PREPARED AND PUBLISHED IN BOOK FORM BY THE VALLEY CENTER CITY PLANNING COMMISSION PURSUANT TO K.S.A. 12-741, AS AMENDED, 12-736, 12-742, 12-753 TO 12-761 INCLUSIVE, 12-763, 12-764, 12-766, 12-3009 TO 12-3012 INCLUSIVE, 12-3301 AND 12-3302; AND TITLED AS "ZONING REGULATIONS OF THE CITY OF VALLEY CENTER, KANSAS, OCTOBER 24, 2006 EDITION" ESTABLISHING ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATIONS OF SUCH DISTRICTS; ADOPTING BY REFERENCE AN OFFICIAL MAP(S) OF ZONING DISTRICTS; DEFINING CERTAIN TERMS USED IN SAID REGULATIONS; REGULATING THE MAXIMUM DIMENSIONS OF BUILDINGS AND OTHER STRUCTURES THROUGH BULK REGULATIONS AND LOT AREAS; REGULATING THE LOCATION AND SIZE OF SIGNS; PROVIDING FOR AND REGULATING VEHICULAR PARKING SPACE; REESTABLISHING THE BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES; PROVIDING FOR THE APPOINTMENT OF A ZONING ADMINISTRATOR AND PRESCRIBING HIS/HER DUTIES; PROVIDING FOR FEES TO BE CHARGED FOR AMENDMENTS, APPEALS AND PERMITS; ESTABLISHING A MEANS FOR AMENDING SAID REGULATIONS, MAP(S) AND ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF ITS PROVISIONS AND A MEANS OF ENFORCEMENT; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS:

Section 1. Adoption: Zoning regulations are hereby approved and adopted by the Governing Body of the City of Valley Center, Kansas, as prepared and published in book form as model regulations by the Valley Center City Planning Commission under the date of October 24, 2006 and entitled " Zoning Regulations of the City of Valley Center, Kansas, 2006 Edition" and the same are hereby incorporated by reference as fully as if set out herein.

Section 2. Official Map(s): There are further herein incorporated by reference and adopted an Official Zoning Map(s) including the current Flood Insurance Rate Map(s) (F.I.R.M.) delineating the boundaries of zoning districts and the classifications of such districts, which maps shall be marked "Official copy of zoning district map(s) incorporated into zoning regulations by adoption of Ordinance No. 1140-07 by the Governing Body of the City of Valley Center on the 2nd day of January 2007" and filed with the Zoning Administrator to be open for inspection and available to the public at all reasonable business hours.

Section 3. Public Hearing: The advertised public hearing required by Kansas law was duly held on October 24, 2006 by the Valley Center City Planning Commission, and a discussion of said Zoning Regulations and map(s) was had at the hearing; and the Zoning Regulations and map(s) in model code form herein adopted are a true and correct copy of those regulations as adopted by the Planning Commission.

Section 4. Jurisdiction: From the effective date of this Ordinance, the Zoning Regulations and Official Zoning Map(s) herein incorporated by reference shall govern all use of the land and location of buildings and other structures placed within the City of Valley Center, Kansas.

Section 5. Official Copies: Not less than three (3) copies of the Zoning Regulations in book form marked "Official Copy as incorporated by Ordinance No. 1140-07" and to which there shall be a published copy of this Ordinance attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

Section 6. Invalidity of a Part: Any provision(s) of this Ordinance that shall be declare by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other sections of this Ordinance.

Section 7. Repeal: Ordinance No. 1104-05 is hereby repealed and any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 8. Effective Date: This Ordinance shall take effect from and after its passage, approval and publication once in the official city newspaper.

PASSED BY THE CITY COUNCIL this 2nd day of January 2007.

APPROVED BY THE MAYOR this 2nd day of January 2007.

(SEAL)

Michael D. McNown, Mayor

ATTEST: _____
Kristine A. Polian, City Clerk

APPROVED AS TO FORM ONLY:

Barry Arbuckle, City Attorney

Old Business

New Business

A. Proposed Ordinance – Governing Body Compensation:

From the meeting of December 19th, Staff was directed to prepare an ordinance amending Section 2.08.015 of the Code of the City of Valley Center:

2.08.015 Salary for mayor and council members.

A. The salary of the mayor shall be set at forty dollars (\$40.00) per each council meeting attended.

B. The council members shall serve without compensation. (Ord. 1046 § 2003)

Directive was to set the Mayor's salary at \$50.00 per meeting and all City Councilmembers' salary at \$25.00 per meeting.

Below is proposed ordinance amending the Code of the City of Valley Center for compensation and setting the first meeting in May 2007 for commencement of this new pay schedule.

City Staff suggests motion to adopted ordinance 1141-07 amending the Code of the City of Valley Center, Kansas by establishing the compensation rate for Elected Officials on first reading.

Ordinance # 1141-07

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS ESTABLISHING THE COMPENSATION FOR ELECTED OFFICIALS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER,
KANSAS, to wit:

Section 1. Section 2.08.15 of the Code of the City of Valley Center, Kansas shall be amended to read:

Section 2.08.015. Salary for Mayor and Councilmembers.

- A. The salary for the Mayor shall be set at fifty dollars (\$50.00) per each Council Meeting attended.
- B. The salary for Councilmembers shall be set at twenty-five dollars (\$25.00) per each Council Meeting attended.
- C. Payment shown in paragraphs A and B above shall begin with the first regularly schedule City Council Meeting in May 2007.

Section 2. This ordinance shall take effect and be in force from and after its adoption, approval by the Mayor and publication one (1) time in the official City newspaper.

Passed by the Governing Body of the City of Valley Center, Kansas this ____ day of January 2007.

First Reading:

Second Reading:

Michael D. McNown, Mayor

ATTEST: _____

Kristine A. Polian, City Clerk

Staff Reports

The Sedgwick County Department of Code Enforcement will be hosting a **Floodplain Management Open House on January 10, 2007 from 11 a.m. to 8 p.m.** at the Sedgwick County Extension Office.

Citizens of Sedgwick County will have the opportunity to visit with a variety of governmental and private agencies involved in Floodplain Management, Flood Safety and Post Flood Relief.

There is NO cost to attend.

Ward Realignment:

We have received a glitch in the Ward Re-alignment as a new ordinance to incorporate the newly annexed areas has met with some difficulties.

The drawn boundaries do not meet the concerns of the Election Office personnel with regard to their rules of compliance.

City Clerk

Police Chief

Fire Chief

Parks & Public Properties

Community Development

City Superintendent

City Engineer

Shown below is a list of projects that PEC is working on along with the project status.

Meridian Sidewalk: The sidewalk at the railroad needs to be installed by a contractor working for the Burlington Northern Santa Fe Railroad. The Final inspection was held on 8/23/06, and upon completion of the railroad crossing, the contractor will need to complete the sidewalk up to the railroad crossing.
Kansas Paving-Contractor

Wastewater Treatment Plant Improvements: The public meeting regarding the loan was held in October. We have submitted the plans and the final loan agreement to the KDHE for review and approval. We anticipate advertising the project as soon as the loan agreement is accepted.

Main Street Water line and Storm Sewer and Interurban Water Supply Line: The contractor has completed installation of the water main in Main Street, and needs to make the final connections and install the storm sewer across Main Street. The contractor has installed most of the water main along 69th, and will proceed with installation down Interurban.
Wildcat Construction-Contractor

Valley Meadows 4th Addition Phase 4 Improvements: The final inspections have been held and the project is complete.

Prairie Lakes Phase 2 Paving, Sanitary Sewer and Water line: We are currently advertising the water and sanitary sewer projects, and will bid on January 10, 2007. We have completed the preliminary paving/grading plans, and these are currently being reviewed by staff. We anticipate a bid letting in February.

Sanitary Sewer Rehabilitation: We have started reviewing the sanitary sewer television inspection tapes, and plan to prioritize improvements needed to the collection system.

Burns/Colby/Abilene Water line Replacements: We are preparing plans to replace existing deteriorated water lines along Burns, Colby and Abilene. We plan to include approximately 2 blocks of replacement under the existing loan that we have with the KDHE on Main Street/Interurban project.

Other Items:

- We are currently working on updating the City standards for design and construction.
- Reviewing the existing easements/rights of way for the property north of the public safety building.
- Preparing cost estimates for a potential parking lot and other future improvements in Arrowhead Park.
- Attended meeting for the campus concept north of Public Safety Building. We are preparing some preliminary cost estimates for potential improvements.
- Prepared cost estimates for sidewalk/bike path improvements along 5th and by the Jr. High School.

/s/Mike Kelsey

City Attorney

City Administrator

GOVERNING BODY REPORTS

MAYOR McNOWN

COUNCILMEMBER BLACK

COUNCILMEMBER NORDSTEDT

COUNCILMEMBER ROBERTS

COUNCILMEMBER BLUMANHOURST

COUNCILMEMBER HOUSTON

COUNCILMEMBER YARNELL

Appendix

REGULAR COUNCIL MEETING

DECEMBER 11, 2006

CITY HALL

121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 pm with the following members present: Virginia Black, Bess Roberts, Dale Blumanhourst, Michael Houston and Richard Yarnell.

