

ORDINANCE NO. 2022-09-_____

AN ORDINANCE AMENDING ZONING REGULATIONS ARTICLE 28 (FLOODPLAIN MANAGEMENT), AND INCORPORATING SUCH REGULATIONS BY REFERENCE.

WHEREAS, the City Commission of Arkansas City adopted Zoning Regulations on May 20, 2014 and has since amended both sets of regulations; and

WHEREAS, such regulations need to be reviewed and amended from time to time; and

WHEREAS, the City desires to enter into the Federal Emergency Management Agency's Community Rating System and the program requires certain amendments to the Floodplain Management Ordinance 2010-08-4259 and such ordinance has not been updated since 2010 and contains some outdated provisions; and

WHEREAS, in accordance with state and federal law, all such floodplain zoning regulations must be approved by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program and must coordinate with the requirements and regulations of the National Flood Insurance Act of 1968 as amended; and

WHEREAS, the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program and the officials of the Federal Emergency Management Agency (FEMA) Region VII have recommended that Arkansas City revise its floodplain management zoning regulations and adopt new regulations based upon the recommended model floodplain management regulations; and

WHEREAS, the Floodplain Management Ordinance is incorporated by reference into the Zoning Regulations as Article 28; and

WHEREAS, on the 9th day of August, 2022 the Planning Commission held a public hearing after due public notice on the proposed amendments to Article 28 of the Zoning Regulations; and

WHEREAS, on that date the Planning Commission recommended the Governing Body adopt the amendments to the Zoning Regulations based on said model floodplain management regulations; and

WHEREAS, the Governing Body desires to accept the Planning Commission's recommendation and amend Article 28 Floodplain Management of the Zoning Regulations.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: REPEAL

The Floodplain Management Ordinance 2010-08-4259 is hereby repealed in full.

SECTION TWO: INCORPORATING BY REFERENCE FLOODPLAIN MANAGEMENT ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating floodplain management zoning within the corporate limits of the City of Arkansas City, Kansas, that certain standard floodplain zoning

ordinances, known as the "Floodplain Management Ordinance of the City of Arkansas City, Kansas," which is based upon and modeled after Model Floodplain Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain program.

No fewer than three copies of the Floodplain Management Ordinance for the City of Arkansas City, Kansas, shall be marked or stamped "**Official Copy as incorporated by Ordinance No. _____ of the City of Arkansas City, Kansas,**" and such copies shall be filed with the city clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from city hall. All city officials requiring the use of the Floodplain Management Ordinance for the City of Arkansas City, Kansas, shall be supplied, at the expense of the City, such number of official copies of such ordinance as may be deemed expedient by the Governing Body.

SECTION THREE: AMENDMENTS TO MUNICIPAL CODE.

The Governing Body of the City of Arkansas City desires to amend Article 28 of the City's Zoning Regulations regarding Floodplain Management, said amended Article 28 is attached hereto and incorporated by reference as if fully set forth herein. The Governing Body therefore hereby amends Arkansas City Municipal Code Part III, Title 18 to read as follows (new provisions in italics; deleted provisions struck through):

Title 18 - ZONING

Sec. 18.1. - Adopted by reference.

The City of Arkansas City Zoning Regulations (hereafter "Zoning Regulations"), as prepared in book form by the Planning Commission under date of ~~September 2018~~ *August 2022*, following a public hearing as required by state law, and the same and new zoning map are hereby declared to be approved and incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 et seq., K.S.A. 12-3009 et seq. and K.S.A. 12-3301 et seq.

SECTION FOUR: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION FIVE: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 6th day of September, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

DRAFTED AND APPROVED AS TO FORM:

Larry Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2022-__-____ of the City of Arkansas City, Kansas adopted by the Governing Body thereof on _____, 2022, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk