

DR 86-6 F.E.M.A. ORDINANCE  
Summary and Recommendations

ACTION

DATE

COMMITTEE \_\_\_\_\_

M.A.P.C. *Approved (see minutes) 5/1/86*

B.C.C./B.C.C.T.C. *Approved & Recommended 5-6-86*

Agenda Item No. \_\_\_\_\_

CITY OF WICHITA  
CITY COMMISSION MEETING

May 6, 1986

Agenda Report No. \_\_\_\_\_

TO: Mayor and City Commissioners  
SUBJECT: Floodplain Management Ordinance  
INITIATED BY: City Engineer *[Signature]*  
AGENDA ACTION: City Manager (New Business)

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**Recommendation:** Approve the ordinance.

**Background:** The National Flood Insurance Act of 1968 was enacted to provide previously unavailable flood insurance to owners of property in flood-prone areas. Wichita has participated in the program since 1972. Since that time, federally subsidized flood insurance has been available to City residents. Purchase of the insurance is required in order to obtain federal financial assistance for land development (such as a mortgage loan from a federally insured lending institution).

Since 1972, a number of preliminary flood boundary maps and flood insurance rate maps for Wichita have been prepared by various consultants for the Federal Emergency Management Agency (FEMA) which administers the program. The latest revision was received by the City in October, 1983. After an extensive review, City Engineering staff identified a number of technical errors in the maps. When FEMA refused to correct the flood map, the Planning Commission and City Commission formally protested the maps. A number of meetings were held with FEMA officials and their consultant. On October 9, 1985, the City received a letter and revised maps resolving the appeal. Since that time, a number of other minor issues have been resolved.

An ordinance acceptable to City staff and FEMA officials has been prepared. Metropolitan Area Planning Commission (MAPC) will review the ordinance on May 1, 1986. The FEMA deadline for receipt of the ordinance is May 15, 1986.

**Analysis:** Adoption of the ordinance will continue the City's program of regulating development in flood-prone areas. The Superintendent of Central Inspection is responsible for issuing development permits. He/she shall hear and decide requests for variances and appeals. Appeals of the Superintendent's decision will be heard by the Subdivision Committee of MAPC, and if necessary, by the full MAPC.

**Financial Considerations:** Participation in the program results in significant savings for the private sector through low-cost flood insurance.

**Recommendation/Action:** Place the ordinance on first reading.

04/28/86

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING CHAPTER 27.04 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO FLOOD DAMAGE PREVENTION AND REPEALING SECTIONS 17.12.265, 18.08.030, 18.08.031, 18.08.032 AND 26.04.218 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1. Section 27.04.010 of the Code of the City of Wichita, Kansas, shall read as follows:

"Chapter 27.04 of the Code of the City of Wichita, shall be known and may be cited as the Wichita Flood Damage Prevention Code."

SECTION 2. Section 27.04.020 of the Code of the City of Wichita, Kansas, shall read as follows:

"Purpose. It is the purpose of this code to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) to protect human life and health;
- (b) to minimize expenditure of public money for costly flood control projects;
- (c) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) to minimize prolonged business interruptions;

(e) to 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;

(f) to 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;

(g) to insure that potential home buyers are notified that property is in a flood area; and

(h) to insure that those who occupy the areas of special flood hazard assume responsibility for their actions."

SECTION 3. Section 27.04.030 of the Code of the City of Wichita, Kansas, shall read as follows:

"Definitions. Unless otherwise expressly stated or unless the context clearly indicates a different intention, the following terms shall, for the purposes of this chapter, have the meanings indicated in this section:

(a) 'Actuarial or Risk Premium Rates' means those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. 'Risk premium rates' include provisions for operating costs and allowances.

(b) 'Appeal' means a request for a review of the Superintendent of Central Inspection's interpretation of any provision of this code or a request for a variance.

(c) 'Area of shallow flooding' means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one per cent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may not be evident. Such flooding is characterized by ponding or sheet flow.

(d) 'Area of special flood hazard' is the land in the flood plain within a community subject to one per cent or greater chance of flooding in any given year.

(e) 'Base flood' means the flood having one per cent chance of being equalled or exceeded in any given year.

(f) 'Development' means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(g) 'Existing construction' means (for the purposes of determining rates) structures for which the 'start of construction' commenced before the effective date of the FIRM. 'Existing construction' may also be referred to as 'existing structures.'

(h) 'Existing mobile home park or manufactured home subdivision' means a parcel (or contiguous parcels) of land divided into two or more mobile or manufactured home lots, for rent or sale, which is platted or for which the construction of facilities for servicing the lot on which the home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

(i) 'Expansion of an existing mobile home park or manufactured home subdivision' means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes or manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

(j) '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.

(k) 'Flood Insurance Rate Map' (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries

and the zones establishing insurance rates applicable to the community.

(l) 'Flood Insurance Study' is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

(m) 'Regulatory Floodway' means the channel of a river or other watercourse and the adjacent land areas as tabulated in the FIS that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

(n) 'Floodway Fringe' is that area of the flood plain, outside of the regulatory floodway, that is likely to be flooded by the base flood.

(o) 'Highest adjacent grade' means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(p) 'Manufactured home' means a structure consisting of one or more mobile components manufactured to the standards embodied in the Federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with all applicable regulations.

(q) 'Mobile home' means a movable, detached single-family dwelling unit that was manufactured prior to 1976 and is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined above when located in a mobile home park.

(r) 'New construction' means structures for which the 'start of construction' or substantial improvement is commenced on or after the effective date of the FIRM.

(s) 'New mobile home park or manufactured home subdivision' means a parcel (or contiguous parcels) of land divided into two or more mobile spaces or manufactured home lots, for rent or sale, which is platted or for which the construction of facilities for servicing the lot on which the home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

(t) 'Start of construction' means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation

for a basement, footings, piers or foundations or the erection of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the 'start of construction' includes the first permanent framing or assembly of the structure of any part thereof on its piling or foundation. For mobile or manufactured homes not within a mobile home park or a manufactured home subdivision, 'start of construction' means the affixing of the mobile home to its permanent site. For mobile or manufactured homes within mobile home parks or manufactured home subdivisions, 'start of construction' is the date on which the construction of facilities for servicing the site on which the home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. For insurance rating purposes the terms PRE FIRM and POST FIRM may be used.

(u) 'Structure' means a walled and roofed building that is principally above ground, as well as a mobile or manufactured home, and a gas or liquid storage tank that is principally above ground.

(v) 'Substantial improvement' means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market

value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(w) 'Variance' is a grant of relief to a person from the requirements of this code which permits construction in a manner otherwise prohibited by this code where specific enforcement would result in unnecessary hardship."

SECTION 4. Section 27.04.040 of the Code of the City of Wichita, Kansas, shall read as follows:

"Applicability. The provisions of this code shall apply to all areas of special flood hazards within the city limits of the City of Wichita, Kansas. The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering

report entitled 'The Flood Insurance Study for the City of Wichita' dated May 15, 1986, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps with any revision thereto are hereby adopted by reference and declared to be a part of this code. Such study results are on file at the office of the City Clerk and the City Engineer of the City of Wichita, Kansas."

SECTION 5. Section 27.04.050 of the Code of the City of Wichita, Kansas, shall read as follows:

"Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this code and other applicable regulations. Violation of the provisions of this code 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 code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day any such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Wichita, Kansas, or other appropriate authority from

taking such other lawful action as is necessary to prevent or remedy any violation of this code."

SECTION 6. Section 27.04.060 of the Code of the City of Wichita, Kansas, shall read as follows:

"Abrogation and Interpretation. The provisions of this code are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this code conflict or overlap with such easements, covenants, or deed restrictions, whichever imposes the more stringent restrictions shall prevail. In the interpretation and application of the provisions of this code, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit or repeal any other powers granted under state statute."

SECTION 7. Section 27.04.070 of the Code of the City of Wichita, Kansas, shall read as follows:

"Warning and Disclaimer of Liability. The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted in such areas

will be free from flooding or flood damages. The provisions of this code shall not create liability on the part of the City of Wichita, Kansas, or any officer or employee thereof for any flood damages that result from reliance on the provisions of this code or any administrative decision lawfully made thereunder."

SECTION 8. Section 27.04.080 of the Code of the City of Wichita, Kansas, shall read as follows:

"Permit Required. A Development Permit shall be obtained before construction or development begins within any area of special hazard as established in Section 27.04.040 of this chapter. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Section 27.04.030.

Application for a Development Permit shall be made on forms furnished by the Superintendent of Central Inspection and may include, but is not 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, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

(b) Elevation in relation to mean sea level to which any non-residential structure is to be flood proofed.

(c) Certification from a registered professional engineer or architect that the non-residential flood proofed structure will meet the flood proofing criteria in Section 27.04.140.

(d) Description of the extent to which any water-course will be altered or relocated as a result of proposed development."

SECTION 9. Section 27.04.090 of the Code of the City of Wichita, Kansas, shall read as follows:

"Designation and Duties of Administrator. The Superintendent of Central Inspection is hereby appointed to administer and implement the provisions of this code, by granting or denying development permit applications in accordance with its provisions. The duties of the Administrator shall include, but not be limited to:

(a) Review all development permits to assure that sites are reasonably safe from flooding and that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(b) When base flood elevation data has not been provided in accordance with Section 27.04.040, then

the Administrator shall obtain, review, and reasonably utilize any flood elevation data available from a Federal, state or other source, in order to administer the provisions of Section 27.04.120.

(c) Record and maintain certified record of the mean sea level actual elevation of the lowest floor of all new or substantially improved structures.

(d) Record and maintain certified record of the mean sea level actual elevation to which the new or substantially improved structures have been floodproofed.

(e) When floodproofing is utilized for a particular structure the Administrator shall obtain certification from a registered professional engineer or architect.

(f) Assure that maintenance responsibility is provided for within the altered or relocated portion of any watercourse so that the flood carrying capacity is not diminished.

(g) Notify, in riverine situations, adjacent communities and the State of Kansas prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Insurance Administrator.

(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 City Engineer shall make the necessary inter-

pretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 27.04.100."

SECTION 10. Section 27.04.100 of the Code of the City of Wichita, Kansas, shall read as follows:

"Variance and Appeals Procedures.

(a) The Administrator shall hear and decide appeals and requests for variances from the requirements of this chapter. Applications for variance shall be in writing and on forms provided by The Administrator. A non-refundable processing fee of \$100.00 shall be paid to The Administrator at the time of the filing of a request for variance.

(b) The Subdivision Committee of the Metropolitan Area Planning Commission shall hear appeals from any decision or determination made by the Administrator in the enforcement or administration of this chapter. Such appeals shall be in writing and shall specify the grounds for appeal. Such appeals shall be filed with the Secretary of the Metropolitan Area Planning Commission within thirty (30) days of the decision or determination appealed from. The Secretary of the Metropolitan Area Planning Commission shall fix a reasonable time for the hearing of appeals, giving notice to the appealing party or parties at least fifteen (15) days prior to such hearing. Appeals shall be decided within a reasonable

time. At appeal hearings, any party may appear in person, by agent or by attorney. The Subdivision Committee may reverse or affirm, in whole or in part, or modify the decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

(c) Any person aggrieved by the decision or determination of the Subdivision Committee may appeal such decision or determination to the Metropolitan Area Planning Commission. The procedure for such appeals shall be as set forth above in subsection (b) for appeals from decisions by the Administrator.

(d) Any person aggrieved by the decision or determination of the Metropolitan Area Planning Commission may appeal such decision or determination to the Board of City Commissioners. The Board of City Commissioners will review such decision or determination in the manner provided above for appeals from decisions by the Administrator; except that such appeals shall be filed with the City Clerk and the notice to the appealing party or parties shall be provided at least five (5) days prior to such hearing.

SECTION 11. Section 27.04.110 of the Code of the City of Wichita, Kansas, shall read as follows:

"Variance Guidelines.

(a) The conditions under which a variance may be granted by the Superintendent of Central Inspection are as follows:

(1) 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.

(2) Variances shall not be issued within any designated floodway if any increase in the base flood elevation during the base flood discharge would result anywhere on the subject flooding source.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief, considering the flood hazard, and upon a finding of the following:

(i) a showing of good and sufficient cause,  
(ii) a determination that failure to grant the variance would result in hardship to the applicant, and

(iii) a determination that the granting of a variance will not result in an increase in flood height, additional threats to public safety, extraordinary public expense, create nuisance, cause

fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance may be commensurate with the increased risk resulting from any reduction in the lowest floor elevation.

(b) The Superintendent of Central Inspection shall have responsibility for receiving, considering, and passing upon applications for variances. In passing upon applications for variance, the Superintendent of Central Inspection shall consider all technical evaluations, all relevant factors, standards specified in other sections of this code, 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 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 availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- (6) the compatibility of the proposed use with existing and anticipated development;
- (7) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (8) 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,
- (9) 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."

SECTION 12. Section 27.04.120 of the Code of the City of Wichita, Kansas, shall read as follows:

"General Standards for Flood Hazard Reduction. In all areas of special flood hazards (Zones A, A1-30, AO, AH) the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and;

(f) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(g) If otherwise permitted by zoning ordinances of the City of Wichita, storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning;

(h) That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 on the city's FIRM unless the applicant for the land use has demonstrated that the purposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Study for the City of Wichita, which is incorporated by reference in Section 27.04.040 of this chapter."

SECTION 13. Section 27.04.130 of the Code of the City of Wichita, Kansas, shall read as follows:

"Flood Hazard Reduction Standards for Subdivision Proposals.

(a) All proposed subdivisions shall be consistent with the need to minimize flood damage.

(b) All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data, when not available, shall be provided by the applicant for all proposed subdivisions."

SECTION 14. Section 27.04.140 of the Code of the City of Wichita, Kansas, shall read as follows:

"Specific Standards for Flood Hazard Reduction. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 27.04.040 or Section 27.04.090(c), the following provisions are required:

(a) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor elevated to or above one foot above the base flood elevation.

(b) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor elevated to or above one foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 27.04.090(c) of this chapter.

(c) Mobile Homes -

(1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring 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 mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(2) For new mobile home parks and manufactured home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, and for for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced specific requirements shall be that:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be three (3) feet above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings: (1) lots are large enough to permit steps, (2) piling foundations are placed

in stable soil no more than ten feet apart,  
and (3) reinforcement is provided for pilings  
more than six feet above the ground level.

(3) Nothing herein shall be construed to  
limit or supersede the requirements of Chapter  
26.04 of the City Code relating to mobile and  
manufactured homes."

SECTION 15. Section 27.04.150 of the Code of the City of  
Wichita, Kansas, shall read as follows:

"Floodways. Located within areas of special flood  
hazard established in Section 27.04.040 of this  
chapter, are areas designated as floodways. Since the  
floodway may be an extremely hazardous area due to the  
velocity of flood waters which carry debris, potential  
projectiles and erosion potential, the following provi-  
sions shall apply:

(a) Prohibit encroachments, including fill, new  
construction, substantial improvements and other de-  
velopments unless certification by a professional reg-  
istered engineer or architect is provided demonstrat-  
ing that encroachments shall not result in any increase  
in the base flood elevation anywhere on the subject  
flooding source during occurrence of the base flood  
discharge.

(b) Prohibit the placement of any mobile homes or  
manufactured homes, except in an existing mobile home

park or manufactured home subdivision, within the adopted regulatory floodway.

(c) If Section 27.04.150(a) of this chapter is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 27.04.120; 27.04.130; and 27.04.140 of this chapter."

SECTION 16. Section 27.04.160 of the Code of the City of Wichita, Kansas, shall read as follows:

"Areas of Shallow Flooding. Located within the areas of special flood hazard established in Section 27.04.040 of this code, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) Within AO Zones

(1) All new construction and substantial improvement of residential structures shall have the lowest floor elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

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

(i) have the lowest floor elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the City of Wichita's FIRM (at least two feet if no depth is specified), or

(ii) together with attendant utility and sanitary facilities, be completely flood-proofed to or above one foot above the level specified in subsection (i) hereinabove 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.

(3) The anchoring requirements for mobile homes as established in Section 27.04.140(c) of this chapter shall be required.

SECTION 17. Section 27.04.170 of the Code of the City of Wichita, Kansas, shall read as follows:

"Non-conforming Use.

(a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this ordinance 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) If such use is discontinued for 24 consecutive months, any future use of the building premises shall conform to this chapter.

(3) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

(b) 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 50 per cent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this chapter. 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."

SECTION 18. Section 27.04.180 of the Code of the City of Wichita, Kansas, shall read as follows:

"Amendments. The regulation, restrictions and boundaries set forth in this chapter may from time to time be

amended, supplemented, changed, or appealed to reflect 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 a newspaper of general circulation in the City of Wichita. A copy of such amendments will be provided to the Federal Emergency Management Agency. Changes in the Flood Insurance Rate Map (FIRM) may be made without the necessity of the public hearing and public notice set forth above. The regulations of this code are in compliance with the National Flood Insurance Program Regulations as published in Federal Register, designated at 44 FR 31177, May 31, 1979."

SECTION 19. Section 27.04.190 of the Code of the City of Wichita, Kansas, shall read as follows:

"Recording of Minimum Pad Elevation Information. For every Development Permit issued hereunder, the Superintendent of Central Inspection shall cause an Affidavit to be filed and recorded with the Register of Deeds of Sedgwick County, Kansas, which Affidavit shall contain the following information:

- (a) The legal description of the subject land;

(b) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

(c) Elevation in relation to mean sea level to which any non-residential structure is to be floodproofed; and

(d) The name or names of the record owners of the subject land.

The cost of the recording of such Affidavit shall be at the expense of the applicant for the Development Permit."

SECTION 20. Section 27.04.200 of the Code of the City of Wichita, Kansas, shall read as follows:

"Severability. If any of the provisions of this code or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this code which can be given effect without the invalid provision or application, and to this end, the provisions of this code are declared to be severable."

SECTION 21. The originals of Sections 17.12.265, 18.08.030, 18.08.031, 18.08.032, and 26.04.218 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 22. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_,  
1986.

\_\_\_\_\_  
Tony Casado, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk

Approved as to Form:

\_\_\_\_\_  
John Dekker, Director of Law

WICHITA-SEDGWICK COUNTY

Date: May 5, 1986

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Chris Cherches, City Manager

FROM: Michael E. Lindebak, Director of Planning (Interim)

SUBJECT: DR 86-6 Floodplain Management (F.E.M.A.) Ordinance

The Planning Commission, at its meeting of May 1, 1986, considered the above captioned ordinance. Their action was to approve the following motion:

**MOTION:** That the Planning Commission recommend to the City Commission that the FEMA Ordinance be approved subject to the City applying for the exemption for flood proof basements and, if approved by FEMA, the ordinance be revised to permit flood proof basements; and subject to the administrative and governing bodies recognizing that it will be necessary for the staff to have a considerable amount of flexibility in administering the ordinance so that dissatisfaction can be kept to the minimum. Wilson moved, Gardner seconded and it carried unanimously. Moore was not present. Banzer was absent.

Attached for your information is a copy of the Planning Commission minutes pertaining to this item.

\_\_\_\_\_  
Michael E. Lindebak  
Director of Planning (Interim)

MEL:JHG:rme  
Attachment

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 1, 1986

9. Consideration of DR 86-6, the FEMA Ordinance - Summary and Recommendations

LINDEBAK stated that the floodplain management ordinance has been drafted to bring the Wichita area into the regular phase of the flood hazard insurance program. He said that an ordinance has been submitted for the Planning Commission to review. In addition to the information that has been provided in the ordinance, staff has also looked at the possibility of providing for a fee for people that requested a variance for a development permit, and the fee would be \$100.

M.S. MITCHELL, representing the Wichita Area Builders Association Developers Committee, said that he was also a Floodplain Management Consultant and has worked with both the City and County staff over the past 13 years that the City and County have been in the emergency phase of the program. He said that there have been a number of attempts by the federal government to get the City and County into the regular phase of the program. In his opinion, he said that the City staff has done a magnificent job in forestalling those early attempts, and insisting that the technical data going into the mapping and the tables of the reports that accompany the maps be as good as the information the City has available to it and can make the study. He felt that they have gone as far as they can reasonably expect to go in making the maps and the study data accurate, and were at the point now where the City should go into the regular phase of the program, and this ordinance was the first step in doing that. He said that he had some concerns, however, that as much publicity as he has personally tried to raise, and as the organizations such as the builders and realtors have tried to make known to the people in the industry, that it would come as a shock that there were going to be major changes in the way floodplains are administered and building in floodplains is accomplished. Because of that, he said that he would like to see the City progress as rapidly as possible to ask for and obtain the exemption for flood proof basement construction in those areas that are mapped as floodplains, and that all of the administrative and governing bodies recognize that it will be necessary for the staff to have a considerable amount of flexibility and latitude in the administration of the ordinance and its rules and applications so that dissatisfaction can be kept to the minimum. There will be a number of changes in the way builders are required to take out applications and in the way structures are built. He stated that the ordinance, as written today, is probably as good as they can get it at this time, and recommended that the Planning Commission approve it and pass the recommendation on to the governing body.

GARDNER asked Mitchell to enumerate the exceptions or the additions that he just covered.

MITCHELL said that the two main additions were: writing of the application to obtain exemption for flood proof basements which would require both the application being sent to the Federal Administration, and a change in the ordinance that would permit those flood proof basements when the approval

5-1-86  
Page 2

from the federal agency is obtained; and second, in the administration of the ordinance as written, to recognize that there needs to be flexibility and latitude for the administrators to interpret in the best interest of floodplain management rather than strict following of the rules language.

MOTION: That the Planning Commission recommend to the City Commission that the FEMA Ordinance be approved subject to the City applying for the exemption for flood proof basements and, if approved by FEMA, the ordinance be revised to permit flood proof basements; and subject to the administrative and governing bodies recognizing that it will be necessary for the staff to have a considerable amount of flexibility in administering the ordinance so that dissatisfaction can be kept to the minimum. Wilson moved, Gardner seconded and it carried unanimously. Moore was not present. Banzer was absent.

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WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

Date: April 21, 1986

TO: Metropolitan Area Planning Commission  
FROM: Michael E. Lindebak, Interim Director of Planning  
SUBJECT: Request for additional information regarding the  
proposed Floodplain Management Ordinance.

When a copy of the proposed Floodplain Management Ordinance was distributed to you at your April 17, 1986 meeting, a request was made for an outline of the variance and appeals procedure stated in the proposed ordinance, as well as an outline of the procedure required for making changes to the Special Flood Hazard Area maps. The following information is provided:

Variance and appeals procedure of proposed ordinance.

Section 10 (pages 14 through 16) of the proposed ordinance sets forth the variance and appeals procedure of the ordinance. The Superintendent of Central Inspection is assigned the responsibility of passing judgement on requests for variances and appeals. The Subdivision Committee of the Planning Commission is established as the group to hear appeals from any decision of the Superintendent of Central Inspection. Should the appealing party desire, the decision of the Subdivision Committee may be appealed to the full Planning Commission. Any person aggrieved by the decision of the Planning Commission may appeal to the Board of City Commissioners.

Section 11 (pages 16 through 18) of the proposed ordinance sets forth the conditions under which a variance may be granted.

Procedure for making map amendments.

Attached to this memorandum is a copy of the Federal Emergency Management Agency's (FEMA) policy concerning requests for a determination as to whether a single structure or lot is located in a Special Flood Hazard Area (SFHA). FEMA will issue a Letter of Map Amendment (LOMA) after a property owner submits documentation which demonstrates that an entire lot or structure has been inadvertently included in a SFHA and is not subject to inundation by the base flood. The base flood is defined as the flood having one percent chance of being equalled or exceeded in any given year.


The time required for FEMA to review requests for a LOMA will generally depend on the quality and completeness of the data submitted by the property owner. The policy attached to this memorandum states that requests for a LOMA are usually evaluated within four to eight weeks of the receipt of all technical data required for FEMA's review of the request. If FEMA's review indicates that a change in the SFHA maps is needed, FEMA will issue a Letter of Map Amendment to the property owner, the State coordinating agency and the City of Wichita.

Procedure for making map revisions.

Also attached to this memorandum is a copy of FEMA's policy concerning requests for a determination as to whether a single lot or structure, which has been elevated by fill, is located in a SFHA. FEMA will issue a Letter of Map Revision (LOMR) after a community submits documentation which demonstrates that the entire land area within the legal bounds of a lot or the structure itself has been elevated by fill and is not subject to inundation by the base flood. The request for LOMR's must be submitted through the community to ensure community knowledge and approval of the request.

As with requests for map amendments (LOMA's), the time required for FEMA to review requests for a LOMR depends on the quality and completeness of the data submitted. The FEMA policy for LOMR's states that requests are usually evaluated within four to six weeks of the receipt of all technical data required for review of the request. If FEMA's review indicates that a change in the SFHA maps is needed, FEMA will issue a Letter of Map Revision to the City of Wichita, the State coordinating agency and the property owner.

In addition, attached is a letter from FEMA to Chris Breitenstein advising that the proposed ordinance meets with the Federal requirements. Coordination of this ordinance is scheduled for your agenda of May 1, 1986. If you have any questions prior to your meeting, please call either Chris or me.

  
Michael E. Lindebak  
Interim Director of Planning

Attachments (3)

MEL/FLN:mh



## Federal Emergency Management Agency

Region VII 911 Walnut Street Kansas City, Missouri 64106

### CONDITIONS AND CRITERIA FOR LETTERS OF MAP AMENDMENT (LOMA's)

This sets forth the policy of the Federal Emergency Management Agency (FEMA) concerning requests for a determination as to whether a single structure or single lot is located in a SFHA. In order for FEMA to issue a LOMA under Part 70 of the National Flood Insurance Program (NFIP) regulations, a property owner should submit documentation to satisfy the criteria listed below. Compliance with the criteria will result in the issuance of a LOMA, which will remove the SFHA designation from the structure or lot. A LOMA will be issued only if the elevations of the ground surrounding the structure have not been altered by fill placed since the effective date of the first NFIP map designating the SFHA.

#### 1-1 Definitions:

The terms used in this manual have the same meaning as those defined in Part 59.1 of the NFIP regulations at 44 CFR 59 et seq. SFHA's comprise all lands subject to inundation by the flood having a one-percent chance of being equaled or exceeded in any given year--hereafter called the base flood. This flood's elevation is called the base flood elevation (BFE) and is measured in feet above a given datum--e.g., the National Geodetic Vertical Datum (NGVD).

#### 1-1 Technical Data Required:

All requests for a LOMA must be supported by sufficient technical data to demonstrate that the entire lot or structure has been inadvertently included in a SFHA and is not subject to inundation by the base flood. For an entire lot, this consists of demonstrating that the grade of the entire property was at or above the BFE prior to the effective date of the first NFIP map placing the lot in a SFHA. For structures, it must be demonstrated that the lowest grade adjacent to the structure was at or above the BFE prior to the effective date of the first NFIP map placing the structure in a SFHA. The following documentation should be submitted to aid FEMA in processing each LOMA request:

- a. A copy of the recorded deed indicating the legal description of the lot and the official recordation information (deed book volume and page number) and bearing the seal of the Recorder of Deeds.
- b. A copy of the recorded plat, if the lot is recorded on a plat map, indicating both the location of the lot and the official recordation information (plat book volume and page number) and bearing the seal of the recorder. If the lot is not recorded on a plat map, copies of the tax map or other suitable maps are required to aid FEMA in accurately locating the lot.

October 1985

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- c. For a single lot, a topographic map indicating ground elevations, certified by a registered professional engineer or licensed land surveyor. The owner or community official must certify that no fill was placed on the lot since the effective date of the original NFIP map. (If fill has been placed, then see "Conditions and Criteria for Letters of Map Revisions (LOMR's)").
- d. For a single structure, a topographic map indicating ground elevations, structure location, and elevation of the lowest grade adjacent to the structure, certified by a registered professional engineer or licensed land surveyor. The owner must also certify that no fill was placed to elevate the structure since the effective date of the first NFIP map.
- e. Data to substantiate the BFE (100-year elevation) may be provided by a FEMA Flood Insurance Study or by an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, U.S. Soil Conservation Service, other Federal agencies, or state and local water resource departments, or may be determined from technical data prepared by a registered engineer. Hydraulic calculations may also be requested to determine a base flood elevation in an area where a BFE (100-year elevation) has not previously been established.
- f. A statement asserting the accuracy of the information submitted.

1-3 FEMA Evaluation and Response:

Upon receipt and evaluation of the required data by FEMA, the individual(s) making the inquiry will be notified of the findings. Should a review of the evidence indicate that a change in FEMA maps is needed, a LOMA will be issued with copies transmitted to the State Coordinating Agency and the community. The time required for FEMA to review requests of this nature will generally depend on the quality and completeness of the data submitted. Requests are usually evaluated within 4 to 8 weeks of the receipt of all technical data required to review the case.

1-4 Insurance Purchase and Premium Refunds After Issuance of LOMA's:

Property owners are required to purchase flood insurance as a condition of direct Federal or federally related financial assistance on a structure located in a designated SFHA on a FIRM or FIRM. Persons seeking a LOMA should check with the lending institution that imposed the flood insurance requirement originally to assure that if they are granted the LOMA from FEMA, the lending institution will honor it. Although FEMA may issue a LOMA removing a structure from the SFHA, it is the lending institution's prerogative to require flood insurance if it deems such action appropriate. If, however, the lending institution accepts a LOMA and agrees to waive the flood insurance purchase requirement, the property owner is eligible for a full refund of the premium

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paid for the current policy year provided that no claim is pending or has been paid on the policy in question during the same policy year. For processing of the refund, the property owner need only provide the LOMA and evidence of the waiver of the flood insurance requirement from the lending institution to the agency or broker who sold the policy.

Mailing Address:

Requests for single-lot or single-structure LOMA should be sent to:

Federal Emergency Management Agency  
Region VII  
Room 300  
911 Walnut Street  
Kansas City, Missouri 64106

More specific information relating to LOMAs may be obtained by telephoning Albert Schulz at (816) 374-2161.

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COMMUNITY CERTIFICATION

This is to request that a determination be made as to whether or not a certain land area or structure is within a Special Flood Hazard Area.

I hereby certify that fill has not been placed to elevate this land or structure since the date it was first identified as being in a Special Flood Hazard Area.

All documents submitted in support of this appeal are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Community official and Title

\_\_\_\_\_  
Street Number

\_\_\_\_\_  
City, State, and Zip Code

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## Federal Emergency Management Agency

Region VII 911 Walnut Street Kansas City, Missouri 64106

### CONDITIONS AND CRITERIA FOR LETTERS OF MAP REVISION (LOMR's)

This sets forth the policy of the Federal Emergency Management Agency (FEMA) concerning requests for a determination as to whether a single lot or single structure, which has been elevated by fill, is located in a SFHA. In order for FEMA to issue a LOMR of this type under Part 65 of the NFIP regulations, a property owner should submit documentation, through the community, to satisfy the criteria listed below. Compliance with these criteria will result in the issuance of a LOMR, which will remove the structure or lot from the SFHA. (LOMR's discussed in this document do not effect changes in BFE's, floodway designations, coastal high hazard designations (V zones) and/or shallow flooding areas.)

#### 1-1 Definitions:

The terms used in this manual have the same meaning as those defined in Part 59.1 of the NFIP regulations at 44 CFR 59 *et seq.* SFHAs comprise all lands subject to inundation of the flood having a one-percent chance of being equaled or exceeded in any given year--hereafter called the base flood. This flood's elevation is called the base flood elevation (BFE) and is measured in feet above a given datum--e.g., the National Geodetic Vertical Datum (NGVD).

#### 1-2 Technical Data Required:

All requests for a LOMR must be supported by sufficient technical data to demonstrate that the entire land area within the legal bounds of a lot or the structure itself has been elevated by fill and is not subject to inundation by the base flood. For a lot, this consists of demonstrating that the entire lot has been elevated by fill to or above the BFE. For structures, it must be demonstrated that both the lowest floor (including basement) and the lowest finished grade adjacent to the structure have been elevated by fill to or above the BFE. Requests for LOMRs must be submitted through the community to ensure community knowledge and approval of the request. The following documentation should be submitted to aid FEMA in processing each LOMR request:

- a. A copy of the recorded deed indicating the legal description of the lot and the official recordation information (deed book volume and page number) and bearing the seal of the Recorder of Deeds.
- b. If the lot is recorded on a plat map, a copy of the recorded plat indicating both the location of the lot and the official recordation information (plat book volume and page number) and bearing the seal of the Recorder. If the lot is not recorded on a plat map, copies of the tax map or other suitable maps are required to aid FEMA in accurately locating the lot.

- c. For a single lot filled in its entirety, a topographic map indicating ground elevations and date of fill, certified by a registered professional engineer or licensed land surveyor.
- d. For a single structure, a topographic map indicating structure location, ground elevations, and the elevations of the lowest floor (including basement) and the lowest grade adjacent to the structure, certified by a registered professional engineer or licensed land surveyor.
- e. Data to substantiate the BFE (100-year elevation) may be provided by a FEMA FIS or by an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, U.S. Soil Conservation Service, other Federal agencies, or state and local water resource departments or may be determined from technical data prepared by a registered engineer. Hydraulic calculations may also be requested to determine a base flood elevation in an area where a BFE (100-year elevation) has not previously been established.
- f. A statement asserting the accuracy of the information submitted.

1-3 FEMA Evaluation and Response:

Upon receipt and evaluation of the required data by FEMA, the community will be notified of the findings. Should a review of the evidence indicate that a change in FEMA maps is needed, a LOMR will be issued with copies transmitted to the State Coordinating Agency and the owner of the property. The time required for FEMA to review requests of this nature will generally depend on the quality and completeness of the data submitted. Requests are usually evaluated within 4 to 6 weeks of the receipt of all technical data required to review the case.

1-4 Insurance Purchase Requirement After Issuance of LOMR's:

Property owners are required to purchase flood insurance as a condition of direct Federal or federally related financial assistance on a structure located in a designated SFHA on a FIRM or FIRM. Persons seeking a LOMR should check with the lending institution that imposed the flood insurance requirement originally to assure that if they are granted the LOMR from FEMA, the lending institution will honor it. Although FEMA may issue a LOMR removing a structure from the SFHA, it is the lending institution's prerogative to require flood insurance if it deems such action appropriate. A refund of the premium paid for the current policy year is not available for a structure removed from the SFHA by fill placed after the date of the first NFIP map, since the lot was not inadvertently included in the SFHA.

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1-5 Mailing Address:

Requests for single-lot or single-structure LOMR should be sent to:

Federal Emergency Management Agency  
Region VII  
Room 300  
911 Walnut Street  
Kansas City, Missouri 64106

More specific information relating to LOMRs may be obtained by telephoning Albert Schulz at (816) 374-2161.

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# Federal Emergency Management Agency

Region VII 911 Walnut Street Kansas City, Missouri 64106

## REQUEST FOR LETTER OF MAP AMENDMENT/MAP REVISION

This is to request that a determination be made as to whether or not a certain land area or structure is within a Special Flood Hazard Area.

All documents submitted in support of this appeal are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

The following information is submitted in support of my request that a determination be made as to whether or not a certain land area or structure is within a Special Flood Hazard Area. The property is shown on the Federal Emergency Management Agency Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) identified as:

\_\_\_\_\_  
(Community Name)

\_\_\_\_\_  
(Community Number)

(Please check appropriate boxes)

- (1) A copy of the recorded deed and recorded plat indicating both the legal description of the property and the official recordation information (deed or plat book volume and page number) and bearing the seal of the Recorder of Deeds.
- (2) Topographic information, including contours and elevations of both the lowest finished grade adjacent to the structure and the lowest floor (including basement).
- (3) Planimetric information indicating the location of structures on the property.
- (4) Certification by a registered professional engineer or licensed land surveyor indicating the type of structure, whether it is elevated on posts, piers, or walls, and whether it is built on a barrier sand dune.
- (5) Other (please list)

HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_

Please Print or Type Name and Address Legibly \_\_\_\_\_  
\_\_\_\_\_

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Federal Emergency Management Agency

Region VII 911 Walnut Street Kansas City, Missouri 64106

APR 17 1986

Mr. Chris J. Breitenstein, P.E.  
City Engineer's Office  
City Hall, Seventh Floor  
455 North Main Street  
Wichita, Kansas 67202

Dear Mr. Breitenstein:

I have received and reviewed the flood plain management ordinance for the City of Wichita, which you submitted to me on April 9, 1986.

Per our discussion of April 15, 1986, you agreed to amend Section 13 (d) to read, "Base flood elevation data, when not available, shall be provided by the applicant for all proposed subdivisions." The addition of the word "not" resolves the concern I had with this section. You also explained that Wichita's Zoning Ordinance prohibits mobile homes outside of mobile home parks and mobile home subdivisions; therefore, references to mobile homes placed on single lots do not apply and need not be included in your ordinance. Please send us a copy of this section of your Zoning Ordinance for our files.

With the one revision cited above, the proposed ordinance for the City of Wichita meets with the Federal requirements. Please let us know if we can be of any additional assistance with this.

Sincerely,

Tom Hogan, Community Planner  
Natural & Technological Hazards Division



THE CITY OF WICHITA  
OFFICE OF MAPD-DESIGN


DATE April 16, 1986

TO Jack Galbraith, Chief Planner - Current Plans  
FROM Chris Breitenstein, Civil Engineer III

SUBJECT Flood Insurance Program (FEMA)

Please find attached a revised page 20 of the Proposed Floodplain Management Ordinance. The revision is in Section 13, part (d), the word "not" has been added.

Please replace your original page 20 with the revised page 20.

  
Chris Breitenstein  
Civil Engineer III

CB:gr

Attachment

**RECEIVED**  
APR 16 1986  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

Zones A1-30 on the city's FIRM unless the applicant for the land use has demonstrated that the purposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Study for the City of Wichita, which is incorporated by reference in Section \_\_\_\_\_.040 of this chapter."

SECTION 13. Section \_\_\_\_\_.130 of the Code of the City of

Wichita, Kansas, shall read as follows:

"Flood Hazard Reduction Standards for Subdivision Proposals.

(a) All proposed subdivisions shall be consistent with the need to minimize flood damage.

(b) All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data, when not available, shall be provided by the applicant for all proposed subdivisions."

SECTION 14. Section \_\_\_\_\_.140 of the Code of the City of Wichita, Kansas, shall read as follows:

THE CITY OF WICHITA

OFFICE OF MAPD-DESIGN

DATE April 10, 1986

TO Metropolitan Area Planning Commission

FROM Mike Lindebak, City Engineer/Acting Director of Planning

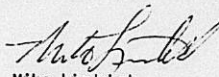
SUBJECT Flood Insurance Program (FEMA)

Please find attached a copy of the City's Proposed Floodplain Management Ordinance. This ordinance is currently scheduled to be on the Planning Commission agenda May 1, 1986, and the City Commission Agenda on May 6, 1986.

This ordinance has been reviewed by FEMA and their comments have been incorporated in the ordinance. This ordinance is acceptable to FEMA.

This ordinance is being presented to you at this time to provide you an opportunity to review this ordinance and ask questions prior to your May 1, 1986 meeting.

If you have any questions, please feel free to contact Chris Breitenstein at 268-4235.

  
Mike Lindebak  
City Engineer/  
Acting Director of Planning

ML:bgr

Attachment

FROM glenda DATE 4/11

- | ADMINISTRATION                     | ADVANCE PLANS                      | CURRENT PLANS                                 | ENGINEERING                        | GRAPHICS                         |
|------------------------------------|------------------------------------|---|------------------------------------|----------------------------------|
| <input type="checkbox"/> Lakin     | <input type="checkbox"/> Stockwell | <input checked="" type="checkbox"/> Galbraith | <input type="checkbox"/> Lindebak  | <input type="checkbox"/> Pierce  |
| <input type="checkbox"/> Walter    | <input type="checkbox"/> Schwartz  | <input type="checkbox"/> Lytle                | <input type="checkbox"/> Cain      | <input type="checkbox"/> Commer  |
| <input type="checkbox"/> Doramus   | <input type="checkbox"/> Dudark    | <input type="checkbox"/> Young                | <input type="checkbox"/> Ruiz      | <input type="checkbox"/> Crook   |
| <input type="checkbox"/> Eubanks   | <input type="checkbox"/> Ahrens    | <input type="checkbox"/> Bonanni              | <input type="checkbox"/> Henry     | <input type="checkbox"/> Jones   |
| <input type="checkbox"/> Harris    | <input type="checkbox"/> Bechtel   | <input type="checkbox"/> Lahey                | <input type="checkbox"/> Schneider | <input type="checkbox"/> Whitney |
| <input type="checkbox"/> Henderson | <input type="checkbox"/> Hart      | <input type="checkbox"/> Nagley               | <input type="checkbox"/> _____     |                                  |
| <input type="checkbox"/> Wasko     | <input type="checkbox"/> Kelley    | <input type="checkbox"/> Olivarez             | <input type="checkbox"/> _____     |                                  |
| <input type="checkbox"/> Wimbley   | <input type="checkbox"/> Losew     | <input type="checkbox"/> Smythe               | <input type="checkbox"/> _____     |                                  |
|                                    | <input type="checkbox"/> Mitchell  |   |                                    |                                  |
|                                    | <input type="checkbox"/> Poete     |   |                                    |                                  |
|                                    | <input type="checkbox"/> Shen      |   |                                    |                                  |

REMARKS for your files

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- Type

THE CITY OF WICHITA

This letter was sent to those listed  
on the attached mailing list



April 10, 1986

Subject: Federal Flood Insurance Program  
for the City of Wichita

Dear :

The City of Wichita will be presenting its proposed Floodplain Management Ordinance (Flood Insurance Program) to the Metropolitan Area Planning Commission on May 1, 1986 and the City Commission for adoption on May 6, 1986.

This ordinance will be available for review and comment in the City Engineer's Office, Seventh Floor of City Hall, until April 30, 1986.

Yours truly,



Chris J. Breitenstein, P.E.  
Civil Engineer III

CJB:gr

Mr. Earl G. Cartmill  
Loan Guaranty Officer  
Veterans Administration  
901 George Washington Boulevard  
Wichita, Kansas 67211

Mr. Art Griffiths  
Air Capitol Land Surveyors  
2160 West 21st Street  
Wichita, Kansas 67203

Mr. Donn C. Armstrong  
945 North Pinecrest  
Wichita, Kansas 67208

Mr. Carl Knop  
Professional Engineering Consultants  
1440 East English  
Wichita, Kansas 67211

Mr. John Oliphant  
Wichita Area Builders' Association  
730 North Main  
Wichita, Kansas 67203

Mr. William Korber  
Baughman Company  
330 Laura  
Wichita, Kansas 67211

Mr. Wilmer Freund  
Booker/Freund Associates Inc.  
111 West Douglas, Suite 412  
Wichita, Kansas 67202

Mr. John Gough  
Castle & Associates  
Post Office Box 9262  
Wichita, Kansas 67277

Mr. T. L. Daniel  
1911 East Central  
Wichita, Kansas 67214

Mr. Al Gross  
3238 East English  
Wichita, Kansas 67218

Mr. Lowell D. High  
1542 South St. Francis  
Wichita, Kansas 67211

Mr. Kenneth Bengtson  
Mid-Kansas Engineering Consultants  
3500 North Rock Road, No. 800  
Wichita, Kansas 67226

Mr. Don Moehring  
Moehring & Associates  
433 South Hydraulic  
Wichita, Kansas 67211

Mr. John Gist  
Planning Development Services  
727 North Waco, Suite 125  
Wichita, Kansas 67203

Mr. Kenny Hill  
Poe & Associates of Kansas, Inc.  
434 North Oliver, Suite 110  
Wichita, Kansas 67208

Mr. Al Reiss  
Reiss & Goodness Engineers  
2160 West 21st Street  
Wichita, Kansas 67203

Mr. Bruce Baugh  
Van Doren - Hazard - Stallings  
260 North Rock Road, Suite 250  
Wichita, Kansas 67206

Mr. Robert A. Harrington  
5737 Ayesbury  
Wichita, Kansas 67226

Mr. Steve Anderson  
Rural Route 1 - Box 196  
Whitewater, Kansas 67154

Ms. Linda Tousley  
Executive Vice President  
Wichita Metropolitan Area Board of Realtors, Inc.  
717 North Emporia  
Wichita, Kansas 67214

Dr. Don Levi  
Real Estate Department  
Wichita State University  
1845 Fairmount  
Wichita, Kansas 67208

Mr. Joe Moddrell, Sr.  
Executive Secretary  
Independent Insurance Agents of Wichita  
212 South Market  
Wichita, Kansas 67202

Mr. Larry Danielson  
Vice President  
Economic Development  
Wichita Area Chamber of Commerce  
350 West Douglas  
Wichita, Kansas 67202

THE CITY OF WICHITA



CITY ENGINEER'S OFFICE  
CITY HALL — SEVENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4501

This letter was sent to the firms  
on the attached listing

April 10, 1986

Subject: Federal Flood Insurance Program  
for the City of Wichita

Gentlemen:

The City of Wichita will be presenting its proposed Floodplain Management Ordinance (Flood Insurance Program) to the Metropolitan Area Planning Commission on May 1, 1986 and the City Commission for adoption on May 6, 1986.

This ordinance will be available for review and comment in the City Engineer's Office, Seventh Floor of City Hall, until April 30, 1986.

Yours truly,

A handwritten signature in cursive script, appearing to read "Chris J. Breitenstein".

Chris J. Breitenstein, P.E.  
Civil Engineer III

CJB:gr

Wilson & Company  
Post Office Box 3119  
Wichita, Kansas 67201

Winfrey Engineering Services  
21 South Lakeview Drive  
Goddard, Kansas 67052

B111 G. Yung Design  
8225 East 35th Street North  
Wichita, Kansas 67226

Amortibanc Investment Company, Inc.  
300 West Douglas, Suite 120  
Wichita, Kansas 67202

THE CITY OF WICHITA

OFFICE OF MAPD-DESIGN

DATE April 9, 1986

TO Jack Galbraith, Chief Planner - Current Plansr


FROM Chris Breitenstein, Civil Engineer III

SUBJECT Proposed Floodplain Management  
Ordinance

Please find attached a final copy of the City of Wichita's Proposed Floodplain Management Ordinance.

Please review and provide any additional comments you may have to this office.

We are planning to present this ordinance to the Metropolitan Area Planning Commission on May 1, 1986 and the City Commission on May 6, 1986.

  
Chris Breitenstein  
Civil Engineer III

CB:gr

Attachment

cc: Doug Moshier, Assistant City Attorney

03/07/86

ORDINANCE NO. \_\_\_\_\_

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

SECTION 1. Section \_\_\_\_\_.010 of the Code of the City of  
Wichita, Kansas, shall read as follows:

"Chapter \_\_\_\_ of the Code of the City of Wichita,  
shall be known and may be cited as the Wichita Flood  
Damage Prevention Code."

SECTION 2. Section \_\_\_\_\_.020 of the Code of the City of  
Wichita, Kansas, shall read as follows:

"Purpose. It is the purpose of this code to promote the  
public health, safety, and general welfare and to mini-  
mize public and private losses due to flood conditions  
in specific areas by provisions designed:

(a) to protect human life and health;

(b) to minimize expenditure of public money for costly flood control projects;

(c) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) to minimize prolonged business interruptions;

(e) to 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;

(f) to 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;

(g) to insure that potential home buyers are notified that property is in a flood area; and

(h) to insure that those who occupy the areas of special flood hazard assume responsibility for their actions."

SECTION 3. Section \_\_.\_\_.030 of the Code of the City of Wichita, Kansas, shall read as follows:

"Definitions. Unless otherwise expressly stated or unless the context clearly indicates a different intention, the following terms shall, for the purposes of this chapter, have the meanings indicated in this section:

(a) 'Actuarial or Risk Premium Rates' means those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. 'Risk premium rates' include provisions for operating costs and allowances.

(b) 'Appeal' means a request for a review of the Superintendent of Central Inspection's interpretation of any provision of this code or a request for a variance.

(c) 'Area of shallow flooding' means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one per cent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may not be evident. Such flooding is characterized by ponding or sheet flow.

(d) 'Area of special flood hazard' is the land in the flood plain within a community subject to one per cent or greater chance of flooding in any given year.

(e) 'Base flood' means the flood having one per cent chance of being equalled or exceeded in any given year.

(f) 'Development' means any man-made change to improved or unimproved real estate, including but not

limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(g) 'Existing construction' means (for the purposes of determining rates) structures for which the 'start of construction' commenced before the effective date of the FIRM. 'Existing construction' may also be referred to as 'existing structures.'

(h) 'Existing mobile home park or manufactured home subdivision' means a parcel (or contiguous parcels) of land divided into two or more mobile or manufactured home lots, for rent or sale, which is platted or for which the construction of facilities for servicing the lot on which the home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

(i) 'Expansion of an existing mobile home park or manufactured home subdivision' means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes or manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

(j) '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.

(k) 'Flood Insurance Rate Map' (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

(l) 'Flood Insurance Study' is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

(m) 'Regulatory Floodway' means the channel of a river or other watercourse and the adjacent land areas as tabulated in the FIS that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

(n) 'Floodway Fringe' is that area of the flood plain, outside of the regulatory floodway, that is likely to be flooded by the base flood.

(o) 'Highest adjacent grade' means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(p) 'Manufactured home' means a structure consisting of one or more mobile components manufactured to the standards embodied in the Federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with all applicable regulations.

(q) 'Mobile home' means a movable, detached single-family dwelling unit that was manufactured prior to 1976 and is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined above when located in a mobile home park.

(r) 'New construction' means structures for which the 'start of construction' or substantial improvement is commenced on or after the effective date of the FIRM.

(s) 'New mobile home park or manufactured home subdivision' means a parcel (or contiguous parcels) of land divided into two or more mobile spaces or manufactured home lots, for rent or sale, which is platted

or for which the construction of facilities for servicing the lot on which the home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

(t) 'Start of construction' means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the 'start of construction' includes the first permanent framing or assembly of the structure of any part thereof on its piling or foundation. For mobile or manufactured homes not within a mobile home park or a manufactured home subdivision, 'start of construction' means the affixing of the mobile home to its permanent site. For mobile or manufactured homes within mobile home parks or manufactured home subdivisions, 'start of construction' is the date on which the construction of facilities for servicing the site on which the home is to be affixed (including, at a minimum, the construction of

streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. For insurance rating purposes the terms PRE FIRM and POST FIRM may be used.

(u) 'Structure' means a walled and roofed building that is principally above ground, as well as a mobile or manufactured home, and a gas or liquid storage tank that is principally above ground.

(v) 'Substantial improvement' means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(w) 'Variance' is a grant of relief to a person from the requirements of this code which permits construction in a manner otherwise prohibited by this code where specific enforcement would result in unnecessary hardship."

