



CITY OF LANSING
Council Chambers
800 1st Terrace
Lansing, KS 66043

COUNCIL AGENDA
Regular Meeting
Thursday, March 19, 2015
7:00 P.M.

WELCOME TO YOUR CITY COUNCIL MEETING

Regular meetings are held on the first and third Thursday of each month at 7 pm and are televised on Cable Television Channel 2 on Monday 7 pm, Tuesday 10 am & 7 pm, Friday 5 pm, Saturday 1 pm and Sunday 7 pm

Any person wishing to address the City Council, simply proceed to the microphone in front of the dais after the agenda item has been introduced and wait to be recognized by the Mayor. When called upon, please begin by stating your name and address. A time designated "Audience Participation" is listed on the agenda for any matter that does not appear on this agenda. The mayor will call for audience participation. Please be aware that the city council and staff may not have had advance notice of your topic and that the city council may not be able to provide a decision at the meeting. If you require any special assistance, please notify the city clerk prior to the meeting.

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations:

2. Proclamation – Tree City

Council Consideration of Agenda Items:

3. Ordinance No. 944 - An Ordinance to Adopt New Flood Maps for Lansing, Kansas, and Amend All Previous Floodplain Ordinances
4. Fence Request – 1296 Summit Court

Reports:

City Engineer; City Attorney; City Administrator; Councilmembers

Other Items of Interest:

5. Department Monthly Reports

Adjournment

TO: Mike Smith, City Administrator *MS*
 FROM: Sarah Bodensteiner, City Clerk *SB*
 DATE: March 13, 2015
 SUBJECT: Agenda Summary

Call To Order
 Pledge of Allegiance
 Roll Call

OLD BUSINESS:

1. Approval of Minutes

The regular meeting minutes of March 5, 2015 are attached.

- ACTION:** A motion to approve the regular meeting minutes for March 5, 2015 as presented.

NEW BUSINESS:

Audience Participation
 Presentation

2. Proclamation – Tree City

- Mayor Kirby will name April 3, 2015 as Arbor Day in Lansing. Tree Board member and Councilmember Kevin Gardner will receive the proclamation.

Items for Council Consideration:

3. Ordinance No. 944 – An Ordinance to Adopt New Flood Maps for Lansing, Kansas, and Amend All Previous Floodplain Ordinances

- Revised Flood Insurance Rate Maps, and a revised Flood Insurance Study with an official revision date of July 16, 2015, are now available.
- These are a more accurate representation of the flood hazard in Lansing as they are based on a more accurate and current elevation model.
- To remain in the National Flood Insurance Program, Lansing must adopt the new Flood Insurance Rate Maps and Flood Insurance Study prior to the revised date of the maps.
- MOTION:** To adopt Ordinance No. 944: An Ordinance to Adopt New Flood Maps for Lansing, Kansas, and Amend All Previous Floodplain Ordinances.

4. Fence Request – 1296 Summit Court

- JMK Partnership, LLC are the property owners at 1296 Summit Court and wish to extend their fence into the platted setback.
- The planned placement of the fence will be outside of the right of way line, which is 16' from the back of the curb, and outside the 10' Public Utility Easement.
- The fence would be installed 28' from the curb, parallel with the street, and only 8' over the platted side setback on the south side.
- Permission was provided for the west side of the property, where fencing will be installed on the property line.
- The fence is proposed as a 5' board on board fence to be installed by JP Welch Fencing.
- MOTION:** To approve the fence request for JMK Partnership, LLC, at 1296 Summit Court.

Reports: City Attorney; City Administrator; Councilmembers

Other Items of Interest

5. Department Monthly Reports

Adjournment

Call To Order:

The regular meeting of the Lansing City Council was called to order by Mayor Gene Kirby at 7:00 p.m.

Roll Call:

Mayor Gene Kirby called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Kevin Gardner and Dave Trinkle

Ward 2: Andi Pawlowski

Ward 3: Kerry Brungardt

Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Don Studnicka and Jesse Garvey

OLD BUSINESS:

Consent Calendar: Councilmember Buehler moved to approve the special meeting minutes and regular meeting minutes of February 19, 2015. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

NEW BUSINESS:

Audience Participation: Mayor Kirby called for audience participation and there was none.

Presentation: Proclamation – Flood Safety Awareness Week. Mayor Kirby presented the Flood Safety Awareness Week Proclamation to John Young, Director of Public Works Department.

- Public Works Director John Young stated I would just like to say that we really do want to reach out to the community and make sure that everybody is aware of the potential for flooding in Lansing, and if anybody in the community has any questions at all about flood safety, flood risks, or flood protection, please call the Public Works Department and give us the opportunity to assist you. We have a lot of resources and information there for you, and mapping, and we'll do our best to help. City Council, we hope for the next meeting, to have for you a new Ordinance adopting the updated flood maps that have been done by FEMA, so we'll be able to use those for regulatory purposes. Thank you.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Final Plat – Rock Creek Ridge, 4th Plat: Councilmember Buehler moved to accept the public dedications of the final plat for Rock Creek Ridge, 4th Plat. Councilmember McNeill seconded the motion. The motion was unanimously approved.

Rock Creek Ridge, 4th Plat – Request for Offset of Park Land Fees: Councilmember Gardner asked if this would go into the Parks & Recreation Budget.

- Public Works Director John Young replied Park Land Fees go into the Parks & Recreation Reserve.
- Councilmember McNeill asked is the trail system part of the ordinance for a developer or anyone who is developing an area that is part of our trail system, isn't that part of the planning. I mean isn't it a requirement for them to connect any piece of trail in that developed area, that they plan on developing.
 - Public Works Director John Young replied one of the purposes of placing the Master Trails Plan in the Comprehensive Plan is to be able to use that for leverage to try to get at least the land set aside and if possible, get these constructed. We've been pretty successful at it. This is a cooperative effort, there's been no objection to doing it, but they are just looking for some relief because of the size and the expense of it and the other things going on. Mike Reilly is here if you want to ask him about it.
- Councilmember McNeill stated I am more worried about the park fund. Even when we tried to do the Angel Falls trail, we had to take money out of something else, we don't have any money in the park fund. So waiving \$29,000.00, that's \$29,000.00 that could improve our other City Parks, like Kenneth Bernard Park, so that is the issue I have with it. I understand the cost of the trail, but I don't recall any other developers that had that as a reasoning. The one in Angel Falls, they just did it.
 - Public Works Director John Young stated I don't believe we had park land fees; that was offset as well. In Wyndham Hills the park land fees were offset by the trail there too. There is precedent for this, I understand your concern; we all want to put money in the park fund that's why we raise the fees.
 - Councilmember McNeill stated the precedent is we're going to have a really nice trail, but the kids don't play on the really nice trail so much. Families walk on the trail, yes, but little kids like parks to play in. The more money that you drain out of the Parks the less money we have to improve them. I wish Jason [Crum] was here to talk about it.
- Councilmember Buehler stated we did offset the 1st plat right.
 - Councilmember Pawlowski replied no, they didn't pay it because staff didn't collect it, but it was included in the first three phases and that is true.

- Public Works Director John Young replied that was collected.
 - Councilmember Pawlowski responded not in phase one, phase two and three it was.
 - Public Works Director John Young replied phase one fee was collected.
- Councilmember McNeill asked what one was collected later after the error was found that it wasn't collected.
 - Councilmember Pawlowski stated phase one.
- Councilmember Buehler stated I remember one of them being collected, but I thought one of them was offset, that's why I asked. I remember one was late, then we collected it, that's why I'm asking because I don't remember. And I thought we waived one of them also, but I don't recall.
 - Councilmember Pawlowski stated that was phase two.
 - Developer Mike Reilly stated that I don't believe that anything has been offset, there have only been two phases of all the phases out at either Rock Creek Estates or Rock Creek Ridge that have actually included the trail as of right now, before this phase. Rock Creek Estates phase two included the trail back behind that area connecting Willow to Canyon Lane or Canyon View, and then Rock Creek Ridge phase three that we are in now.
- Councilmember Trinkle asked are you doing anything above what is required for the plat.
 - Developer Mike Reilly stated as opposed to leaning on the trail, we view as an amenity that is not only important to the City but also it's important to our community, our homeowners as well, it's something we agreed to early on, and we are certainly going to fulfill that as we have in every phase. What we would like to do, and I don't believe it is required, is to build this construction entrance off of 147th Street, to take the major construction traffic, if not the majority of the construction traffic out of our community and off of your streets. Not only the construction equipment to develop the land and the utilities, but also the construction equipment to build our homes for the next four to five years. We think that provides a value and a win win win: a win for the City, a win for our homeowners and community members, and a win for us as a developer as well. The \$29,000.00 is a firm estimate that was produced by our contractor to the City. That is the initial cost of that construction entrance. Keep in mind, forty-eight lots and at the pace we are building at now, is a four to five year project. That construction road will have maintenance attached to it, so it's a \$29,000.00 bill to put in for us, but I don't know what that number is going to look like on a maintenance perspective over the next three to four to five years. We would like to do that, it is certainly not a requirement, I think it's benefit to the community, and to do that we are asking for the offset of the park land fees.
- Councilmember Trinkle asked so then all the other fees will fall right into place, so they won't ask for anything other than the park land fees.
 - Public Works Director John Young stated one of the points he is making about the construction road, otherwise that would come in on Ridge Drive, like it has for phase two and three, it came on phase one to go on there. They knew that they would have to so they beefed up the pavement to a ten inch pavement instead of an eight inch pavement for that purpose, but now there are a lot of homes there and it's one of the things that the Council has had lots and lots of complaints about on other projects, when construction traffic has to go through an area that already has people living in it, it creates issues and that's one of the primary reasons they are looking at doing this, to try to be sensitive to those kinds of complaints that happen. I'm not arguing for it or against it, I just wanted to flush that out.
- Councilmember Gardner asked so you would have entered in where you have entered before, except that there are houses there now.
 - Public Works Director John Young stated without this construction road, they would have to come down Ridge Drive.
 - Developer Mike Reilly stated without the construction entrance we will enter through the main entrance of the Ridge, Ridge Drive.
 - Public Works Director John Young stated the construction entrance requirements that are in our Code have to do with Sediment control and mud tracking, and they have to build something adjacent for the mud tracking.
- Councilmember Gardner stated I hadn't been here, but did anybody have a lot of trouble going through that, with the second and third plats; complaints?
 - Councilmember Trinkle replied I didn't have any complaints.
 - Councilmember Pawlowski stated I haven't heard any.
- Councilmember Buehler stated what you were just talking about, construction entrance, as per my email this morning I found that in the Code, that's not the same thing that he's talking about?
 - Public Works Director John Young replied the construction entrance in the code is primarily an improved entrance, so they aren't just running through mud and then driving straight out on the street to try to get rid of the mud or the sediment. Now we have done things in the past where it was absolutely essential to have a maintenance bond on the street that is a provision that can be done, but that doesn't keep the traffic out of the neighborhood.

- Mayor Kirby stated the entrance that you're talking about putting in, this construction entrance, keeps all the traffic away from the homes, they won't be effected by it at all with this. You put that in, that's it, the neighbors aren't going to be bothered.
 - Developer Mike Reilly stated correct, as much as humanly possible, recognizing that we're building houses next to some already existing houses, but yes, the heavy load, the majority of the construction traffic on a day to day basis will all access this construction road.
- Councilmember Pawlowski stated that I think if we're going to keep doing this we need to find some other way to get this park land fee. Jason's not here to protect his parks, and we are desperately in need of parks and desperately in need of money to do something with our parks, and that's why this money is here. It's completely separate from the construction entrance.
 - Councilmember McNeill stated what I just want to make sure is if we're going to say the trail system that a developer puts in is an offset to the park land fees, then we ought to make that a policy, so that when a developer comes into an area that is part of the trail system you can offset it. It sounds to me right now that we've offset it for some, and now we're not offsetting it for others which doesn't make any sense.
 - Public Works Director John Young stated it's been a Council decision every time.
 - Councilmember McNeill stated that it has been your [Public Works Department] recommendation every time too, so if we're going to recommend it, then we want to recommend it as part of that.
 - Public Works Director John Young stated what we do is bring forward the requests from the developers when they make them. If they want to make a case for the offset, we bring that forward to you.
 - Councilmember McNeill stated that it starts out with Staff recommends, so if you're going to be recommending, and it's going to be continuous, then we ought to make it a policy that that is an offset to developers who develop in areas of our trail system.
 - Public Works Director John Young replied there wasn't a recommendation there, but we think it's a reasonable request.
 - Councilmember McNeill stated that is a moot point, but what I'm saying is if that's going to be the norm, then I would say we probably should put in our policy that any developer developing that we do offset it, so we're not in situations, but it's an automatic thing.
 - Public Works Director John Young stated that we do look to you, this body for policy direction.
 - City Administrator Mike Smith stated that we should have a discussion on that and we'll get it on a Work Session.
 - Councilmember Gardner asked if we decide to keep the money in the park land fee, does that mean you won't put a road in there. Would it be to your benefit to put a road in there. I know it is tough question.
 - Developer Mike Reilly stated quite honestly I think it's a small ask, what we're asking here. In today's world, with everything that's going on in and around our community, for us to put forty-eight lots in is extremely aggressive. Would I continue to put a construction road in, in the event the request was shot down, then I doubt it. In fact, if the request was shot down then we'd probably have to look at other issues.

Councilmember Trinkle moved to accept the proposed trail and construction entrance in lieu of the park land fees for Rock Creek Ridge, 4th Plat. Councilmember Buehler seconded the motion. The motion was approved with Councilmember Pawlowski and Councilmember Buehler voting against the motion.

Facilities Use Agreement – Rock Creek Ridge, 4th Plat: Councilmember Buehler moved to approve the Facilities Use Agreement for Rock Creek Ridge, 4th Plat, with no park land Fee. Councilmember Trinkle seconded the motion. The motion was unanimously approved.

Acceptance of Engineering Documents for Public Improvements for Rock Creek Ridge, 4th Plat: Councilmember Buehler moved to accept the Engineering Documents for Rock Creek Ridge, 4th Plat, Public Improvements. Councilmember McNeill seconded the motion. The motion was unanimously approved.

Sanitary Sewer Design Criteria Update: Councilmember Trinkle moved to approve the updated Sanitary Sewer Design Criteria as presented. Councilmember Buehler Seconded the motion.

- Wastewater Utility Director Tony Zell stated Mayor, I did want to add one thing before we vote. In going back through and talking with other staff, in section T, with the fee for \$500.00 dollars, we'd like to change that to as

determined by the current fee and fine schedule on file with the City, that way we don't have to come back and revisit this issue every time there is an increase, it would just be a part of the fee and fine schedule.

- Councilmember Trinkle asked do we just amend that to the motion.
 - Councilmember Pawlowski stated we must amend the motion.
- Councilmember Buehler withdrew his second.
- Councilmember Trinkle withdrew his motion.

Councilmember Trinkle moved to approve the updated Sanitary Sewer Design Criteria with the recommended change to Section T "as determined by the current fee and fine schedule". Councilmember Buehler seconded the motion. The motion was unanimously approved.

Agreement for Consultation Services for 2015 Sanitary Sewer Rate Study: Councilmember Pawlowski asked how long will this take.

- Wastewater Utility Director Tony Zell replied about five to six months.
 - Councilmember Pawlowski replied from now?
 - Wastewater Utility Director stated yes.

Councilmember Pawlowski moved to approve the Agreement for Engineering Services with Professional Engineering Consultants with a cost not to exceed \$23,900.00. Councilmember Buehler seconded the motion. The motion was unanimously approved.

REPORTS:

City Attorney: City Attorney had nothing further to report.

City Administrator: City Administrator Michael Smith introduced Stephanie Lief to the Council as the new Economic Development/CVB Director. We are real pleased that she decided to join the staff and she's already going 110 miles an hour so I just wanted to officially welcome her to our great staff and our great city.

Governing Body: Councilmember Gardner congratulated and commended the council and the staff on getting the negative outlook removed from our A1 rating as far as Moody's goes. Between the day to day issues, and the yearly budget, you guys have done a lot of good, a lot of positive things to get us out of that hole, so thank you. And also Couch Logue was inducted into the Kansas State High School Activities Hall of Fame. He's done a lot of good for a lot of kids for a lot of years and it was a nice way for them to say thank you for all he's done for the kids in Lansing.

Councilmember Brungardt stated he wanted to brag on his middle school kids and his site council. They just held a dance to raise funds for the St. Vincent clinic. That is something that does a lot of good for our community, but my kids and site council stepped up and we raised \$1,000.00 to give to St. Vincent through a dance, and I do not like dances, it was a tough evening, but it was well worth it.

ADJOURNMENT: Councilmember Brungardt moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:29 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk

TO: Michael W. Smith, City Administrator *MS*
FROM: Jason Crum, Parks and Recreation Director *JC*
DATE: March 13, 2015
SUBJECT: Tree City Proclamation

One of the long term goals that the Lansing Tree Board has set is to retain status as a Tree City U.S.A. One of the criteria for gaining this status is an Arbor Day Proclamation. Attached is a proclamation declaring April 3 as Arbor Day in Lansing. Representatives from the Tree Board will be present to receive the proclamation from the Mayor.

On April 3 at 10:00 a.m. a ceremonial tree will be planted at Kenneth W. Bernard Community Park.

Action: None



Proclamation Arbor Day

Whereas, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, Trees wherever they are planted, are a source of joy and spiritual renewal, and

Whereas, The City of Lansing has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

Now, Therefore, I, Louis E. Kirby, Mayor of the City of Lansing, in the State of Kansas, do hereby proclaim the 3rd day of April, in the year Two-Thousand Fifteen as

"Arbor Day"

in the City of Lansing, and I urge all citizens to support efforts to protect our trees and woodlands and to support our City's urban forestry program, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of present and future generations.

In witness thereof, I have hereunto set my hand and caused the official seal of the City of Lansing, Kansas to be affixed. This the 19th day of March, in the year Two-Thousand Fifteen.

City of Lansing

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk

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SUBJECT: Ordinance No. 944: An Ordinance To Adopt New Flood Maps For Lansing, Kansas, And Amend All Previous Floodplain Ordinances

Action: Adopt Ordinance No. 944: An Ordinance To Adopt New Flood Maps For Lansing, Kansas, And Amend All Previous Floodplain Ordinances.

AGENDAGENDAGENDA

ORDINANCE NO. 944

AN ORDINANCE TO ADOPT NEW FLOOD MAPS
FOR LANSING, KANSAS, AND AMEND ALL PREVIOUS FLOODPLAIN
ORDINANCES

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

Section 1. Approval of Draft Ordinance by Kansas Chief Engineer Prior to Adoption: The floodplain management ordinance, Lansing City Code Chapter 17, Exhibit A, was approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on January 26, 2015. See Exhibit A – Lansing City Code Chapter 17 – Zoning and Planning.

Section 2. Strike from Lansing City Code Chapter 17, Article 3, Section 17-305, the Flood Insurance Study date of “August 18, 2009” and replace with new date of “July 16, 2015”.

Strike from Lansing City Code Chapter 17, Article 3, Section 17-304, the Flood Insurance Rate Map date of “August 18, 2009” and replace with new date of “July 16, 2015”.

Section 3. This ordinance shall be effective on and after its publication in *The Leavenworth Times*.

PASSED AND APPROVED by the governing body of the city of Lansing, County of Leavenworth, State of Kansas, this 19th day of March, 2015.

{SEAL}

Louis E. Kirby, Mayor

Attest:

Sarah Bodensteiner, City Clerk

APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Published: *The Leavenworth Times*

Date Published: _____

CHAPTER 17. ZONING AND PLANNING

- Article 1. Zoning Regulations
- Article 2. Subdivision Regulations
- Article 3. Flood Damage Prevention

ARTICLE 3. FLOOD DAMAGE PREVENTION

17-301 STATUTORY AUTHORIZATION

- A. The following floodplain management regulations as written were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on ~~August 26, 2014~~ January 26, 2015

1. The legislature of the State of Kansas has, in K.S.A. 12-741, et seq., and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Governing Body of Lansing, Kansas, does ordain as follows:
 - a) The special flood hazard areas of the City of Lansing, Kansas are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
 - b) These flood losses are caused by 1) the cumulative effect of development in any delineated flood plain causing increases in flood heights and velocities, 2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise unprotected from flood damages.
 - c) The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards which consists of a series of interrelated steps.

Topeka Field Office

JAN 22 2014

Division of Water Resources

- (I) Selection of a base flood that 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 base flood selected for this article is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this article. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administration's FIS.
- (II) Calculation of water surface profiles that are based upon a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- (III) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- (IV) Delineation of floodway encroachment lines within which no development is permitted which would cause any increase in flood height.
- (V) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the base flood.

17-302 PURPOSE; OBJECTIVES

- A. It is the purpose of this article to promote the public health, safety and general welfare; to minimize public and private losses described in section 17-301; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

1. Restrict or prohibit uses which are dangerous to health, safety and property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.
4. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.
5. Control filling, grading, dredging and other development which may increase erosion or flood damage.
6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. The objectives of this article are to:

1. Protect human life and health.
2. Minimize expenditure of public money for costly flood control projects.
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. Minimize prolonged business interruptions.
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains.
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas and
7. Insure that potential home buyers are notified that property is in a flood area.

DEFINITIONS

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

- A. **"100-year Flood"** *see "base flood."*
- B. **"Accessory Structure"** means the same as *"appurtenant structure."*
- C. **"Actuarial Rates"** *see "risk premium rates."*
- D. **"Administrator"** means the Federal Insurance Administrator.
- E. **"Agency"** means the Federal Emergency Management Agency (FEMA).
- F. **"Agricultural Commodities"** means agricultural products and livestock.
- G. **"Agricultural Structure"** means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.
- H. **"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.
- I. **"Appurtenant Structure"** means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.
- J. **"Area of Shallow Flooding"** means 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.
- K. **"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- L. **"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

- M. **"Basement"** means any area of the structure having its floor subgrade (below ground level) on all sides.
- N. **"Building"** see *"structure."*
- O. **"Chief Engineer"** means the chief engineer of the division of water resources, Kansas Department of Agriculture.
- P. **"Chief Executive Officer" or "Chief Elected Official"** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.
- Q. **"Compensatory Storage"** shall mean an artificially excavated, hydrologically equivalent volume of storage within the SFHA used to balance the loss of natural storage capacity when encroachments are placed within the floodplain.
- R. **"Community"** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.
- S. **"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Development does not include:
- a) maintenance of existing buildings or facilities, such as re-roofing, re-siding, or resurfacing of roads when there is no increase in the building footprint, ground, or road surface elevation;
 - b) gardening, tilling, plowing, or similar agricultural practices that do not involve filling, grading, terracing of land, or construction of levees; or
 - c) erection of a storage shed, accessory building, fence, or playground equipment that:
 - 1. has a footprint of less than 120 square feet;
 - 2. is not located in a floodway or within 10 feet of a property line, and

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Division of Water Resources

3. is properly anchored to withstand surface water flows.

- T. **"Elevated Building"** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- U. **"Eligible Community" or "Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).
- V. **"Existing Construction"** means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*
- W. **"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots 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 before the effective date of the floodplain management regulations adopted by a community.
- X. **"Expansion to an Existing Manufactured Home Park or Subdivision"** means 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 the pouring of concrete pads).
- Y. **"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by

some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

- Z. **"Flood Boundary and Floodway Map (FBFM)"** means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.
- AA. **"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- BB. **"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards.
- CC. **"Flood Fringe"** means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.
- DD. **"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.
- EE. **"Flood Hazard Map"** means the document adopted by the Governing Body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.
- FF. **"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- GG. **"Flood Insurance Study (FIS)"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- HH. **"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (see *"flooding"*).
- II. **"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency

preparedness plans, flood control works, and floodplain management regulations.

- JJ. **"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.
- KK. **"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.
- LL. **"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- MM. **"Floodway Encroachment Lines"** means the lines marking the limits of floodways on Federal, State and local floodplain maps.
- NN. **"Freeboard"** means 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.
- OO. **"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.
- PP. **"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

- QQ. **"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 have 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.
- RR. **"Lowest Floor"** 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, 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 floodproofing design requirements of this ordinance.
- SS. **"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **does not include a "recreational vehicle."**
- TT. **"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- UU. **"Map"** means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).
- VV. **"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

- WW. **"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.
- XX. **"Natural Grade"** – shall mean surface topography of the earth prior to changes made by human activity such as, but not limited to, grading, terracing, or filling.
- YY. **"New Construction"** means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
- ZZ. **"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.
- AAA. **"(NFIP)"** means the National Flood Insurance Program (NFIP).
- BBB. **"Participating Community"** also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.
- CCC. **"Permit"** means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

- DDD. **"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.
- EEE. **"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.
- FFF. **"Reasonably Safe From Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- GGG. **"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- HHH. **"Remedy A Violation"** means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.
- III. **"Risk Premium Rates"** means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.
- JJJ. **"Special Flood Hazard Area"** *see "area of special flood hazard."*
- KKK. **"Special Hazard Area"** means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.
- LLL. **"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days

of the permit date. The **actual start** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, 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, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the **actual start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

MMM. **"State Coordinating Agency"** means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

NNN. **"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **"Structure"** for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

OOO. **"Substantial-Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 40 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on **two separate occasions during a continuous 10 year period for which the cost of repairs at the time of each flood event, on the average, equals or**

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exceeds 20 percent of the market value of the structure before the damage occurred.

PPP. "Substantial-Improvements" means any reconstruction, rehabilitation, or other improvement of a structure, the cost of which equals or exceeds 40 percent of the market value of the structure before "start of construction" of the improvement; or any addition to a building that occurs outside the footprint of the building. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". **When the combined total of improvements or repairs made to the structure in the previous 10 years equals or exceeds 40 percent of the structure's market value, that structure is considered a substantial improvement.**

QQQ. "Temporary Structure" means a structure permitted in a district for a period not to exceed 180 days and is required to be removed upon the expiration of the permit period. Temporary structures may include recreational vehicles, temporary construction offices, or temporary business facilities used until permanent facilities can be constructed, **but at no time shall it include manufactured homes used as residences.**

RRR. "Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

SSS. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

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TTT. "Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

17-304 APPLICATION OF THE ARTICLE

This article shall apply to all lands within the jurisdiction of the City of Lansing, Kansas identified as numbered and unnumbered A Zones, AE, AO, and AH Zones, on the Index Map dated July 16, 2015, of the Flood Insurance Rate Map (FIRM), and any future revisions thereto. In all areas covered by this article, no development, and no fill or excavation shall be permitted except through the issuance of a floodplain development permit, granted by the Lansing, Kansas, City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in sections 17-312:314.

17-305 FLOOD INSURANCE STUDY INCORPORATED

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) through a scientific and engineering report entitled "The Flood Insurance Study for the City of Lansing, Kansas," revised July 16, 2015, (or as amended) with accompanying Flood Insurance Rate Maps as numbered and unnumbered A Zones, AE, AO, and AH Zones, and within the Zoning Districts FW and FF established in section 17-311 of this article. In all areas covered by this article no development and no fill or excavation shall be permitted except upon a permit to develop granted by the City or its duly designated representative under such safeguards and restrictions as the City or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community and where specifically noted in sections 17-312:314.

17-306 SCOPE OF THE ARTICLE

A. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

B. This article is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- C. In the interpretation and application of this article, all provisions shall be considered as minimum requirements; liberally construed in favor of the Governing Body; and deemed neither to limit nor repeal any other powers granted under the Kansas statutes.
- D. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damages. This article shall not create a liability on the part of the City of Lansing, Kansas, or any officer or employee thereof, for any flood damages that result from reliance on this article or any administrative decision lawfully made there under.
- E. If any section; clause; provision; or portion of this article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this article shall not be affected thereby.

17-307 FLOODPLAIN ADMINISTRATOR

The Director of Public Works is hereby appointed to administer and implement the provisions of this article.

17-308 SAME; DUTIES

Duties of the enforcement officer shall include, but not be limited to:

- A. 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 article have been satisfied.
- B. Review all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- C. Notify adjacent communities and the Division of Water Resources, Kansas State Board of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- E. Require verification by a Kansas licensed land surveyor or Kansas licensed professional engineer and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures that are on any ownership tract, or on a tract that is adjacent to a tract that lies within or partially within the mapped area of special flood hazard.
- F. Require verification by a Kansas licensed land surveyor or Kansas licensed professional engineer and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
- G. When floodproofing is utilized for a particular structure the enforcement officer shall obtain certification from a **Kansas registered professional engineer or architect**.
- H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the enforcement officer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- I. 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.
- J. Issue floodplain development permits for all approved applications.
- K. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a **Kansas registered professional engineer or architect**.
- L. When base flood elevation data has not been provided in accordance with section 17-305, then the enforcement officer

shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of section 17-311.

- M. All records pertaining to the provisions of this article shall be maintained in the office of the Director of Public Works and shall be open for public inspection.

17-309

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

- A. The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the enforcement official shall make the necessary interpretation, taking into consideration any technical data developed by a Kansas licensed land surveyor or Kansas licensed professional engineer and provided by the applicant. The enforcement official shall base his determination on what is in his/her opinion the best current available data. In such cases where the interpretation is contested, the board of zoning appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the board and to submit his or her own technical evidence, if he or she so desires.
- B. In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall be deemed a limitation or repeal of any other powers granted by state statutes.
- C. No development within known flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

17-310

PERMIT; APPLICATION

- A. No person, firm, or corporation shall initiate any development on an ownership tract, or is on an ownership tract

that is adjacent to a tract, that lies within or partially within the mapped area of special flood hazard for substantial improvement or cause the same to be done without first obtaining a separate permit for floodplain development.

- B. A floodplain development permit shall be required in conformance with the provisions of this article.
- C. Application for a floodplain development permit shall be made to the enforcement officer on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, excavation, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. Description of the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed structure or work.
 2. The use or occupancy for which the proposed work is intended.
 3. **Generation of the 500-year flood elevation when development involves a critical facility.**
 4. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures and relationship to base flood elevation.
 5. Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed.
 6. Signature by the permittee or his or her authorized agent (who may be required to submit evidence to indicate such authority).
 7. Such other information as reasonably may be required by the enforcement officer.
 8. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

9. Identify and describe the work to be covered by the floodplain development permit.
10. Indicate the assessed value of the structure and the fair market value of the improvement.
11. Specify whether the development is located in designated flood fringe or floodway.
12. Provide engineering analysis to determine if there is any impact on the regulatory flood elevations anywhere in the community as a result of the development.
13. **Volumetric calculations demonstrating compensatory storage have been provided, if included in flood elevation analysis.**
14. The above plans and specifications must be certified by a **Kansas licensed engineer or land surveyor** if the proposed development is in, near or adjacent to regulatory flood districts.

D. A fee as determined by the Lansing City Council may be charged for a floodplain development permit.

17-311 ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this article are hereby divided into two following districts: a floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the Flood Insurance Study (and accompanying map(s)). Within these districts all uses not meeting the standards of this article and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones, AE, AO, and AH Zones, as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.

17-312 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT

- A. No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within any numbered and unnumbered A Zones, AE, AO, and AH Zones, unless the conditions of this section are satisfied.

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- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 1% chance (100-year) flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this article. If 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.**
- C. Any development, including fill, new construction, substantial improvements, or other types of encroachment, is prohibited within a floodway.**
- D. Compensatory Storage Required for Earthwork involving fill. Fill within the area of special flood hazard shall result in no net loss of natural floodplain storage. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be off-set by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site. This compensatory storage requirement does not apply to small temporary structures (such as above ground swimming pools) where such projects are located on small lots with existing buildings and where the site does not have sufficient space to provide compensatory storage.**
- E. All new construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:**
- 1. Design of anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.**
 - 2. 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.**
 - 3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation,**

plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. All utility and sanitary facilities are elevated or flood proofed up to the regulatory flood protection elevation.

5. No development, including landfill, may be permitted within any numbered or unnumbered A zones and AE zones on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood at any point within the community, as certified by a Kansas Licensed Professional Engineer.

6. For All New Construction: A residential or a non-residential building, including manufactured housing, shall be constructed on a foundation that meets one or more of the following requirements:

a. The lowest floor, including basement, of the building or building addition, shall be at least 3 feet above the base flood elevation.

b. When fill is used for the building pad, it shall be placed in layers no greater than 1 foot deep before compacting and should extend beyond the foundation walls at a slope no greater than 3:1. When fill is used, the top layer shall be above the BFE.

c. No fill shall be placed within 10 feet of the property line. The prohibition of fill within 10 feet of a property line can be waived by a structural engineer's certification that an alternative method will protect the building from damage due to erosion, scour, and other hydrological forces.

d. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

7. Storage of material and equipment.
 - a) **Storage of materials or equipment that, in the time of flooding, could become buoyant and pose an obstruction to flow in the identified floodway areas, or could be injurious to human, animal, or plant life is prohibited.**
 - b) Storage of other materials 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 areas within the time available after flood warning.
8. Subdivision proposals and other proposed new development including manufactured home parks or subdivisions be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, (d) all proposals for development including proposals for manufactured home parks and subdivision include the base flood elevation data, and (e) **all proposals for development must comply with the City's Stormwater Detention/Retention requirements.**
9. **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-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall 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 ordinance; and a floodplain development permit has been issued.
10. **Accessory Structures:** Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human

habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

11. **Critical Facilities:**

- a) All new or substantially improved critical nonresidential facilities including, but not limited, to governmental 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 **at least 3 feet** above the .2 percent annual chance flood event, also referred to as the 500-year flood level.

Critical facilities are those which: are critical to the community's public health and safety; are essential to the orderly functioning of a community; store, or produce highly volatile, toxic or water-reactive materials; or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include: jails or other detention facilities, hospitals, schools, police stations, fire and emergency services stations, nursing homes, water plants, wastewater treatment facilities, and fuel storage facilities.

Critical facilities shall be elevated at least 3 feet above the 500-year flood elevation or to the highest known historical flood elevation (if records are available), whichever is greater. If no data exists establishing a 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.

Critical facilities shall only be constructed in the 500-year floodplain if they are placed on engineered fill and/or if the lowest floor (including basement) is at

least 3 feet above the 500-year flood elevation. A critical facility shall have at least one access drive or road constructed to connect to land higher than the 500-year flood elevation and this drive or road shall be capable of supporting a 4,000 pound vehicle. The top of the drive or road shall be at least 3 feet above the 500-year flood elevation.

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 section 17-308.

No critical facilities shall be constructed in any designated floodway.

12. Hazardous Materials: All hazardous material storage and handling sites shall be located out of the special flood hazard area.
13. Cumulative Improvement: A structure may be improved **within the building footprint** (remodeled) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds **forty (40)** percent of the structure's current market value, the structure must be brought into compliance with Article 4, Section B(1) which requires elevation of residential structures to three (3) feet above the base flood elevation or the elevation/floodproofing of non-residential structures to three (3) feet above the base flood elevation. **Any addition to a building that occurs outside the footprint of the building is subject to current requirements for elevation.**
14. Recreational vehicles: Recreational vehicles may be placed on sites within unnumbered A zones on the community's FIRM or FHBM either:
 - a) Be on the site for fewer than 180 consecutive days, or

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- b) Be fully licensed and ready for highway use*;
or
- c) Meet the permitting, elevating, and the anchoring requirements for manufactured homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

**17-313 FLOODWAY FRINGE OVERLAY DISTRICT
(Including AO and AH Zone)**

A. Permitted Uses. Any use permitted in section 17-313 shall be permitted in the floodway fringe overlay district. No use shall be permitted in the district unless the standards of section 17-312 are met.

B. Standards for the Floodway Fringe Overlay District.

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basements elevated to at least three feet above the base flood (100-year flood) elevation, as certified by a Kansas licensed land surveyor or Kansas licensed professional engineer. Such certification shall be provided to the floodplain administrator as set forth in section 17-308.

2. All electrical wiring, heating, ventilation, , air-conditioning equipment, and other service facilities shall be located at least 3 feet above the base flood elevation. **All outdoor electrical meters shall be installed at least 3 feet above the base flood elevation.**

3. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basements, elevated to at least three feet above the base flood (100-year flood) elevation together with the attendant electrical wiring, heating, ventilation, , air-conditioning equipment, utility and sanitary facilities, and other service facilities, and all other parts of

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the building be floodproofed to at least 3 feet above the base flood elevation so that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. The elevation of the lowest floor and all attendant equipment and utilities shall be certified by a licensed land surveyor. Such certification shall be provided to the floodplain administrator as set forth in section 17-308. Each new residential site shall have direct access to a walkway, driveway, or street whose surface elevation is at least 3 feet above the base flood elevation and such escape route shall lead directly out of the floodplain area.

4. Require, for all new construction, or substantial improvement, that fully enclosed areas below the base flood elevation used solely for parking of vehicles, building access, or storage in an area other than a basement, and that areas subject to flooding shall be limited to 400 square feet and 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 registered professional engineer or architect and meet or exceed the following minimum criteria:

- (a) The structure must provide one square inch of venting for every square foot of enclosed area;
- (b) The structure must provide at least two vents located on different sides of the structure, with one being located on the upstream side of the structure, if possible;
- (c) The bottom of required vents must be no higher than one foot above grade;
- (d) The required vents must be freely open with no human interventions required and be equipped with screens, louvers, valves, or other coverings or devices provided that they permit automatic entry and exit of floodwaters;

(e) These flood vent opening requirements must be certified by a Kansas Licensed Engineer or Architect.

(f) The area below the base flood elevation must be unfinished and constructed of flood-resistant materials the same as are defined by FEMA. Sheetrock or drywall used for fire protection is permitted in unfinished areas;

(g) All ductwork, heating, ventilation, and air conditioning systems, electrical and hot water heaters included as part of the structure must be elevated a minimum of 3' above the base flood elevation;

(h) All of the above required features must be shown on the plan submitted for the floodplain development permit (and, if applicable, the building permit);

(i) An elevation certificate must document the venting features included in a structure and be filed with the floodplain administrator before the structure is occupied.

5. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

6. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

7. Manufactured (Mobile) Homes.

- a) All manufactured (mobile) homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured (mobile) homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frames ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- (I) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional tie per side at intermediate locations and manufactured (mobile) homes less than 50 feet long require one additional tie per side;

- (II) 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 require four additional ties per side;
 - (III) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (IV) Any additions to the manufactured home are similarly anchored.
- b) Require that manufactured homes that are to placed or substantially improved on sites in an existing manufactured home park within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM and not subject to the provisions of 7-313(7)(c) of this ordinance, be elevated so the lowest floor of the manufactured home **is at least 3 feet above the base flood elevation (BFE)** and be securely anchored to an adequately anchored foundation system in accordance with the provisions of section 17-313(7)(a). **The elevation of the lowest floor shall be certified by a Kansas licensed land surveyor or Kansas licensed professional engineer.**
- c) In an existing mobile home park or subdivision or whenever a manufactured home has incurred substantial damage as the result of a flood, the replacement manufactured home **shall be elevated on a permanent foundation so the lowest floor of the manufactured home is at least 3 feet above the base flood elevation (BFE)** and securely attached to the adequately anchored permanent foundation system to resist flotation, collapse, and lateral movement as certified by a Kansas licensed architect or engineer. **The elevation of the lowest floor shall be certified by a Kansas licensed land surveyor or Kansas licensed professional engineer.**

8. Located within the areas of special flood hazard established in section 17-305 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as three feet above the depth number specified in feet on the community's FIRM. **The elevation of the lowest floor shall be certified by a Kansas licensed land surveyor or Kansas licensed professional engineer.**

b) All new construction located in the area behind a flood levee shall be elevated a minimum of 3 feet above the lowest adjacent grade.

c) All new construction and substantial improvements of nonresidential structures shall:

(I) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as three feet above the depth number specified in feet on the community's FIRM **as certified by a Kansas licensed land surveyor or Kansas licensed professional engineer; or**

(II) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be

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provided by a Kansas licensed engineer or licensed architect to the official as set forth in section 17-308.

- d) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- e) All new construction located in the area behind a flood levee shall be elevated a minimum of 3 feet above the lowest adjacent grade.

17-314 FLOODWAY OVER DISTRICT

- D. Permitted Uses. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance. **Any development, including fill, new construction, substantial improvements, or other types of encroachment is prohibited within a floodway."**

17-315 VARIANCES PROCEDURES

- A. The board of zoning appeals shall hear and decide appeals and requests for variances from the requirements of this article.
- B. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the enforcement officer in the enforcement or administration of this article.
- C. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- D. In passing upon such applications, the board of zoning appeals shall consider all technical evaluations; all relevant factors, standards specified in other sections of this article, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
12. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-4 above) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

E. CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES:

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in section 17-315(A):(D) of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 17-312(E)(3) of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section 17-312(E)(1) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight,

floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 17-312(E)(4) of this ordinance.

6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with section 17-313(B)(4) of this ordinance.
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of section 17-312 of this ordinance. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the one percent annual chance flood event, also referred to as the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. A community shall notify the applicant in writing over the signature of a community official that: (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
11. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

F. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES:

Any variance granted for an accessory structure shall be decided

individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in section 17-315(A):(D) of this ordinance.

In order to minimize flood damages during the one percent annual chance flood event, also referred to as the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed:

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 17-312 (E)(3) of this ordinance.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with section 17-312(c)(1) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 17-312(E)(4) of this ordinance.
5. The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and

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Division of Water Resources

exit of flood waters in accordance with section 17-313(B)(4) of this ordinance.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of section 17-312 of this ordinance. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

G. CONDITIONS FOR APPROVING VARIANCES FOR TEMPORARY STRUCTURES:

Any variance granted for a temporary structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

1. A temporary structure may be considered for location within the one percent annual chance flood event, also referred to as the 100-year floodplain only when all of the following criteria are met:

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Division of Water Resources

- a) Use of the temporary structure is unique to the land to be developed and cannot be located outside of the floodplain nor meet the NFIP design standards;
 - b) Denial of the temporary structure permit will create an undue hardship on the property owner;
 - c) Community has adopted up-to-date NFIP and building regulations to direct placement and removal of the temporary structure; and,
 - d) Community has sufficient staff to monitor the placement, use, and removal of the temporary structure throughout the duration of the permit.
2. Once all of the above conditions are met, an application for a special use permit must be made to the Lansing City Council. The Lansing City Council shall consider all applications for special use permits for a temporary structure based on the following criteria:
- a) The placement of any temporary structure within the special flood hazard areas as shown on the community's adopted FEMA/NFIP map shall require an approved special use permit. The special use permit shall be valid for a period not to exceed 180 days.
 - b) Special use permits applications, for a temporary structure to be located in special flood hazard areas, shall conform to the standard public hearing process prior to any community action on the permit request.
 - c) An emergency plan for the removal of the temporary structure that includes specific removal criteria and time frames from the agency or firm responsible for providing the manpower, equipment, and the relocation and disconnection of all utilities shall be required as part of the special use permit application for the placement of any temporary structure.

- d) On or before the expiration of the end of the 180 day special use permit period, the temporary structure shall be removed from the site. All utilities, including water, sewer, communication, and electrical services shall be disconnected.
- e) To ensure the continuous mobility of the temporary structure for the duration of the permit, the temporary structure shall retain its wheels and tires, licenses, and towing appurtenance on the structures at all times.
- f) Under emergency flooding conditions, the temporary structure shall be removed immediately or as directed by the community and as specified in the emergency removal plan.
- g) Location of any temporary structure within the regulatory floodway requires the provision of a "no-rise" certificate by a registered professional engineer.
- h) Violation of or non-compliance with any of the stated conditions of the special use permit during the term thereof, shall make the permit subject to revocation by resolution of the Governing Body of the community. Issuance of permit revocation notice shall be made to the landowner, the occupant of the land, and to the general public.
- i) Any deviation from the approved site plan shall be deemed a violation of the special use permit approval and the uses allowed shall automatically be revoked. The subsequent use of the land shall be as it was prior to the special permit approval. In event of any violation, all permitted special uses shall be deemed a violation of this ordinance and shall be illegal, non-conforming uses and shall be summarily removed and abated.
- j) If the temporary structure is to be returned to its previously occupied site, the process for issuing a special use permit must be repeated in full. Any subsequent permit shall be valid for 180 days only.

3. Upon consideration of the factors listed above and the purposes of this article, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

H. Conditions for variances:

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall only be issued upon (A) a showing of good and sufficient cause, (B) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (C) a determination that the granting of a variance will not result in 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 laws or ordinances.
4. A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
5. The enforcement officer shall maintain the records of all appeal actions and report any variances to FEMA upon request.

17-316 NON-CONFORMING USE

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this article but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
2. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.
3. If such structure, use, or utility service is discontinued for six (6) consecutive months, any future use of the building shall conform to this ordinance.
4. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 40 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this article. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, or local inventory of historic places upon determination.

17-317

AMENDMENTS

The regulations, restrictions, and boundaries set forth in this article may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster

Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in the official City newspaper. The regulations of this article are in compliance with the National Flood Insurance Program Regulations.

17-318

PENALTIES FOR VIOLATION

Violation of the provisions of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 180 days, or both, and in addition shall pay all costs and

expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Governing Body or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

17-319

WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural cases, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This article shall not create liability on the part of the City or any office or employee thereof for any flood damages that may result from reliance on this article or any administrative decision lawfully made thereunder.

Topeka Field Office

JAN 22 2014

Division of Water Resources

APPROVED

This 26 day of January, 2015
For Motion For
DAVID W. BARFIELD, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

TO: Michael W. Smith, City Administrator *ms*
THRU: John W. Young, Director of Public Works *JWY*
FROM: Rebecca L. Savidge, Building Inspector II *RLS*
DATE: March 12, 2015
SUBJECT: Fence Request – 1296 Summit Court

JMK Partnership, LLC, property owners at 1296 Summit Court, wish to extend their fence into the platted setback. The planned placement of the fence will be outside of the right of way line, which is 16' from the back of the curb. The fence will also be outside the 10' Public Utility Easement. The fence would be installed 28' from the curb, parallel with the street. This would result in the fence being installed only 8' over the platted side setback on the south side.

The fence is proposed as a 5' board-on-board fence to be installed by JP Welch Fencing. Written permission was provided for the west side of the property, where fencing will be installed on the property line. This is a corner lot, which typically has two 30' front yard setbacks, but was platted with a decreased setback of 20' on the south (side) property line.

Pictures are attached to provide visuals in determining the approval or denial.

The City Code allows residents to bring before the City Council consideration of unusual fence requests. In reviewing the application to construct the fence with a reduced setback as shown in the attached drawing, staff finds no apparent conflicts with adjoining site triangles, easements, etc.

Attached is the plat from the third phase of Rock Creek Ridge.

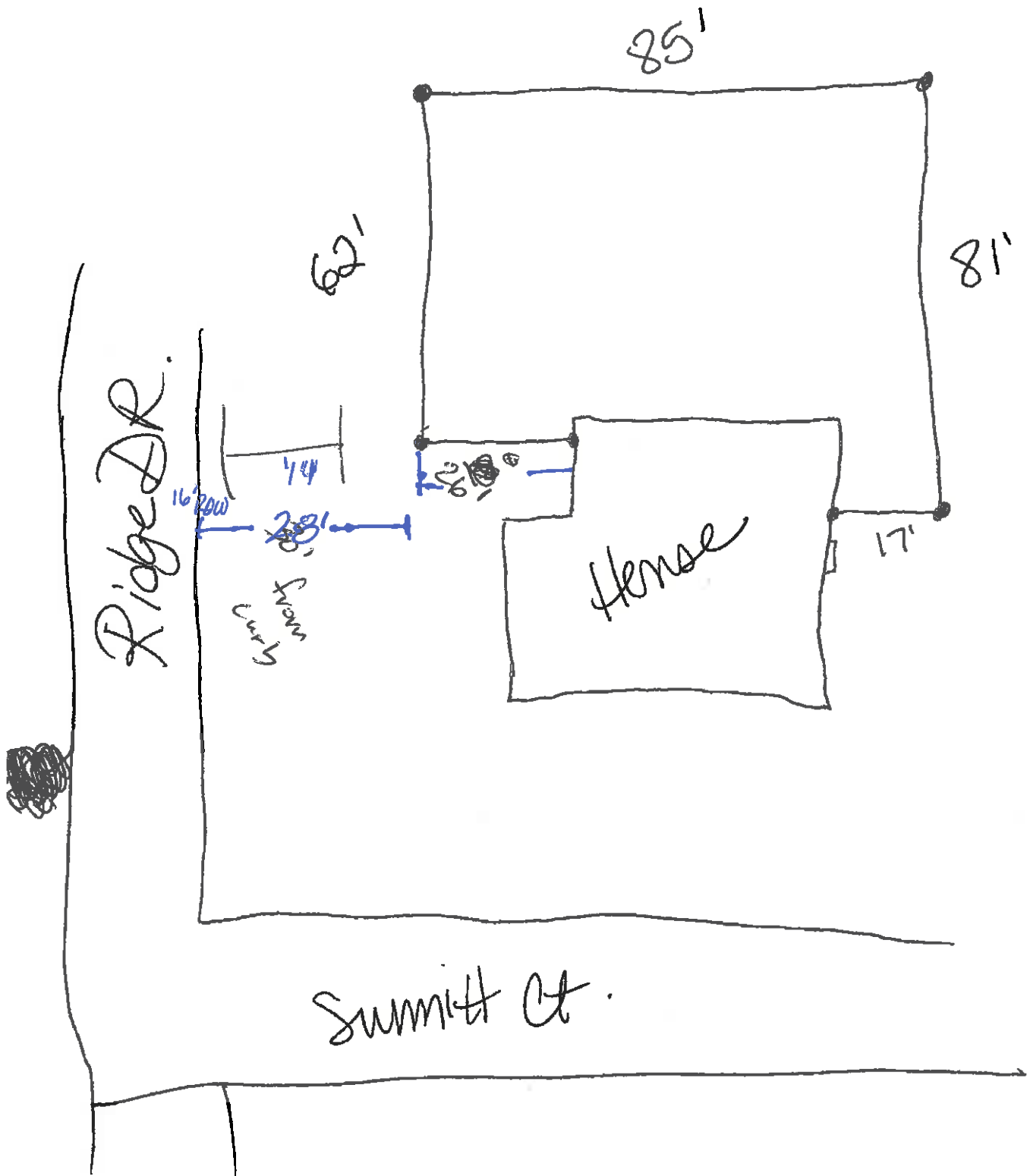
Staff will issue or deny the building permit based on the City Council's subsequent decision.

Action: Staff recommends the Council approve the fence request for JMK Partnership, LLC, at 1296 Summit Court.