Members absent: Cheryl Nordstedt

Staff present: I.D. Creech- City Administrator
Tommie Presley, Assistant City Clerk
Richard Dunn, City Superintendent
Rob Tormey, Fire Captain
Eldon Miller, Community Development Officer
Kelly Parks, Police Chief

Press present: The Ark Valley News

APPROVAL OF AGENDA

I.D. Creech added under New Business that the Department of Agriculture wants a designee for the farm property we have.

Roberts moved, second by Blumanhourst, to approve the agenda as amended. Vote yea: unanimous. Motion carried.

CONSENT AGENDA

Houston moved, second by Black, to approve Consent Agenda as presented. Vote yea: unanimous. Motion carried.

CLERK'S AGENDA

COMMITTEES AND COMMISSIONS

WRETBERG ADDITION- DEDICATIONS

Houston moved, second by Blumanhourst, to accept the dedications shown on the plat of Wretberg Addition and direct the Mayor to sign the plat. Vote yea: unanimous. Motion carried.

FINAL PUD- MARQUEZ HORSE FARM

Yarnell moved, second by Houston, to accept the dedications shown on the plat of "Marquez Horse Farm Planned Unit Development" and direct the Mayor to sign all documents necessary. Vote yea: Black, Blumanhourst, Houston and Yarnell. Opposed: Roberts. Motion carried.

DISC GOLF UPDATE- PARK BOARD

Roger Stewart made the presentation for the disc golf update. Sean Kahlich has presented the disc golf concept to you. We have met with Bill Paulsen, who is a Valley Center resident. He is also very instrumental in the Air Capitol Disc Golf Association. They are designing the course for us. We have decided that it is going to be in McLaughlin Park. We have the opportunity to purchase the disc catchers at a greatly reduced price through the Air Capital Disc Golf Association. The disc catchers normally run \$400 apiece. They have a set of 18 that they will sell to us at roughly \$100 apiece. They would normally charge us \$200 apiece, but they are going to donate to us \$100 per catcher. We really need to get these purchased by the end of the year.

Council member Roberts asked Mr. Stewart if he had discussed the funding source of the \$1,800.00. Mr. Stewart stated that after the first year we would have sponsors that would take care of that, but not till the first of the year. We have to purchase these by the end of this month.

I think we can find sponsorship for the initial phase of \$2,975. We would love for the City to give all of this money to us, that way we can call it McLaughlin Park and not have this hole sponsored by so-and-so. How much do you expect or the lack of or the amount of sponsorship? We need your input on this.

After discussion, council member Roberts asked City Administrator Creech if he could find a way to get \$1,800.00, which is all that is needed right now. City Administrator said yes, all we need is direction of the Council.

Council member Roberts moved, second by Yarnell, for City Administrator Creech to authorize expenditures for the disc golf park. Vote yea: unanimous. Motion carried.

OLD BUSINESS

PROPOSED ORDINANCE- SEWER RATES 2ND READING

Houston moved, second by Black, to adopt Ordinance No. 1120-06 setting sewer rates for the Valley Center Kansas Sewer Collection and Treatment System for second reading. Vote yea: unanimous. Motion carried.

PROPOSED ORDINANCE- AT&T TELECOMMUNICATIONS FRANCHISE- 2ND READING

Roberts moved, second by Houston, to adopt Ordinance 1138-06 granting a telecommunications franchise to AT&T dba Southwestern Bell for second reading. Vote yea: unanimous. Motion carried.

NEW BUSINESS

PROPOSED ORDINANCE AMENDING CITY CODE- SIDEWALKS, CURBS

Roberts moved, second by Black, to approve Ordinance 1139-06 and waive first reading. Vote yea: unanimous. Motion carried.

DEPARTMENT OF AGRICULTURE DESIGNEE FOR FARM PROPERTY

City Administrator Creech stated that we received a letter dated November 22nd that the Sedgwick County FSA office is requesting that the City as a corporate entity designate an agent for them and they want a specific person. They want the signature on the letter to be different than the person who is representing. So if you are going to designate the Mayor the president of the Council needs to sign the letter or a designated staff member can sign it.

Council member Yarnell asked if there had been such a designee previously? Mr. Creech stated that he had been the designee previously. Yarnell moved, second by Roberts, to keep Mr. Creech as the signatory. Vote yea: unanimous. Motion carried.

PROPOSED ORDINANCE AMENDING CITY CODE- CONCEAL CARRY RESTRICTIONS

Mayor McNown expressed concerns that writing an Ordinance was not necessary, since the law was part of State Statute.

Council consensus is to table until the City Attorney could be present to discuss with them. Then a decision could be made about adopting the Ordinance.

STAFF REPORTS

Assistant City Clerk Presley announced the Open House for the new City Hall would be tomorrow from 7:00 a.m. to 9:00 a.m. and 6:00 p.m. to 8:00 p.m. Refreshments will be served.