SECTION 4. Section \_\_\_\_\_.040 of the Code of the City of Wichita, Kansas, shall read as follows:

"Applicability. The provisions of this code shall apply to all areas of special flood hazards within the city limits of the City of Wichita, Kansas. The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled 'The Flood Insurance Study for the City of Wichita' dated \_\_\_\_\_, 19\_\_\_\_, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps with any revision thereto are hereby adopted by reference and declared to be a part of this code. Such study results are on file at the office of the City Clerk and the City Engineer of the City of Wichita, Kansas."

SECTION 5. Section \_\_\_\_\_.050 of the Code of the City of Wichita, Kansas, shall read as follows:

"Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this code and other applicable regulations. Violation of the provisions of this code 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 code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day any such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Wichita, Kansas, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation of this code."

SECTION 6. Section \_\_\_\_\_.060 of the Code of the City of Wichita, Kansas, shall read as follows:

"Abrogation and Interpretation. The provisions of this code are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this code conflict or overlap with such easements, covenants, or deed restrictions, whichever imposes the more stringent restrictions shall prevail. In the interpretation and application of the provisions of this code, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and

(c) deemed neither to limit or repeal any other powers granted under state statute."

SECTION 7. Section \_\_\_\_\_.070 of the Code of the City of Wichita, Kansas, shall read as follows:

"Warning and Disclaimer of Liability. The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted in such areas will be free from flooding or flood damages. The provisions of this code shall not create liability on the part of the City of Wichita, Kansas, or any officer or employee thereof for any flood damages that result from reliance on the provisions of this code or any administrative decision lawfully made thereunder."

SECTION 8. Section \_\_\_\_\_.080 of the Code of the City of Wichita, Kansas, shall read as follows:

"Permit Required. A Development Permit shall be obtained before construction or development begins within any area of special hazard as established in Section \_\_\_\_\_.040 of this chapter. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for

each development as defined in Section \_\_\_\_\_.030.

Application for a Development Permit shall be made on forms furnished by the Superintendent of Central Inspection and may include, but is not 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, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

(b) Elevation in relation to mean sea level to which any non-residential structure is to be flood proofed.

(c) Certification from a registered professional engineer or architect that the non-residential flood proofed structure will meet the flood proofing criteria in Section \_\_\_\_\_.030.

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development."

SECTION 9. Section \_\_\_\_\_.090 of the Code of the City of Wichita, Kansas, shall read as follows:

"Designation and Duties of Administrator. The Superintendent of Central Inspection is hereby appointed to administer and implement the provisions of this code, by

granting or denying development permit applications in accordance with its provisions. The duties of the Administrator shall include, but not be limited to:

(a) Review all development permits to assure that sites are reasonably safe from flooding and that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(b) When base flood elevation data has not been provided in accordance with Section \_\_\_\_\_.040, then the Administrator shall obtain, review, and reasonably utilize any flood elevation data available from a Federal, state or other source, in order to administer the provisions of Section \_\_\_\_\_.120.

(c) Record and maintain certified record of the mean sea level actual elevation of the lowest floor of all new or substantially improved structures.

(d) Record and maintain certified record of the mean sea level actual elevation to which the new or substantially improved structures have been floodproofed.

(e) When floodproofing is utilized for a particular structure the Administrator shall obtain certification from a registered professional engineer or architect.

(f) Assure that maintenance responsibility is provided for within the altered or relocated portion of any watercourse so that the flood carrying capacity is not diminished.

(g) Notify, in riverine situations, adjacent communities and the State of Kansas prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Insurance Administrator.

(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 City Engineer 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 Section \_\_.\_\_.100."

SECTION 10. Section \_\_.\_\_.100 of the Code of the City of Wichita, Kansas, shall read as follows:

"Variance and Appeals Procedures.

(a) The Administrator shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The Subdivision Committee of the Metropolitan Area Planning Commission shall hear appeals from any decision or determination made by the Administrator in the enforcement or administration of this chapter. Such appeals shall be in writing and shall specify the grounds

for appeal. Such appeals shall be filed with the Secretary of the Metropolitan Area Planning Commission within thirty (30) days of the decision or determination appealed from. The Secretary of the Metropolitan Area Planning Commission shall fix a reasonable time for the hearing of appeals, giving notice to the appealing party or parties at least fifteen (15) days prior to such hearing. Appeals shall be decided within a reasonable time. At appeal hearings, any party may appear in person, by agent or by attorney. The Subdivision Committee may reverse or affirm, in whole or in part, or modify the decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

(c) Any person aggrieved by the decision or determination of the Subdivision Committee may appeal such decision or determination to the Metropolitan Area Planning Commission. The procedure for such appeals shall be as set forth above in subsection (b) for appeals from decisions by the Administrator."

(d) Any person aggrieved by the decision or determination of the Metropolitan Area Planning Commission may appeal such decision or determination to the Board of City Commissioners. The Board of City Commissioners will review such decision or determination in the manner provided above for appeals from decisions by the Administrator; except that such appeals shall be filed with

the City Clerk and the notice to the appealing party or parties shall be provided at least five (5) days prior to such hearing.

SECTION 11. Section \_\_. \_\_.110 of the Code of the City of Wichita, Kansas, shall read as follows:

"Variance Guidelines.

(a) The conditions under which a variance may be granted by the Superintendent of Central Inspection are as follows:

(1) 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.

(2) Variances shall not be issued within any designated floodway if any increase in the base flood elevation during the base flood discharge would result anywhere on the subject flooding source.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief, considering the flood hazard, and upon a finding of the following:

(i) a showing of good and sufficient cause,

(ii) a determination that failure to grant the variance would result in hardship to the applicant, and

(iii) a determination that the granting of a variance will not result in an increase in flood height additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance may be commensurate with the increased risk resulting from any reduction in the lowest floor elevation.

(b) The Superintendent of Central Inspection shall have responsibility for receiving, considering, and passing upon applications for variances. In passing upon applications for variance, the Superintendent of Central Inspection shall consider all technical evaluations, all relevant factors, standards specified in other sections of this code, 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 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 availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(6) the compatibility of the proposed use with existing and anticipated development;

(7) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(8) 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,

(9) 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."

SECTION 12. Section \_\_. \_\_.120 of the Code of the City of Wichita, Kansas, shall read as follows:

"General Standards for Flood Hazard Reduction. In all areas of special flood hazards (Zones A, A1-30, A0, AH) the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and;
- (f) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (g) If otherwise permitted by zoning ordinances of the City of Wichita, storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning;
- (h) That until a floodway has been designated, no development, including landfill, may be permitted within

Zones A1-30 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 more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Study for the City of Wichita, which is incorporated by reference in Section \_\_.\_\_.040 of this chapter."

SECTION 13. Section \_\_.\_\_.130 of the Code of the City of Wichita, Kansas, shall read as follows:

"Flood Hazard Reduction Standards for Subdivision Proposals.

(a) All proposed subdivisions shall be consistent with the need to minimize flood damage.

(b) All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data, when <sup>not</sup> available, shall be provided by the applicant for all proposed subdivisions."

SECTION 14. Section \_\_.\_\_.140 of the Code of the City of Wichita, Kansas, shall read as follows:

"Specific Standards for Flood Hazard Reduction. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section \_\_\_\_\_.040 or Section \_\_\_\_\_.090(c), the following provisions are required:

(a) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor elevated to or above one foot above the base flood elevation.

(b) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor elevated to or above one foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section \_\_\_\_\_.090(f) of this chapter.

(c) Mobile Homes -

(1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by

providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring 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 mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(2) For new mobile home parks and manufactured home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, and for for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced specific requirements shall be that:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be three (3) feet above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings: (1) lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than ten feet apart, and (3) reinforcement is provided for pilings more than six feet above the ground level.

(3) Nothing herein shall be construed to limit or supersede the requirements of Chapter 26.04 of the City Code relating to mobile and manufactured homes."

SECTION 15. Section \_\_\_\_\_.150 of the Code of the City of Wichita, Kansas, shall read as follows:

"Floodways. Located within areas of special flood hazard established in Section \_\_\_\_\_.040 of this chapter, are areas designated as floodways. Since the floodway may be an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation anywhere on the subject flooding source during occurrence of the base flood discharge.

(b) Prohibit the placement of any mobile homes or manufactured homes, except in an existing mobile home park or manufactured home subdivision, within the adopted regulatory floodway.

(c) If Section \_\_.\_\_.150(a) of this chapter is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section \_\_.\_\_.120; \_\_.\_\_.130; and \_\_.\_\_.140 of this chapter."

SECTION 16. Section \_\_.\_\_.160 of the Code of the City of Wichita, Kansas, shall read as follows:

"Areas of Shallow Flooding. Located within the areas of special flood hazard established in Section \_\_.\_\_.040 of this code, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) Within AO Zones

(1) All new construction and substantial improvement of residential structures shall have the lowest floor elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

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

(i) have the lowest floor elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the City of Wichita's FIRM (at least two feet if no depth is specified), or

(ii) together with attendant utility and sanitary facilities, be completely floodproofed to or above one foot above the level specified in subsection (i) hereinabove 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.

(3) The anchoring requirements for mobile homes as established in Section \_\_. \_\_.140(c) of this chapter shall be required.

SECTION 17. Section \_\_\_\_\_.170 of the Code of the City of  
Wichita, Kansas, shall read as follows:

"Non-conforming Use.

(a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this ordinance 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) If such use is discontinued for 24 consecutive months, any future use of the building premises shall conform to this chapter.

(3) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

(b) 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 50 per cent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building,

THE CITY OF WICHITA

OFFICE OF MAPD-DESIGN

DATE March 13, 1986


TO Louise Olivarez, Senior Planner

FROM Chris Breitenstein, Civil Engineer III

SUBJECT Proposed Floodplain Management  
Ordinance

Please find attached a draft copy of the City of Wichita's  
Proposed Floodplain Management Ordinance.

Please review and provide this office with your comments at  
your earliest possible convenience. Comments will be for-  
warded to Doug Moshier, Assistant City Attorney.

  
Chris Breitenstein  
Civil Engineer III

CB:gr

Attachment

cc: Doug Moshier, Assistant City Attorney

Folnest

COMMENTS - FLOODPLAIN ORDINANCE

CENTRAL INSPECTION ASSIGNED RESPONSIBILITY OF ordinance interpretation and enforcement. pg. 3

ORDINANCE ONLY APPLIES TO CITY OF WICHITA (not joint City / County Ordinance) pg. 8

Flood Insurance Rate Maps and Floodway Boundary Maps on file at City Clerk and City Engineer's Office. pg. 9

Interpretation of special flood hazard boundaries -  
→ responsibility of City Engineer pg. 13

VARIANCE and Appeals Procedure pg. 14

Why don't appeals go directly to B.C.C.?  
M.A.P.D. doesn't interpret or enforce the ordinance.  
S/L Committee not accustomed to deciding variances or passing judgment on technical evaluations relating to specific construction proposals. It is awkward to bring appeal to SID Committee and possibly M.A.P.C. when enforcement and interpretation are the responsibility of Central Inspection. Ultimate appeal is to B.C.C. anyway.

If it is desired to send appeal to a Board prior to it being considered by B.C.C., why not send it to Board or Committee that is accustomed to handling C.I.D. appeals?

03/07/86

ORDINANCE NO. \_\_\_\_\_

*This "non-conforming" use section refers to "this ordinance" to distinguish it from non-conforming use references in other parts of the City Code. Is this sufficient distinction?*

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

SECTION 1. Section \_\_\_\_\_.010 of the Code of the City of Wichita, Kansas, shall read as follows:

"Chapter \_\_\_\_ of the Code of the City of Wichita, shall be known and may be cited as the Wichita Flood Damage Prevention Code."

SECTION 2. Section \_\_\_\_\_.020 of the Code of the City of Wichita, Kansas, shall read as follows:

"Purpose. It is the purpose of this code to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) to protect human life and health;
- (b) to minimize expenditure of public money for costly flood control projects;

(c) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) to minimize prolonged business interruptions;

(e) to 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;

(f) to 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;

(g) to insure that potential home buyers are notified that property is in a flood area; and

(h) to insure that those who occupy the areas of special flood hazard assume responsibility for their actions."

SECTION 3. Section \_\_\_\_\_.030 of the Code of the City of Wichita, Kansas, shall read as follows:

"Definitions. Unless otherwise expressly stated or unless the context clearly indicates a different intention, the following terms shall, for the purposes of this chapter, have the meanings indicated in this section:

(a) 'Actuarial or Risk Premium Rates' means those rates established by the Federal Insurance Administrator

pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. 'Risk premium rates' include provisions for operating costs and allowances.

(b) 'Appeal' means a request for a review of the Superintendent of Central Inspection's interpretation of any provision of this code or a request for a variance.