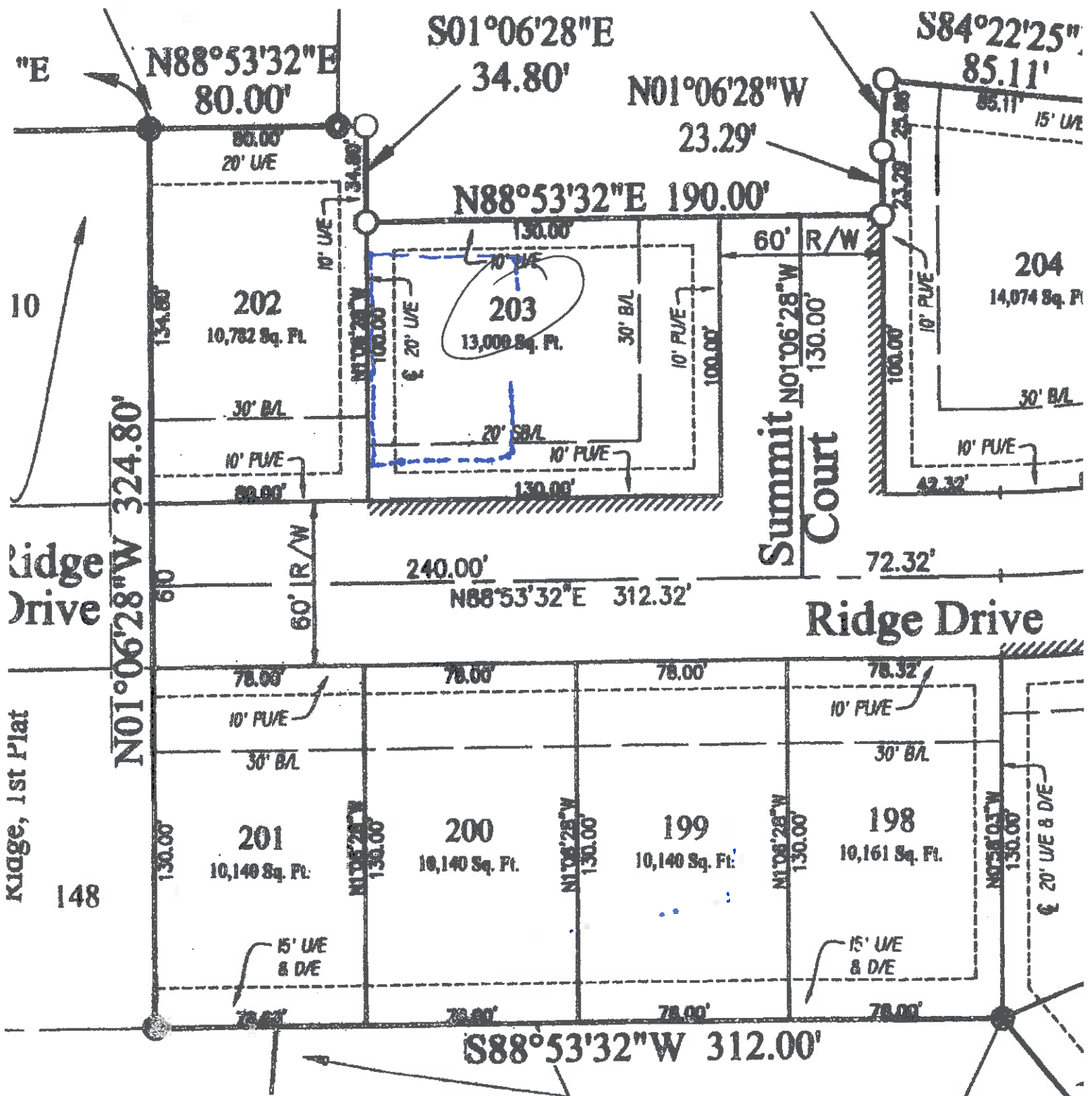
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1296 Summit Ct.
Lansing
JP Welch Fencing



1296
Summit Ct.









Feb-15

City Influent 28.736 MG City Avg Daily 1.026 MG
 LCF Influent 11.639 MG LCF Daily Avg .416 MG
 Total Biosolids 1.08 MG Precip

Vehicles

Year	Make	Model	Description	Mileage Start	Mileage Ending	Miles Driven	Current Use	Comments
1995	Dodge	3500	Flatbed Truck	86507	86519	12	Collection System	
1999	Sterling	Vactor	Jet Truck	7745	7751	6	Collection System	
2002	Ford	350	Pick Up Truck	81595	82019	424	Ops/Maint.	
2006	Ford	Cr Vic	Sedan	139223	139223	0	Ops/Maint.	Vehicle was entered into ww fleet this month
2005	Ford	550	Flatbed Truck	39640	39728	88	Ops/Maint.	
2005	Freightliner	M2106	Dump Truck	16007	16099	92	Biosolids Disposal	
Total						622		

Equipment

Year	Make	Model	Description		Hours Used	Current Use	Comments
1990	Ag Chem	2004	Solids Tanker	6506	6506	0 Spare	
1991	Case	1825	Uni-Loader	923.6	923.6	0 Plant Activities	
1999	Sterling	Vactor	Jet Truck	2162	2163	1 Collection System	
1999	Aries	Saturn III	Camera Trailer	320.2	327.5	7.3 Collection System	
2004	John Deere	7920	Tractor	967	969	2 Biosolids Disposal	
2005	Polaris	Ranger #1	Utility Vehicle	746	788	42 Operations	
2004	Case	621D	Loader	2029	2031	2 Operations	
2005	Polaris	Ranger #2	Utility Vehicle	847	857	10 Maintenance	
2006	JCB	531-70	Telehandler	450	450	0 Plant Activities	

Lansing Police Department
Vehicle Fleet End of Month Report

Feb-2015

Unit	Year	Make/Model	Mileage as of 02/02	Mileage as of 03/02	Miles Driven	Current Use	Future Use	Comments
1	2013	Ford Explorer	29581	30521	940	Patrol	Patrol	Fit for patrol duty
2	2012	Dodge Charger	12124	12286	142	Lieutenant	Lieutenant	Limited Use - Lieutenant
3	2006	Ford Crown Vic	0	0	0	Patrol	Patrol	Out of Service
4	2007	Dodge Charger	119040	119749	709	Sergeants	Sergeants	Fit for patrol duty
5	2012	Dodge Charger	12888	13006	118	Captain	Captain	Limited Use - Captain
6	2013	Ford Explorer	18135	19491	1356	Patrol	Patrol	Fit for patrol duty
7	2002	Ford Explorer	109639	109901	262	Detective	Detective	Special Use - Investigations
8	2011	Dodge Charger	38166	39108	942	Patrol	Patrol	Fit for patrol duty
9	2012	Chevy Tahoe	48911	49851	940	Patrol	Patrol	Fit for patrol duty
10	2011	Dodge Charger	18890	19770	880	Chief	Chief	Limited Use - Chief
11	2003	Ford F150	70057	70377	320	Animal Control	Animal Control	Fit for Animal Control duties
13	2010	Dodge Charger	67700	68820	1120	Patrol	Patrol	Fit for patrol duty
14	1995	Ford EOC Vehicle	162630	162630	0	EOC	EOC	Limited Use - EOC
15	2006	Dodge Charger	102215	103672	1457	Sergeants	Sergeants	Fit for patrol duty
16	2007	Ford Van	12821	12821	0	Transport	Transport	Limited Use - Transport
17	2010	Dodge Charger	75279	75445	166	Patrol	Patrol	Fit for patrol duty
					0			
				Mileage Total:	9352			

Lansing Public Works Department

Monthly Fleet Report

Month February **Year** 2015

Vehicles

Year	Make	Model	Description	Mileage Starting	Mileage Ending	Miles Driven	Comments
2008	Ford	LT	LT. Pick-up Ext	34,906	35,657	751	
2007	Ford	LT	LT. Pick-up Ext	27,166	27,322	156	
1998	Ford	1/2 ton	Pick-up	54,101	54,294	193	
2001	Ford	LT	LT. Pick-up Ext	111,238	111,294	56	
2005	Ford	LT	LT. Pick-up Ext	35,450	35,739	289	
2000	Ford	Explorer	SUV	173,213	173,431	218	
2005	Sterling	LT 8500	Dump Truck	42,034	42,877	843	
2007	Elgin	Crosswind J+	Street Sweeper	3,569	3,578	9	
1992	Ford	700	Dump Truck	62,015	62,234	219	
1999	Ford	F350 4x4	Dump Truck	82,186	82,371	185	
2000	Ford	F350 4x4	Pick-up Utility	89,560	89,583	23	
2002	Ford	F350 4x4	Dump Truck	65,408	65,496	88	
2011	International	7400	Dump Truck	7,495	7,716	221	

Equipment

Year	Make	Model	Description	Hours Starting	Hours Ending	Hours Used	Comments
1997	JD	770BH	Grader	4,878	4,882	4	
2004	IR	DD-24	Asphalt Roller	229	230	1	
2006	IR	185	Air Compressor	155	156	1	
1993	Ford	5030	Tractor	291	291	0	
1997	Bobcat	763	Skid Steer	1,887	1,889	2	
2014	Case	580 SNWT	Backhoe	57	118	61	
2002	Crafco	110	Crack Sealer	716	716	0	
2003	Kubota	L3710	Tractor	1,309	1,309	0	
2009	Case	465	Skid Steer	433	433	0	
2004	Case	621D	Front Loader	2,013	2,013	0	at wastewater plant