The holiday party is Friday at Sam's Place. Cash bar is at 6:00 p.m. and dinner is at 6:30 p.m. If directions are needed, please call City Hall.

Kelly Parks' retirement party will be held January 5th, 2007 from noon to 4:00 p.m. at City Hall.

Police Chief Kelly Parks publicly thanked his staff while he was off for twenty days in October. They did a great job.

GOVERNING BODY REPORTS

Mayor McNown awarded holiday pay for employees in the amount of \$100.00 net for full-time and \$50.00 net for part-time. Roberts moved, second by Yarnell. Vote yea: unanimous.

Sedgwick County Code Enforcement open house is 11:00-8:00 at the Sedgwick County Extension Office. Asked that it be put on cable channel.

Mayor McNown stated that he is considering pay for council members. It would take effect when the new council members are seated at the end of April or 1st of May. Council member Roberts replied that before it was \$20.00 per meeting. I really think we need to reinstate that.

Council member Yarnell said hold off until they can see study. Are they currently getting reimbursed for mileage?

Council Member Black said there is a Taskforce meeting for the city campus Thursday, December 14th at 7:00 p.m. at City Hall.

Council Member Houston stated the police chief search committee has received 35 resumes. Are ready to move forward now.

Council Member Yarnell stated there is a large area in front of City Hall that could be used as a means to tell people where City Hall is located. Mr. Creech stated we ran out of money.

Meeting adjourned at 7:57 p.m.

Tommie L. Presley, Assistant City Clerk

Proposed Changes to Current Valley Center Zoning Ordinance

112 F-P Flood Plain District. Certain areas of the City are periodically subject to flooding which can result in losses due to: (1) the cumulative effect of obstructions in floodways causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages. This district is designed to permit the gainful use of certain lands which are considered to be in the path of potential floodwaters and from which structures and other valuable property use that is subject to damage by floodwater should be excluded. This would permit surface runoff through such areas in the event of heavy stream flow with a minimum of structural damage or property loss and a minimum of obligation upon the governmental authorities for flood assistance. More specifically, the purpose of this overlay zoning district is to:

- a. Prohibit the placement of structures, fill and materials, which would unduly impede or obstruct flood flows;
 - b. Protect human life and health, prevent property damage, minimize business interruptions and minimize and facilitate rescue and relief efforts which generally must be undertaken at public expense;
 - c. Minimize expenditures of public monies for costly flood control projects and minimize the damage to public facilities in the flood plain such as water mains, sewer lines, streets and bridges;
 - d. Minimize flood blighted areas and maintain property values and a stable tax base adjacent to the flood plain;
 - e. Require that uses vulnerable to floods, including public facilities, be provided with flood protection at the time of initial construction;
 - f. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard; and
 - g. Assure that eligibility is maintained for property owners to purchase flood insurance in the National Flood Insurance Program.
- A. Definitions. The following definitions supplement Section 2-102 and shall additionally be used in the construction and interpretation of these regulations:

100-YEAR FLOOD: See "base flood"

ACCESSORY STRUCTURE: As defined in Article 6.

ACTUARIAL RATES OR RISK PREMIUM RATES: Those rates established by the Federal Emergency Management Agency pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S. Code 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

AGENCY: The Federal Emergency Management Agency. (F.E.M.A.)

AGRICULTURAL COMMODITIES: Means agricultural products and livestock.

AGRICULTURAL STRUCTURES: Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at grade and wet-proofed provided there is no human habitation or occupancy of the structure; the structure is single-walled design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this regulation; and a floodplain development permit has been issued.

APPEAL: See Section 10-106 for description.

AREAS OF SHALLOW FLOODING: A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): A flood having a one percent chance of being equaled or exceeded in any given year. The BFE is determined by statistical analysis for each local area and designated on the Flood Insurance Rate Map (F.I.R.M.). It is also known as the 100-year flood elevation.

BASEMENT: For the F-P Flood Plain District only, a basement means any area of a building having its floor subgrade, i.e., below ground level, on all sides.

CHANNEL: A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of a defined channel.

DEVELOPMENT: For the F-P Flood Plain District only, development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park for which construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at the minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

FLOOD or FLOODING: A temporary rise in a stream's flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. Also, an unusual and rapid accumulation of runoff or surface waters from any source.

FLOOD ELEVATION DETERMINATIONS: A determination of the water surface elevations of the base flood, i.e., the level of flooding that has a one percent chance of occurrence in any given year.

FLOOD INSURANCE RATE MAP (F.I.R.M.): The official map prepared by FEMA for a community delineating where flood insurance may be sold and the risk premium zones applicable to such area.

FLOOD INSURANCE STUDY (F.I.S.): The official report provided by FEMA which contains flood profiles and water surface elevations for various flood frequencies as well as the boundaries and water surface elevations of the 100 year flood.

FLOOD PLAIN ADMINISTRATOR: For purposes of these regulations, the flood plain administrator shall be the official designated as the Zoning Administrator for the City.

FLOOD PLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to an emergency preparedness plan, flood control works and flood plain management regulations.

FLOOD PROTECTION SYSTEM: Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically

includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

FLOOD PROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOODWAY: The channel of a river, creek or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100 year flood without undue restriction and without unreasonable effect on another by not increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

FLOODWAY FRINGE: The area of the flood plain, outside of the floodway, that on the average has a one percent chance of flood occurrence in any one year.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE: This means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which has been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.
- e. **LOWEST FLOOR:** This means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable

solely for parking of vehicles, building access or storage which is in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME: For the F-P Flood Plain District only, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The definition does not include a recreational vehicle. (See definition of RECREATIONAL VEHICLE.)

MANUFACTURED HOME PARK OR SUBDIVISION: For the F-P Flood Plain District only, a parcel or contiguous parcels of land divided into two or more manufactured home spaces or lots for rent or sale respectively. (See Section 2-102 for definition of MANUFACTURED HOME PARK.)

MARKET VALUE OF FAIR MARKET VALUE: Means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL: Means, for purposes of National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION: Those structures where new construction or substantial improvements of which had the start of construction commence on or after the effective date of the initial Flood Hazard Boundary Map, i.e., January 14, 1977.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

OVERLAY DISTRICT: A district which acts in conjunction with the underlying zoning districts in these regulations.

RECREATIONAL VEHICLE: For the F-P Flood Plain District only, a vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a

permanent dwelling, but as temporary or seasonal living quarters for recreational, camping or travel use. (See Section 2-102 for definition of RECREATIONAL VEHICLE.)

START OF CONSTRUCTION: This means the date that the zoning permit was issued for new construction including substantial improvements; provided, that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means the first placement of permanent construction of a structure on a site such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE: For the F-P Flood Plain District only, a walled and roofed structure including a gas or liquid storage tank that is principally above the ground, including but without limitations to buildings, factories, sheds, cabins, manufactured homes and other similar uses.

SUBSTANTIAL IMPROVEMENT: For the F-P Flood Plain District only, any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either, (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not; however, include any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations.

SUBSTANTIAL DAMAGE: For the F-P Flood Plain District only, damage of any origin sustained by a structure whereby the cost of restoration would equal or exceed 50% of the market value of the structure before the damage occurred.

VARIANCE: Refer to Section 10-107 on variances.

VIOLATION: The failure of a structure or other development to be fully compliant with the F-P Flood Plain District is considered to be a violation. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by these regulations is presumed to be in violation until such time as that documentation is provided and approved. (See Section 9-103C for flood plain violation penalties and remedies.)

WATER SURFACE ELEVATION: Means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specific) of floods of various magnitudes and frequencies in the floodplain.

B. General Standards.

1. All proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
2. All applications for zoning permits shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements including the placement of prefabricated buildings and manufactured homes shall: (1) be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure; (2) be constructed with materials and utility equipment resistant to flood damage; and (3) be constructed by methods and practices that minimize flood damage.
3. All subdivision proposals and other proposed new developments, including manufactured home parks and subdivisions, greater than 50 lots or five acres, whichever is the lesser, are required to include within such proposals base flood elevation data. (See Section 6-104 of the City Subdivision Regulations.)
4. Any base flood elevation data available from a federal, state or other source, shall be obtained, reviewed and reasonably utilized until such other data has been provided by the Agency, as criteria for requiring that: (1) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to at least three foot of freeboard above the base flood elevation; and (2) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproof to at least three foot of freeboard above the base flood elevation.
5. In river line situations, notification must be given to adjacent communities and the State Coordinating Office, i.e., the Water Resources Division of the State Department of Agriculture, prior to any alteration or relocation of a watercourse and copies submitted of such notifications to the Agency.
6. The flood carrying capacity within the altered or relocated portion of any watercourse must be maintained.
7. No new construction, substantial improvements or other development including fill shall be permitted within A Zones on the F.I.R.M., unless it is

demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within or outside the City.

8. **Critical Facilities:** All new or substantially improved critical nonresidential facilities including, but not limited, to government buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the two-tenth percent (.2%) annual chance flood event, also referred to as the 500-year flood level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in Subsection K.
- C. Lands to Which District Applies. This district shall apply to all lands within the City identified as A and AE Zones on the Flood Insurance Rate Maps (FIRM) with the effective date of February 2, 2007 (*Community Panel No. 200327 0184, 195, 0200, 0203, 0205, 0211*) as amended and any future revisions thereto. The six F.I.R.M. maps represent portions of Sedgwick County's flood plain maps and are included due to annexations. These maps cover the F-P Flood Plain District established in Section 4-112G and as may be amended by the Agency.
- D. Warning and Disclaimer of Liability. The degree of flood protection required by this district is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study which consist of the following series of interrelated steps:
 1. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The regulatory flood selected for this district is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur on the particular streams subject to these regulations. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated in the Agency's Flood Insurance Study dated February 2, 2007 and accompanying illustrative materials.

2. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.
 3. Computation of the floodway required to convey this flood without increasing flood heights more than one foot at any point.
 4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause a measurable increase in flood height.
 5. Delineation of the floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside the F-P Flood Plain District with its floodway and flood fringe boundaries or land uses permitted within such a district will be free from flooding or flood damage. These regulations shall not create liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.
- E. Interpretation of Boundaries. The floodway and floodway fringe overlay boundaries shall be determined by scaling distances on the official zoning map boundaries for the F-P Flood Plain District. Where interpretation is needed to the exact location of such boundaries or where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. Where the interpretation is contested, an appeal may be taken to the Board of Zoning Appeals as provided for in Section 10-106. The appellant shall be given a reasonable opportunity to submit his or her own technical evidence.
- F. Consideration of Flood Plain Management Programs in Neighboring Communities. The Governing Body will, in all official actions, take into account other flood plain management programs in effect in Sedgwick County and any neighboring areas.
- G. Establishment of Flood Plain District. The flood plain area within the jurisdiction of these regulations is hereby declared to be one district, i.e., the F-P Flood Plain District. The area within the City delineated for the district is shown on the maps described in Section 4-112C. The latter maps are hereby incorporated by reference and made a part of the Official Zoning Maps of these regulations. Such maps designate those areas to be in the floodway portion and the floodway fringe portion of the Flood Plain District. The F-P District shall be considered an overlay zoning district in that the existing underlying zoning districts and their district regulations apply in addition to and complementary to these provisions contained herein. All uses not meeting the standards of this

district and those standards of the underlying zoning districts shall be prohibited. This district shall be consistent with all A Zones including AE, AO and AH Zones, and Shaded and Unshaded X Zones, if any, as identified on the official F.I.R.M. and in the Flood Insurance Study.

- H. Standards Within the Floodway and Floodway Fringe Overlay Boundaries. No zoning permit shall be approved for new developments or substantial improvements within these boundaries unless the following conditions are satisfied:
1. All areas identified as A Zones on the F.I.R.M. are subject to inundation of the base flood; however, the water surface elevation was not provided. The A Zones shall be subject to all provisions of this district. If the Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state or other sources. In Flood Zone A: (1) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to at least three (3) foot of freeboard above the base flood elevation; and (2) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproof to at least three (3) foot of freeboard above the base flood elevation.
 2. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
 3. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and

on-site waste disposal systems be located so as to avoid impairment or contamination; and

f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage;
- (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
- (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

4. *Storage, Material, and Equipment*

a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

5. MANUFACTURED HOMES

A. All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

B. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:

- (1) Outside of a manufactured home park or subdivision;
- (2) In a new manufactured home park or subdivision;

(3) In an expansion to an existing manufactured home park or subdivision; or

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. **The elevation of the lowest floor shall be certified by a licensed land surveyor.**

C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:

(1) The lowest floor of the manufactured home is a minimum of two (2) foot above the base flood level; or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. **The elevation of the lowest floor shall be certified by a licensed land surveyor.**

6. RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones, AE, AH, and AO Zones on the community's FIRM either:

A. Be on the site for fewer than 180 consecutive days, or

B. Be fully licensed and ready for highway use*; or

C. Meet the permitting, elevation, and anchoring requirements for manufactured homes of this ordinance.

I. Floodway Overlay Boundary as shown on the FIRM.

1. Permitted Uses. The following uses having a low flood damage potential and non-obstructing flood damage potential and nonobstructing flood flows shall be permitted within the floodway boundary to the extent that

they are not prohibited by any other applicable district and provided they do not require structures, fill or storage of materials or equipment. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These predominantly open space uses are subject to the standards of Section 4-112H.

- a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming and forestry.
- b. Fishing, hunting, soil and water conservation and wildlife and nature preserves.
- c. Loading areas, parking areas, lawns, gardens and play areas.
- d. Private and public recreation uses such as golf courses, tennis courts, archery and firearm ranges, picnic grounds, boating and swimming areas, parks, shooting preserves, hiking and horseback trails.
- e. Other similar open space uses as may be determined by the Zoning Administrator.

In A Zones, obtain, review and reasonably utilize any floodway data available through federal, state or other sources or Section 4-112B3 of these regulations, in meeting the standards of this section.