(c) 'Area of shallow flooding' means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one per cent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may not be evident. Such flooding is characterized by ponding or sheet flow.

(d) 'Area of special flood hazard' is the land in the flood plain within a community subject to one per cent or greater chance of flooding in any given year.

(e) 'Base flood' means the flood having one per cent chance of being equalled or exceeded in any given year.

(f) 'Development' means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(g) 'Existing construction' means (for the purposes of determining rates) structures for which the 'start of construction' commenced before the effective date of the FIRM. 'Existing construction' may also be referred to as 'existing structures.'

(h) 'Existing mobile home park or manufactured home subdivision' means a parcel (or contiguous parcels) of land divided into two or more mobile <sup>or manufactured</sup> home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of <sup>M.</sup> utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

(i) 'Expansion of an existing mobile home park or manufactured home subdivision' means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes or manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

(j) '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.

(k) 'Flood Insurance Rate Map' (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

(l) 'Flood Insurance Study' is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

(m) 'Regulatory Floodway' means the channel of a river or other watercourse and the adjacent land areas as tabulated in the FIS that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

(n) 'Floodway Fringe' is that area of the flood plain, outside of the regulatory floodway, that is likely to be flooded by the base flood.

(o) 'Highest adjacent grade' means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(p) 'Manufactured home' means a structure consisting of one or more mobile components manufactured to the standards embodied in the Federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the

accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with <sup>all</sup> applicable regulations.

(q) 'Mobile home' means a movable, detached single-family dwelling unit that was manufactured prior to 1976 and is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined above when located in a mobile home park.

(r) 'New construction' means structures for which the 'start of construction' or substantial improvement is commenced on or after the effective date of the FIRM.

(s) 'New mobile home park or manufactured home subdivision' means a parcel (or contiguous parcels) of land divided into two or more <sup>space or manufactured</sup> mobile home lots, for rent or sale, for which the construction of facilities for servicing the lot on which the ~~mobile~~ home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is planned on or after the effective date of this ordinance.

(t) 'Start of construction' means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings. Permanent

*What happens to m.h. parks or m.h. subdivisions which were platted but not developed by the effective date of this ordinance?*

construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the 'start of construction' includes the first permanent framing or assembly of the structure of any part thereof on its piling or foundation. For mobile <sup>or manufactured</sup> homes not within a mobile home park or a manufactured home subdivision, 'start of construction' means the affixing of the mobile home to its permanent site. For mobile <sup>or manufactured</sup> homes within mobile home parks or manufactured home subdivisions, 'start of construction' is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. For insurance rating purposes the terms PRE FIRM and POST FIRM may be used.

(u) 'Structure' means a walled and roofed building that is principally above ground, as well as a mobile <sup>or manufactured</sup> home, and a gas or liquid storage tank that is principally above ground.

(v) 'Substantial improvement' means any repair, reconstruction, or improvement of a structure, the cost

of which equals or exceeds 50 per cent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(w) 'Variance' is a grant of relief to a person from the requirements of this code which permits construction in a manner otherwise prohibited by this code where specific enforcement would result in unnecessary hardship."

SECTION 4. Section \_\_\_\_\_.040 of the Code of the City of Wichita, Kansas, shall read as follows:

"Applicability. The provisions of this code shall apply to all areas of special flood hazards within the city limits of the City of Wichita, Kansas. The areas of special flood hazard identified by the Federal Emergency

Management Agency through a scientific and engineering report entitled 'The Flood Insurance Study for the City of Wichita' dated \_\_\_\_\_, 19\_\_\_, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps with any revision thereto are hereby adopted by reference and declared to be a part of this code. Such study results are on file at the office of the City Clerk and the City Engineer of the City of Wichita, Kansas."

SECTION 5. Section \_\_\_\_\_.050 of the Code of the City of Wichita, Kansas, shall read as follows:

"Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this code and other applicable regulations. Violation of the provisions of this code 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 code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day any such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of

Wichita, Kansas, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation of this code."

SECTION 6. Section \_\_\_\_\_.060 of the Code of the City of Wichita, Kansas, shall read as follows:

"Abrogation and Interpretation. The provisions of this code are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this code conflict or overlap with such easements, covenants, or deed restrictions, whichever imposes the more stringent restrictions shall prevail. In the interpretation and application of the provisions of this code, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and

(c) deemed neither to limit or repeal any other powers granted under state statute."

SECTION 7. Section \_\_\_\_\_.070 of the Code of the City of Wichita, Kansas, shall read as follows:

"Warning and Disclaimer of Liability. The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas

of special flood hazards or uses permitted in such areas will be free from flooding or flood damages. The provisions of this code shall not create liability on the part of the City of Wichita, Kansas, or any officer or employee thereof for any flood damages that result from reliance on the provisions of this code or any administrative decision lawfully made thereunder."

SECTION 8. Section \_\_\_\_\_.080 of the Code of the City of Wichita, Kansas, shall read as follows:

"Permit Required. A Development Permit shall be obtained before construction or development begins within any area of special hazard as established in Section \_\_\_\_\_.040 of this chapter. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Section \_\_\_\_\_.030. Application for a Development Permit shall be made on forms furnished by the Superintendent of Central Inspection and may include, but is not 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, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

(b) Elevation in relation to mean sea level to which any non-residential structure is to be flood proofed.

(c) Certification from a registered professional engineer or architect that the non-residential flood proofed structure will meet the flood proofing criteria in Section \_\_\_\_.

(d) Description of the extent to which any water-course will be altered or relocated as a result of proposed development."

SECTION 9. Section \_\_\_\_\_.090 of the Code of the City of Wichita, Kansas, shall read as follows:

"Designation and Duties of Administrator. The Superintendent of Central Inspection is hereby appointed to administer and implement the provisions of this code, by granting or denying development permit applications in accordance with its provisions. The duties of the Administrator shall include, but not be limited to:

(a) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this code have been satisfied.

(b) When base flood elevation data has not been provided in accordance with Section \_\_\_\_\_.040, then the Administrator shall obtain, review, and reasonably

utilize any flood elevation data available from a Federal, state or other source, in order to administer the provisions of Section \_\_. \_\_.120.

(c) Record and maintain certified record of the mean sea level actual elevation of the lowest floor of all new or substantially improved structures.

(d) Record and maintain <sup>certified</sup> record of the mean sea level actual elevation to which the new or substantially improved structures have been floodproofed.

(e) When floodproofing is utilized for a particular structure the Administrator shall obtain certification from a registered professional engineer or architect.

(f) Assure that maintenance responsibility is provided for within the altered or relocated portion of <sup>any</sup> ~~said~~ watercourse so that the flood carrying capacity is not diminished.

(g) 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 City Engineer 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 Section \_\_. \_\_.100."

SECTION 10. Section \_\_\_\_\_.100 of the Code of the City of  
Wichita, Kansas, shall read as follows:

"Variance and Appeals Procedures.

(a) The Administrator shall hear and decide ap-  
peals and requests for variances from the requirements  
of this chapter.

(b) The Subdivision Committee of the Metropolitan  
Area Planning Commission shall hear appeals from any de-  
cision or determination made by the Administrator in the  
enforcement or administration of this chapter. Such ap-  
peals shall be in writing and shall specify the grounds  
for appeal. Such appeals shall be filed with the Secre-  
tary of the Metropolitan Area Planning Commission within  
thirty (30) days of the decision or determination ap-  
pealed from. The Secretary of the Metropolitan Area  
Planning Commission shall fix a reasonable time for the  
hearing of appeals, giving notice to the appealing party  
or parties at least fifteen (15) days prior to such  
hearing. Appeals shall be decided within a reasonable  
time. At appeal hearings, any party may appear in per-  
son, by agent or by attorney. The Subdivision Committee  
may reverse or affirm, in whole or in part, or modify  
the decision or determination appealed from and may make  
such order, requirement, decision or determination as  
may be appropriate under the circumstances.

(c) Any person aggrieved by the decision or deter-  
mination of the Subdivision Committee may appeal such

*Why don't appeals  
go directly to BCC  
and leave M.A.P.C.  
out of it?*

decision or determination to the Metropolitan Area Planning Commission. The procedure for such appeals shall be as set forth above in subsection (b) for appeals from decisions by the Administrator."

(d) Any person aggrieved by the decision or determination of the Metropolitan Area Planning Commission may appeal such decision or determination to the Board of City Commissioners. The Board of City Commissioners will review such decision or determination in the manner provided above for appeals from decisions by the Administrator; except that such appeals shall be filed with the City Clerk and the notice to the appealing party or parties shall be provided at least five (5) days prior to such hearing.

SECTION 11. Section \_\_\_\_\_.110 of the Code of the City of Wichita, Kansas, shall read as follows:

"Variance Guidelines.

(a) The conditions under which a variance may be granted by the Superintendent of Central Inspection are as follows:

(1) 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 (1-11) in subsection

(b) below have been fully considered. As the lot

*I thought we  
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size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) 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.

(3) Variances shall not be issued within any designated floodway if more than a one foot increase in the base flood elevation during the base flood discharge would result anywhere on the subject flooding source.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, to afford relief, considering the flood hazard, and upon a finding of the following:

- (i) a showing of good and sufficient cause,
- (ii) a determination that failure to grant the variance would result in hardship to the applicant, and
- (iii) a determination that the granting of a variance will not result in an increase in regulatory floodway elevation, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the

public, or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance may be commensurate with the increased risk resulting from any reduction in the lowest floor elevation.

(b) The Superintendent of Central Inspection shall have responsibility for receiving, considering, and passing upon applications for variances. In passing upon applications for variance, the Superintendent of Central Inspection shall consider all technical evaluations, all relevant factors, standards specified in other sections of this code, 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 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 availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- (6) the compatibility of the proposed use with existing and anticipated development;
- (7) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (8) 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,
- (9) 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."

SECTION 12. Section \_\_\_\_\_.120 of the Code of the City of Wichita, Kansas, shall read as follows:

"General Standards for Flood Hazard Reduction. In all areas of special flood hazards (Zones A, A1-30, AO, AH) the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and;

(f) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(g) If otherwise permitted by zoning ordinances of the City of Wichita, storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning;

(h) That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 on the city's FIRM unless the applicant for the land use has demonstrated that the purposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Study for the City of Wichita, which is incorporated by reference in Section \_\_\_\_ 040 of this chapter."

SECTION 13. Section \_\_\_\_\_.130 of the Code of the City of Wichita, Kansas, shall read as follows:

"Flood Hazard Reduction Standards for Subdivision Proposals.

- (a) All proposed subdivisions shall be consistent with the need to minimize flood damage.
- (b) All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All <sup>proposed Subdivisions</sup> subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) Base flood elevation data, when available, shall be provided by the applicant for all proposed subdivisions."

SECTION 14. Section \_\_\_\_\_.140 of the Code of the City of Wichita, Kansas, shall read as follows:

"Specific Standards for Flood Hazard Reduction. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section \_\_\_\_\_.040 or Section \_\_\_\_\_.090(c), the following provisions are required:

- (a) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, elevated to or above one foot above the base flood elevation.

(b) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, elevated to or above one foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section \_\_\_\_\_.090(f) of this chapter.

(c) Mobile Homes -

(1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring 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 mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(2) For new mobile home parks and manufactured home subdivisions; specific requirements shall be that:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be three (3) feet above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings: (1) lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than ten feet apart, and (3) reinforcement is provided for pilings more than six feet above the ground level.

(3) Nothing herein shall be construed to limit or supersede the requirements of Chapter 26.04 of the City Code relating to mobile and manufactured homes."

SECTION 15. Section \_\_.\_\_.150 of the Code of the City of Wichita, Kansas, shall read as follows:

"Floodways. Located within areas of special flood hazard established in Section \_\_.\_\_.040 of this chapter, are areas designated as floodways. Since the floodway may be an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(a) Prohibits encroachments, including fill, new construction, substantial improvements and other developments unless certifications by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in more than a one foot increase in the base flood elevation anywhere on the subject flooding source during occurrence of the base flood discharge.

(b) If Section \_\_.\_\_.150(a) of this chapter is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section \_\_.\_\_.120; \_\_.\_\_.130; and \_\_.\_\_.140 of this chapter."

SECTION 16. Section \_\_.\_\_.160 of the Code of the City of Wichita, Kansas, shall read as follows:

"Areas of Shallow Flooding. Located within the areas of special flood hazard established in Section \_\_.\_\_.040 of this code, are areas designated as shallow flooding.

These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) Within AO Zones

(1) All new construction and substantial improvement of residential structures <sup>shall</sup> have the lowest floor elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

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

(i) have the lowest floor elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the City of Wichita's FIRM (at least two feet if no depth is specified), or

(ii) together with attendant utility and sanitary facilities, be completely floodproofed to or above one foot above the level specified in subsection (i) hereinabove 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.

(3) The anchoring requirements for mobile homes as established in Section \_\_\_\_\_.140(c) of this chapter shall be required.

