

Proposed Changes to Floodplain Management Ordinance and Corresponding Zoning Regulations Article 28

Summary of Changes to Floodplain Management Ordinance:

Agricultural Structures no longer require a variance but still have essentially the same requirements.

Accessory structures no longer require a variance but still have essentially the same requirements. Accessory buildings meeting these new requirements can now be up to 600 square feet, an increase from 400. Accessory buildings larger than 600 square feet will need to follow the standards for Non-Residential Construction found in Article 4, Section B (or Section D1(b) if in an AO zone).

Critical Facilities will now be required to be elevated 1 foot above the .2 percent annual chance flood event (500 year flood) instead of just being elevated to the level of the 500 year flood.

Residential and Non-Residential Structures now require that all HVAC and mechanical equipment be elevated to the same level as the lowest floor

All newly placed and substantially improved manufactured homes will now be required to be elevated at least 1 foot above the base flood elevation. One provision allowed the chassis to be 36 inches above grade which was sometimes still below the base flood elevation.

Temporary structures no longer require a variance but still have essentially the same requirements. A requirement for the City Commission to approve the temporary floodplain development permit was also removed.

The section on violations was redone to better describe the process and to ensure due process was documented within the ordinance. The new language also clarified enforcement actions and puts them more in line with the traditional code enforcement process used by staff.

While not a change per se, it should also be noted that because this ordinance is a part of the Zoning Regulations, the Planning Commission will be the designated body to hold public hearings regarding any amendments to the floodplain management ordinance. The City Commission could still, at its option, hold its own public hearing, but this wouldn't be required.

Specific Changes : Changes noted reference the new ordinance. Some sections have changed in the new but that will be noted as needed.

Article 1, Section A: the only change here will be the new date the draft ordinance was approved by the Kansas Chief Engineer

Article 1, Sections B & C: no changes from the current ordinance

Article 2, Section A: This section was reworded slightly for clarity but the intent is the same

Article 2, Sections B-F: no changes

Article 3, Section A: no changes

Article 3, Section B: The designation of floodplain administrator was changed to Principal Planner.

Article 3, Sections C-D: no changes

Article 4, Section A: No changes to #1,3,4,6,10 and 11. Change to #2: add a reference to “one percent annual chance flood”. Changes to #5: simplified section, removed references to hazardous materials as those are referenced in #10.

Changes to #7: Agricultural structures no longer require a variance. Additional language was added to this section which was brought over from the current ordinance’s Article 5, Section F. In a (formerly 1), language about variances was removed. In b (formerly 2), agricultural buildings are now allowed in any flood zone not just A zones. In f (formerly 5), language requiring mechanical equipment to be elevated 1 foot above base flood elevation was added and a note that the elevation must be certified by a licensed surveyor or professional engineer was also added. In g(formerly 6), the previous reference to variance was changed to permit. The current ordinance’s #10 was removed as it was language regarding variances. In j (formerly 11), a note was added stating that any certification costs are the responsibility of the developer.

Changes to #8: Accessory structures no longer require a variance. Additional language was added to this section which was brought over from the current ordinance’s Article 5, Section G. The allowable size of accessory buildings using this section increases from 400 to 600 square feet. Larger structures must follow the provisions for Non-residential structures found in Article 4, Section B (or Section D if in an AO zone) In a (formerly 1), accessory structures are now allowed in any flood zone, not just A zones. In (f, formerly 6), the previous reference to variance was changed to permit. The current ordinance’s #9 was removed as it was language about variances. In (j formerly 10), a sentence was added stated that any certification costs are the responsibility of the developer.

Changes to #9: Critical facilities are now required to be elevated to one foot above the 500 year flood level as opposed to being required to be placed at the 500 year flood level.

Article 4, Section B: Changes to #1a: added language about mechanical and HVAC equipment requiring that it be elevated to the same level as the lowest floor of the structure. Changes to #1b: added language about mechanical and HVAC equipment requiring that it be elevated to the same level as the lowest floor of the structure or be flood protected to that same level. Also added some clarifying language about floodproofing requirements. Changes to #1c: added a title to this section regarding “Enclosures below the lowest floor”

Article 4, Section C: In #1, the wording slightly changed for clarity. In #2d, language regarding mechanical and HVAC equipment was added as before. #3 in the current ordinance was modified. #3b in the current ordinance allows manufactured homes to be placed where the chassis was 36 inches above ground level. The requirement now will be that all manufactured homes chassis be placed a minimum of 1 foot above the base flood elevation in all instances.

Article 4, Section D: No changes in the opening paragraph. In 1a, language the HVAC and mechanical systems was added. In 1b, a reference to manufactured homes is removed as they are covered in 1a. HVAC and Mechanical systems language was also added. There were no changes to #2.

Article 4, Section E: There were no changes to #1 or 2. A new #3 was added that states a community can permit encroachments if a conditional FIRM and floodway revision is applied for. The remaining subsections were then renumbered.

Article 4, Section F: #3 from the current ordinance was reworded as it would not be compliant with our zoning regulations. Language regarding the placement to be within an approved travel trailer park was added. Recreational vehicles are only allowed to be stored outside of approved travel trailer parks and therefore would have to meet #1 or #2 of this section. A note at the end of this section was added to the end of #2 instead.

Article 4, Section G: This section was moved over from the current ordinance's Article 5, Section H. A requirement in the current ordinance dubbed 2 and redoing the remaining subsections requiring the city commission to review and approve temporary floodplain permits was removed. These permits will be reviewed by staff to ensure that the remaining provisions are met. In e (formerly 2a), special use permit was changed to temporary floodplain development permit. The current ordinance's 2b was removed as it regarding a public hearing process that is unnecessary if staff is doing the review. It is highly unusual for the public to be involved in such approvals at this level. In f (formerly 2c) special use permit was changed to floodplain development permit. In l (formerly 2i), special use permit was changed to floodplain development permit and a confusing reference to violations was removed. Violations to this section will be handled the same way as any other violation is handled as found in Article 6. Stop work orders can be issued if necessary to stop other construction from occurring that is not temporary until the temporary structure violation is removed.

Article 5, Sections A-E: No changes

Changes to the current ordinance's Article 5, Section F: moved to Article 4, Section A #7

Changes to the current ordinance's Article 5, Section G: moved to Article 4, Section A #8

Changes to the current ordinance's Article 5, Section H: moved to Article 4, Section G.

Article 6: This article is entirely new. The current ordinance's violation section was removed and replaced with this one to clarify procedures and add detail. This proposed version also matches current standard code enforcement processes and due process for the violator.

Article 7: no changes

Article 8: added definitions for "Agricultural Commodities", "Agricultural Structures", "Numbered A zones", "one percent annual chance" and "unnumbered A zones"

Article 9: No changes

Changes to Zoning Regulations Article 28: In 28-101b the current floodplain management ordinance number is referenced. The number in this section will change upon adoption of the new floodplain management ordinance.