2. Conditional Uses. The following uses which involve temporary or permanent structures, fill or storage of materials or equipment may be permitted only upon application to the Board of Zoning Appeals for a conditional use as provided for in Section 10-108 of these regulations. Such uses are also subject to the provisions of Section 4-112H which applies to all conditional uses proposed in the floodway boundary plus the conditional use standards required by Section 4-112 I 3.
 - a. Uses or structures accessory to permitted open space uses listed in Section 4-112 I 1 and for other conditional uses listed below.
 - b. Circuses, carnivals and similar transient amusement enterprises.
 - c. Drive-in theaters, new and used car lots, roadside stands and signs.

- d. Extraction of sand, gravel and other materials.
 - e. Marinas, boat rentals, docks, piers and wharves.
 - f. Railroads, streets, bridges, utility transmission lines and pipelines.
 - g. Storage yards for equipment, machinery or materials.
 - h. Kennels and stables.
 - i. Other conditional uses not specifically listed above, but which in the opinion of the Board of Zoning Appeals are similar in character and consistent with the standards set forth in Section 4-112 I 3.
3. Conditional Use Standards. In reviewing applications for conditional uses listed in Section 4-112 I 2, the Board of Zoning Appeals shall require that the following conditions be met:
- a. No temporary or permanent structure, fill (including fill for roads and levees) deposit, obstruction, storage of materials or equipment or other use may be allowed as a conditional use which affects the capacity of the floodway or increases flood heights in the floodway. In addition, all such uses shall be further subject to the following standards:
 - (1) Fill.
 - (a) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. A state permit is required and no increase in the base flood elevation is allowed.
 - (b) Such fill or other materials shall be protected against erosion by riprap, vegetative cover or bulkheading.
 - (2) Structures (temporary or permanent).
 - (a) Structures shall not be designed for human habitation.
 - (b) Structures shall have a low flood damage potential.
 - (c) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters and

be certified by a licensed professional engineer or architect so as not to cause an increase in the base flood elevation.

- 1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow; and
 - 2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (d) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.
- (e) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area or floodproof.
- (3) Storage of material and equipment.
- (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
 - (b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

J. Floodway Fringe Overlay Boundaries.

1. Permitted Uses. All permitted uses in the underlying districts provided they meet the standards of Sections 4-112H and 4-112J3.
2. Conditional Uses.
 - a. All conditional uses in the underlying districts; provided, that they meet the standards of Sections 4-112H and 4-112J3.
 - b. A conditional use application may be approved by the Board of Zoning Appeals for a detached garage or storage structure of minimal investment and of limited size when used only for parking or limited storage purposes which may be constructed so that its floor is below the base flood elevation. A determination of what constitutes

a minimal investment should be made in relationship to the overall investment in the principal structure or use on the same zoning lot. Such accessory structures shall meet or exceed the minimum requirements as follows which may be less than the standards established in Section 4-112J3 a through d for such conditional uses:

- (1) The structure shall maintain the same bulk regulations and use limitations as contained in Sections 6-100C and D, unless a variance is granted by the Board of Zoning Appeals;
- (2) The use of the structure shall be limited to parking vehicles including recreational type vehicles or for limited storage and not used for human habitation;
- (3) The structure shall be built using unfinished and flood damage resistant materials;
- (4) The structure must be adequately anchored to prevent flotation, collapse or lateral movement which may result in damage to other structures including the use of openings to provide for the entry and exit of floodwater;
- (5) Any mechanical or utility equipment in the structure shall be elevated to or above the regulatory flood protection elevation or be floodproof;
- (6) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (7) The structure shall not exceed 650 square feet for a garage or 250 square feet for a storage structure of gross floor area; (See Section 6-100B 1 and 3 for size limitations.)
- (8) Applicants for such a conditional use are advised to seek personal advice on the insurance ramifications of exempting such structures from the elevation or flood proofing standards otherwise required by these regulations; and
- (9) Construction of such structures in the floodway overlay boundary as described in Section 4-112 I is prohibited.

3. Standards for Permitted and Conditional Uses.

- a. In Flood Zone AE where a Base Flood Elevation has been identified by FEMA: Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to at least two foot of freeboard above the base flood elevation. In Flood Zone A where a Base Flood Elevation has not

been identified by FEMA: Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to at least two foot of freeboard above the base flood elevation.

- b. In Flood Zone AE where a Base Flood Elevation has been identified by FEMA: Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to at least two foot of freeboard above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproof up to that level. In Flood Zone A where a Base Flood Elevation has not been identified by FEMA: Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to at least three foot of freeboard above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproof up to that level.
- c. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- d. Within AH Zones, if any, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- e. All manufactured homes shall be required to be anchored to resist flotation, collapse or lateral movement. Manufactured homes must be anchored in accordance with K.S.A. 75-1226, et seq., or F.E.M.A. guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements or their equivalent shall be met:
 - (1) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
 - (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and

manufactured homes less than 50 feet long requiring four additional ties per side.