SECTION 17. Section \_\_\_\_\_.170 of the Code of the City of Wichita, Kansas, shall read as follows:

"Non-conforming Use.

(a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance 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) If such use is discontinued for 24 consecutive months, any future use of the building premises shall conform to this code.

(3) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

(b) 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 50 per cent of

the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. 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."

SECTION 18. Section \_\_\_\_\_.180 of the Code of the City of Wichita, Kansas, shall read as follows:

"Amendments. The regulation, restrictions, <sup>and</sup> boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed to reflect 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 a newspaper of general circulation in the City of Wichita. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this code are in compliance with the National Flood Insurance Program Regulations as published in Federal Register, designated at 44 FR 31177, May 31, 1979."

SECTION 19. Section \_\_\_\_\_.190 of the Code of the City of Wichita, Kansas, shall read as follows:

"Severability. If any of the provisions of this code or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this code which can be given effect without the invalid provision or application, and to this end, the provisions of this code are declared to be severable."

SECTION 20. The originals of Sections 16.04.080, 16.12.020, 17.12.265, 18.08.030, 18.08.031, 18.08.032, and 26.04.218 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 21. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
R. C. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk

Approved as to Form:

\_\_\_\_\_  
John Dekker, Director of Law

03/07/86

ORDINANCE NO. \_\_\_\_\_

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

SECTION 1. Section \_\_\_\_\_.010 of the Code of the City of  
Wichita, Kansas, shall read as follows:

"Chapter \_\_\_\_ of the Code of the City of Wichita,  
shall be known and may be cited as the Wichita Flood  
Damage Prevention Code."

SECTION 2. Section \_\_\_\_\_.020 of the Code of the City of  
Wichita, Kansas, shall read as follows:

"Purpose. It is the purpose of this code to promote the  
public health, safety, and general welfare and to mini-  
mize public and private losses due to flood conditions  
in specific areas by provisions designed:

(a) to protect human life and health;

(b) to minimize expenditure of public money for costly flood control projects;

(c) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) to minimize prolonged business interruptions;

(e) to 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;

(f) to 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;

(g) to insure that potential home buyers are notified that property is in a flood area; and

(h) to insure that those who occupy the areas of special flood hazard assume responsibility for their actions."

SECTION 3. Section \_\_.\_\_.030 of the Code of the City of Wichita, Kansas, shall read as follows:

"Definitions. Unless otherwise expressly stated or unless the context clearly indicates a different intention, the following terms shall, for the purposes of this chapter, have the meanings indicated in this section:

(a) 'Actuarial or Risk Premium Rates' means those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. 'Risk premium rates' include provisions for operating costs and allowances.

(b) 'Appeal' means a request for a review of the Superintendent of Central Inspection's interpretation of any provision of this code or a request for a variance.

(c) 'Area of shallow flooding' means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one per cent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may not be evident. Such flooding is characterized by ponding or sheet flow.

(d) 'Area of special flood hazard' is the land in the flood plain within a community subject to one per cent or greater chance of flooding in any given year.

(e) 'Base flood' means the flood having one per cent chance of being equalled or exceeded in any given year.

(f) 'Development' means any man-made change to improved or unimproved real estate, including but not

limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(g) 'Existing construction' means (for the purposes of determining rates) structures for which the 'start of construction' commenced before the effective date of the FIRM. 'Existing construction' may also be referred to as 'existing structures.'

(h) 'Existing mobile home park or manufactured home subdivision' means a parcel (or contiguous parcels) of land divided into two or more mobile or manufactured home lots, for rent or sale, which is platted or for which the construction of facilities for servicing the lot on which the home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

(i) 'Expansion of an existing mobile home park or manufactured home subdivision' means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes or manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

(j) '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.

(k) 'Flood Insurance Rate Map' (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

(l) 'Flood Insurance Study' is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

(m) 'Regulatory Floodway' means the channel of a river or other watercourse and the adjacent land areas as tabulated in the FIS that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

(n) 'Floodway Fringe' is that area of the flood plain, outside of the regulatory floodway, that is likely to be flooded by the base flood.

(o) 'Highest adjacent grade' means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(p) 'Manufactured home' means a structure consisting of one or more mobile components manufactured to the standards embodied in the Federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with all applicable regulations.

(q) 'Mobile home' means a movable, detached single-family dwelling unit that was manufactured prior to 1976 and is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined above when located in a mobile home park.

(r) 'New construction' means structures for which the 'start of construction' or substantial improvement is commenced on or after the effective date of the FIRM.

(s) 'New mobile home park or manufactured home subdivision' means a parcel (or contiguous parcels) of land divided into two or more mobile spaces or manufactured home lots, for rent or sale, which is platted

or for which the construction of facilities for servicing the lot on which the home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

(t) 'Start of construction' means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the 'start of construction' includes the first permanent framing or assembly of the structure of any part thereof on its piling or foundation. For mobile or manufactured homes not within a mobile home park or a manufactured home subdivision, 'start of construction' means the affixing of the mobile home to its permanent site. For mobile or manufactured homes within mobile home parks or manufactured home subdivisions, 'start of construction' is the date on which the construction of facilities for servicing the site on which the home is to be affixed (including, at a minimum, the construction of

streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. For insurance rating purposes the terms PRE FIRM and POST FIRM may be used.

(u) 'Structure means a walled and roofed building that is principally above ground, as well as a mobile or manufactured home, and a gas or liquid storage tank that is principally above ground.

(v) 'Substantial improvement' means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(w) 'Variance' is a grant of relief to a person from the requirements of this code which permits construction in a manner otherwise prohibited by this code where specific enforcement would result in unnecessary hardship."

SECTION 4. Section \_\_\_\_\_.040 of the Code of the City of Wichita, Kansas, shall read as follows:

"Applicability. The provisions of this code shall apply to all areas of special flood hazards within the city limits of the City of Wichita, Kansas. The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled 'The Flood Insurance Study for the City of Wichita' dated \_\_\_\_\_, 19\_\_\_\_, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps with any revision thereto are hereby adopted by reference and declared to be a part of this code. Such study results are on file at the office of the City Clerk and the City Engineer of the City of Wichita, Kansas."

SECTION 5. Section \_\_\_\_\_.050 of the Code of the City of Wichita, Kansas, shall read as follows:

"Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this code and other applicable regulations. Violation of the provisions of this code 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 code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day any such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Wichita, Kansas, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation of this code."

SECTION 6. Section \_\_\_\_\_.060 of the Code of the City of Wichita, Kansas, shall read as follows:

"Abrogation and Interpretation. The provisions of this code are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this code conflict or overlap with such easements, covenants, or deed restrictions, whichever imposes the more stringent restrictions shall prevail. In the interpretation and application of the provisions of this code, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and

(c) deemed neither to limit or repeal any other powers granted under state statute."

SECTION 7. Section \_\_\_\_\_.070 of the Code of the City of Wichita, Kansas, shall read as follows:

"Warning and Disclaimer of Liability. The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted in such areas will be free from flooding or flood damages. The provisions of this code shall not create liability on the part of the City of Wichita, Kansas, or any officer or employee thereof for any flood damages that result from reliance on the provisions of this code or any administrative decision lawfully made thereunder."

SECTION 8. Section \_\_\_\_\_.080 of the Code of the City of Wichita, Kansas, shall read as follows:

"Permit Required. A Development Permit shall be obtained before construction or development begins within any area of special hazard as established in Section \_\_\_\_\_.040 of this chapter. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for

each development as defined in Section \_\_\_\_\_.030.

Application for a Development Permit shall be made on forms furnished by the Superintendent of Central Inspection and may include, but is not 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, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

(b) Elevation in relation to mean sea level to which any non-residential structure is to be flood proofed.

(c) Certification from a registered professional engineer or architect that the non-residential flood proofed structure will meet the flood proofing criteria in Section \_\_\_\_\_.030.

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development."

SECTION 9. Section \_\_\_\_\_.090 of the Code of the City of Wichita, Kansas, shall read as follows:

"Designation and Duties of Administrator. The Superintendent of Central Inspection is hereby appointed to administer and implement the provisions of this code, by

granting or denying development permit applications in accordance with its provisions. The duties of the Administrator shall include, but not be limited to:

(a) Review all development permits to assure that sites are reasonably safe from flooding and that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(b) When base flood elevation data has not been provided in accordance with Section \_\_.\_\_.040, then the Administrator shall obtain, review, and reasonably utilize any flood elevation data available from a Federal, state or other source, in order to administer the provisions of Section \_\_.\_\_.120.

(c) Record and maintain certified record of the mean sea level actual elevation of the lowest floor of all new or substantially improved structures.

(d) Record and maintain certified record of the mean sea level actual elevation to which the new or substantially improved structures have been floodproofed.

(e) When floodproofing is utilized for a particular structure the Administrator shall obtain certification from a registered professional engineer or architect.

(f) Assure that maintenance responsibility is provided for within the altered or relocated portion of any watercourse so that the flood carrying capacity is not diminished.

(g) Notify, in riverine situations, adjacent communities and the State of Kansas prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Insurance Administrator.

(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 City Engineer 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 Section \_\_.\_\_.100." SECTION 10. Section \_\_.\_\_.100 of the Code of the City of Wichita, Kansas, shall read as follows:

"Variance and Appeals Procedures.

(a) The Administrator shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The Subdivision Committee of the Metropolitan Area Planning Commission shall hear appeals from any decision or determination made by the Administrator in the enforcement or administration of this chapter. Such appeals shall be in writing and shall specify the grounds

for appeal. Such appeals shall be filed with the Secretary of the Metropolitan Area Planning Commission within thirty (30) days of the decision or determination appealed from. The Secretary of the Metropolitan Area Planning Commission shall fix a reasonable time for the hearing of appeals, giving notice to the appealing party or parties at least fifteen (15) days prior to such hearing. Appeals shall be decided within a reasonable time. At appeal hearings, any party may appear in person, by agent or by attorney. The Subdivision Committee may reverse or affirm, in whole or in part, or modify the decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

(c) Any person aggrieved by the decision or determination of the Subdivision Committee may appeal such decision or determination to the Metropolitan Area Planning Commission. The procedure for such appeals shall be as set forth above in subsection (b) for appeals from decisions by the Administrator."

(d) Any person aggrieved by the decision or determination of the Metropolitan Area Planning Commission may appeal such decision or determination to the Board of City Commissioners. The Board of City Commissioners will review such decision or determination in the manner provided above for appeals from decisions by the Administrator; except that such appeals shall be filed with

the City Clerk and the notice to the appealing party or parties shall be provided at least five (5) days prior to such hearing.

SECTION 11. Section \_\_\_\_\_.110 of the Code of the City of Wichita, Kansas, shall read as follows:

"Variance Guidelines.

(a) The conditions under which a variance may be granted by the Superintendent of Central Inspection are as follows:

(1) 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.

(2) Variances shall not be issued within any designated floodway if any increase in the base flood elevation during the base flood discharge would result anywhere on the subject flooding source.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief, considering the flood hazard, and upon a finding of the following:

(i) a showing of good and sufficient cause,

(ii) a determination that failure to grant the variance would result in hardship to the applicant, and

(iii) a determination that the granting of a variance will not result in an increase in flood height additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance may be commensurate with the increased risk resulting from any reduction in the lowest floor elevation.

(b) The Superintendent of Central Inspection shall have responsibility for receiving, considering, and passing upon applications for variances. In passing upon applications for variance, the Superintendent of Central Inspection shall consider all technical evaluations, all relevant factors, standards specified in other sections of this code, 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 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 availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(6) the compatibility of the proposed use with existing and anticipated development;

(7) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(8) 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,

(9) 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."

SECTION 12. Section \_\_\_\_\_.120 of the Code of the City of Wichita, Kansas, shall read as follows:

"General Standards for Flood Hazard Reduction. In all areas of special flood hazards (Zones A, A1-30, AO, AH) the following provisions are required:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and;

(f) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(g) If otherwise permitted by zoning ordinances of the City of Wichita, storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning;

(h) That until a floodway has been designated, no development, including landfill, may be permitted within

Zones A1-30 on the city's FIRM unless the applicant for the land use has demonstrated that the purposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Study for the City of Wichita, which is incorporated by reference in Section \_\_\_\_\_.040 of this chapter." SECTION 13. Section \_\_\_\_\_.130 of the Code of the City of Wichita, Kansas, shall read as follows:

"Flood Hazard Reduction Standards for Subdivision Proposals.

(a) All proposed subdivisions shall be consistent with the need to minimize flood damage.

(b) All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data, when not available, shall be provided by the applicant for all proposed subdivisions."

SECTION 14. Section \_\_\_\_\_.140 of the Code of the City of Wichita, Kansas, shall read as follows:

"Specific Standards for Flood Hazard Reduction. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section \_\_\_\_\_.040 or Section \_\_\_\_\_.090(c), the following provisions are required:

(a) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor elevated to or above one foot above the base flood elevation.