- (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.
 - (4) Any additions to manufactured homes be similarly anchored.
- f. Require that all manufactured homes to be placed within Zones AH and AE, if any, on the community's F.I.R.M. be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least two foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 4-112J3e above.

K. Certification and Information.

1. Flood Proofing. Applicants shall provide certification by a licensed professional engineer or architect that the flood proofing methods selected for the construction plan are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with the base flood and also certify that the resulting construction has been inspected and meets the requirements of the flood proofing design plan.
2. Elevation of Property. Applicants shall provide information identifying the elevation of the property in relation to mean sea level of the lowest floor including the basement of the proposed structure. In addition, the applicant shall provide this information for the second lowest floor when the lowest floor is below grade on one or more sides. The applicant shall also be required to submit certification by a licensed professional engineer or other qualified person that the finished fill and building floor elevations and other flood protection measures were accomplished in compliance with the provisions of this district.
3. Permanent Record. Certifications and elevation information required by Sections 4-112K 1 and 2 above are to be maintained by the Zoning Administrator as a permanent record.

L. Variances.

1. Where by reason of exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this district would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished

from the mere grant of a privilege, the Board of Zoning Appeals may authorize a variance from strict application so as to relieve the demonstrable difficulties or hardships, provided that such a variance may only be granted if: (See Section 10-107C7 for authorization.)

- a. The variance meets all the provisions of Section 10-107; and
 - b. The structure is to be erected on a lot of one-half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the base flood elevation; or
 - c. The structure to be restored or reconstructed is listed on the National Register of Historic Places or the State Inventory of Historic Places.
2. Variances shall not be issued except upon:
 - a. A showing of good and sufficient cause; and
 - b. A determination that the variance issuance will not result in measurably increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local or state laws or ordinances.
 3. Variances may only be issued upon a determination that the applicant's request shall meet the minimum necessary standards of this district to afford relief.
 4. The Board of Zoning Appeals will notify the applicant in writing that the issuance of a variance to locate a structure at an elevation below the base flood level will result in increased actuarial rates for flood insurance coverage.

M. Application for Zoning Permits and Occupancy Certificate.

1. An application for a zoning permit and occupancy certificate shall be made in accordance with Section 9-101, and notwithstanding other provisions of these regulations to the contrary, permits

shall additionally be required in the F-P Flood Plain District for dredging, filling, grading, paving, excavation or drilling operations which would result in measurably increased flood heights. Such Flood Plain Development application shall also include the following information where applicable: plans showing the nature, location, dimensions and elevations to the lot; existing or proposed structures, fill or storage of materials; and the location of the foregoing in relation to the channel, the floodway and the base flood elevation.

2. In making a determination whether to issue a zoning permit or occupancy certificate or flood plain development permit, the Zoning Administrator shall make full use of the flood plain data assembled by the City and seek the advice and assistance of the City Engineer. Furthermore, the Administrator may require the applicant to furnish the following additional information as is deemed necessary to evaluate the effects of the proposed use upon flood flows and other factors necessary to render a decision on the suitability of the proposed use:
 - a. A typical valley cross-section showing the channel of the stream, elevations of land areas adjoining each side of the channel, cross-sectional areas to be affected by the proposed development and high water information;
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types and other pertinent information;
 - c. Profile showing the slope of the bottom of the channel or flow line of the stream; or
 - d. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - e. No zoning permit for a structure located in the flood plain can be issued until an elevation certificate is provided.
3. A Floodplain Development Permit shall be obtained before construction or development begins within any area of hazard as established in Subsection B. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Subsection A. The fee assessed for Development Permits shall be paid at the time the application for the permit is filed. Applications for a Development Permit shall be on forms furnished by the administrator and may include, but not limited to: plans in duplicate drawn to scale showing nature, location, dimensions, and elevations of the area in question; existing or proposed

structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor of all structures;
- (2) Elevation in relation to mean sea level to which any non-residential structure is to be floodproof;
- (3) Certification from a registered professional engineer or architect that the non-residential floodproofed structure will meet the flood proofing criteria in Subsection K; and;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

- (1) Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
- (2) Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- (3) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- (4) Issue floodplain development permits for all approved applications;
- (5) Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (6) Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
- (7) Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- (8) Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;

(9) When flood-proofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

- N. Amendments to Flood Plain District Regulations. No amendment shall be made to these regulations that proposes to change the provisions of this F-P Flood Plain District or the accompanying Official Zoning Maps as described in Section 4-112C without the City first submitting such proposed change accompanied by complete information to the Chief Engineer, Division of Water Resources, State Department of Agriculture and the Federal Emergency Management Agency for written approval thereof.