(b) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor elevated to or above one foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section \_\_\_\_\_.090(f) of this chapter.

(c) Mobile Homes -

(1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by

providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring 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 mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(2) For new mobile home parks and manufactured home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, and for for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced specific requirements shall be that:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be three (3) feet above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings: (1) lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than ten feet apart, and (3) reinforcement is provided for pilings more than six feet above the ground level.

(3) Nothing herein shall be construed to limit or supersede the requirements of Chapter 26.04 of the City Code relating to mobile and manufactured homes."

SECTION 15. Section \_\_.\_\_.150 of the Code of the City of Wichita, Kansas, shall read as follows:

"Floodways. Located within areas of special flood hazard established in Section \_\_.\_\_.040 of this chapter, are areas designated as floodways. Since the floodway may be an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation anywhere on the subject flooding source during occurrence of the base flood discharge.

(b) Prohibit the placement of any mobile homes or manufactured homes, except in an existing mobile home park or manufactured home subdivision, within the adopted regulatory floodway.

(c) If Section \_\_.\_\_.150(a) of this chapter is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section \_\_.\_\_.120; \_\_.\_\_.130; and \_\_.\_\_.140 of this chapter."

SECTION 16. Section \_\_.\_\_.160 of the Code of the City of Wichita, Kansas, shall read as follows:

"Areas of Shallow Flooding. Located within the areas of special flood hazard established in Section \_\_.\_\_.040 of this code, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) Within AO Zones

(1) All new construction and substantial improvement of residential structures shall have the lowest floor elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

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

(i) have the lowest floor elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the City of Wichita's FIRM (at least two feet if no depth is specified), or

(ii) together with attendant utility and sanitary facilities, be completely floodproofed to or above one foot above the level specified in subsection (i) hereinabove 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.

(3) The anchoring requirements for mobile homes as established in Section \_\_. \_\_.140(c) of this chapter shall be required.

SECTION 17. Section \_\_\_\_\_.170 of the Code of the City of Wichita, Kansas, shall read as follows:

"Non-conforming Use.

(a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this ordinance 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) If such use is discontinued for 24 consecutive months, any future use of the building premises shall conform to this chapter.

(3) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

(b) 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 50 per cent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this chapter. 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."

SECTION 18. Section \_\_\_\_\_.180 of the Code of the City of Wichita, Kansas, shall read as follows:

"Amendments. The regulation, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or appealed to reflect 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 a newspaper of general circulation in the City of Wichita. A copy of such amendments will be provided to the Federal Emergency Management Agency. Changes in the Flood Insurance Rate Map (FIRM) may be made without the necessity of the public hearing and public notice set forth above. The regulations of this code are in compliance with the National Flood Insurance Program Regulations as published in Federal Register, designated at 44 FR 31177, May 31, 1979."

SECTION 19. Section \_\_\_\_\_.190 of the Code of the City of Wichita, Kansas, shall read as follows:

"Recording of Minimum Pad Elevation Information. For every Development Permit issued hereunder, the Superintendent of Central Inspection shall cause an Affidavit to be filed and recorded with the Register of Deeds of Sedgwick County, Kansas, which Affidavit shall contain the following information:

- (a) The legal description of the subject land;
- (b) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (c) Elevation in relation to mean sea level to which any non-residential structure is to be floodproofed; and
- (d) The name or names of the record owners of the subject land.

The cost of the recording of such Affidavit shall be at the expense of the applicant for the Development Permit."

SECTION 20. Section \_\_.\_\_.200 of the Code of the City of Wichita, Kansas, shall read as follows:

"Severability. If any of the provisions of this code or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this code which can be

given effect without the invalid provision or application, and to this end, the provisions of this code are declared to be severable."

SECTION 21. The originals of Sections 16.04.080, 16.12.020, 17.12.265, 18.08.030, 18.08.031, 18.08.032, and 26.04.218 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 22. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
R. C. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk

Approved as to Form:

\_\_\_\_\_  
John Dekker, Director of Law

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

Date: April 21, 1986

TO: Metropolitan Area Planning Commission  
FROM: Michael E. Lindebak, Interim Director of Planning  
SUBJECT: Request for additional information regarding the proposed Floodplain Management Ordinance.

When a copy of the proposed Floodplain Management Ordinance was distributed to you at your April 17, 1986 meeting, a request was made for an outline of the variance and appeals procedure stated in the proposed ordinance, as well as an outline of the procedure required for making changes to the Special Flood Hazard Area maps. The following information is provided:

Variance and appeals procedure of proposed ordinance.

Section 10 (pages 14 through 16) of the proposed ordinance sets forth the variance and appeals procedure of the ordinance. The Superintendent of Central Inspection is assigned the responsibility of passing judgement on requests for variances and appeals. The Subdivision Committee of the Planning Commission is established as the group to hear appeals from any decision of the Superintendent of Central Inspection. Should the appealing party desire, the decision of the Subdivision Committee may be appealed to the full Planning Commission. Any person aggrieved by the decision of the Planning Commission may appeal to the Board of City Commissioners.

Section 11 (pages 16 through 18) of the proposed ordinance sets forth the conditions under which a variance may be granted.

Procedure for making map amendments.

Attached to this memorandum is a copy of the Federal Emergency Management Agency's (FEMA) policy concerning requests for a determination as to whether a single structure or lot is located in a Special Flood Hazard Area (SFHA). FEMA will issue a Letter of Map Amendment (LOMA) after a property owner submits documentation which demonstrates that an entire lot or structure has been inadvertently included in a SFHA and is not subject to inundation by the base flood. The base flood is defined as the flood having one percent chance of being equalled or exceeded in any given year.

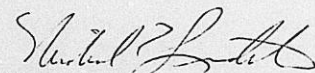
The time required for FEMA to review requests for a LOMA will generally depend on the quality and completeness of the data submitted by the property owner. The policy attached to this memorandum states that requests for a LOMA are usually evaluated within four to eight weeks of the receipt of all technical data required for FEMA's review of the request. If FEMA's review indicates that a change in the SFHA maps is needed, FEMA will issue a Letter of Map Amendment to the property owner, the State coordinating agency and the City of Wichita.

Procedure for making map revisions.

Also attached to this memorandum is a copy of FEMA's policy concerning requests for a determination as to whether a single lot or structure, which has been elevated by fill, is located in a SFHA. FEMA will issue a Letter of Map Revision (LOMR) after a community submits documentation which demonstrates that the entire land area within the legal bounds of a lot or the structure itself has been elevated by fill and is not subject to inundation by the base flood. The request for LOMR's must be submitted through the community to ensure community knowledge and approval of the request.

As with requests for map amendments (LOMA's), the time required for FEMA to review requests for a LOMR depends on the quality and completeness of the data submitted. The FEMA policy for LOMR's states that requests are usually evaluated within four to six weeks of the receipt of all technical data required for review of the request. If FEMA's review indicates that a change in the SFHA maps is needed, FEMA will issue a Letter of Map Revision to the City of Wichita, the State coordinating agency and the property owner.

In addition, attached is a letter from FEMA to Chris Breitenstein advising that the proposed ordinance meets with the Federal requirements. Coordination of this ordinance is scheduled for your agenda of May 1, 1986. If you have any questions prior to your meeting, please call either Chris or me.



Michael E. Lindebak  
Interim Director of Planning

Attachments (3)

MEL/FLN:mjh



## Federal Emergency Management Agency

Region VII 911 Walnut Street Kansas City, Missouri 64106

### CONDITIONS AND CRITERIA FOR LETTERS OF MAP AMENDMENT (LOMA's)

This sets forth the policy of the Federal Emergency Management Agency (FEMA) concerning requests for a determination as to whether a single structure or single lot is located in a SFHA. In order for FEMA to issue a LOMA under Part 70 of the National Flood Insurance Program (NFIP) regulations, a property owner should submit documentation to satisfy the criteria listed below. Compliance with the criteria will result in the issuance of a LOMA, which will remove the SFHA designation from the structure or lot. A LOMA will be issued only if the elevations of the ground surrounding the structure have not been altered by fill placed since the effective date of the first NFIP map designating the SFHA.

#### 1-1 Definitions:

The terms used in this manual have the same meaning as those defined in Part 59.1 of the NFIP regulations at 44 CFR 59 et seq. SFHA's comprise all lands subject to inundation by the flood having a one-percent chance of being equaled or exceeded in any given year--hereafter called the base flood. This flood's elevation is called the base flood elevation (BFE) and is measured in feet above a given datum--e.g., the National Geodetic Vertical Datum (NGVD).

#### 1-1 Technical Data Required:

All requests for a LOMA must be supported by sufficient technical data to demonstrate that the entire lot or structure has been inadvertently included in a SFHA and is not subject to inundation by the base flood. For an entire lot, this consists of demonstrating that the grade of the entire property was at or above the BFE prior to the effective date of the first NFIP map placing the lot in a SFHA. For structures, it must be demonstrated that the lowest grade adjacent to the structure was at or above the BFE prior to the effective date of the first NFIP map placing the structure in a SFHA. The following documentation should be submitted to aid FEMA in processing each LOMA request:

- a. A copy of the recorded deed indicating the legal description of the lot and the official recordation information (deed book volume and page number) and bearing the seal of the Recorder of Deeds.
- b. A copy of the recorded plat, if the lot is recorded on a plat map, indicating both the location of the lot and the official recordation information (plat book volume and page number) and bearing the seal of the recorder. If the lot is not recorded on a plat map, copies of the tax map or other suitable maps are required to aid FEMA in accurately locating the lot.

October 1985

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- c. For a single lot, a topographic map indicating ground elevations, certified by a registered professional engineer or licensed land surveyor. The owner or community official must certify that no fill was placed on the lot since the effective date of the original NFIP map. (If fill has been placed, then see "Conditions and Criteria for Letters of Map Revisions (LOMR's)").
- d. For a single structure, a topographic map indicating ground elevations, structure location, and elevation of the lowest grade adjacent to the structure, certified by a registered professional engineer or licensed land surveyor. The owner must also certify that no fill was placed to elevate the structure since the effective date of the first NFIP map.
- e. Data to substantiate the BFE (100-year elevation) may be provided by a FEMA Flood Insurance Study or by an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, U.S. Soil Conservation Service, other Federal agencies, or state and local water resource departments, or may be determined from technical data prepared by a registered engineer. Hydraulic calculations may also be requested to determine a base flood elevation in an area where a BFE (100-year elevation) has not previously been established.
- f. A statement asserting the accuracy of the information submitted.

1-3 FEMA Evaluation and Response:

Upon receipt and evaluation of the required data by FEMA, the individual(s) making the inquiry will be notified of the findings. Should a review of the evidence indicate that a change in FEMA maps is needed, a LOMA will be issued with copies transmitted to the State Coordinating Agency and the community. The time required for FEMA to review requests of this nature will generally depend on the quality and completeness of the data submitted. Requests are usually evaluated within 4 to 8 weeks of the receipt of all technical data required to review the case.

1-4 Insurance Purchase and Premium Refunds After Issuance of LOMA's:

Property owners are required to purchase flood insurance as a condition of direct Federal or federally related financial assistance on a structure located in a designated SFHA on a FIRM or FIRM. Persons seeking a LOMA should check with the lending institution that imposed the flood insurance requirement originally to assure that if they are granted the LOMA from FEMA, the lending institution will honor it. Although FEMA may issue a LOMA removing a structure from the SFHA, it is the lending institution's prerogative to require flood insurance if it deems such action appropriate. If, however, the lending institution accepts a LOMA and agrees to waive the flood insurance purchase requirement, the property owner is eligible for a full refund of the premium

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paid for the current policy year provided that no claim is pending or has been paid on the policy in question during the same policy year. For processing of the refund, the property owner need only provide the LOMA and evidence of the waiver of the flood insurance requirement from the lending institution to the agency or broker who sold the policy.

Mailing Address:

Requests for single-lot or single-structure LOMA should be sent to:

Federal Emergency Management Agency  
Region VII  
Room 300  
911 Walnut Street  
Kansas City, Missouri 64106

More specific information relating to LOMAs may be obtained by telephoning Albert Schulz at (816) 374-2161.

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COMMUNITY CERTIFICATION

This is to request that a determination be made as to whether or not a certain land area or structure is within a Special Flood Hazard Area.

I hereby certify that fill has not been placed to elevate this land or structure since the date it was first identified as being in a Special Flood Hazard Area.

All documents submitted in support of this appeal are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Community official and Title

\_\_\_\_\_  
Street Number

\_\_\_\_\_  
City, State, and Zip Code

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## Federal Emergency Management Agency

Region VII 911 Walnut Street Kansas City, Missouri 64106

### CONDITIONS AND CRITERIA FOR LETTERS OF MAP REVISION (LOMR's)

This sets forth the policy of the Federal Emergency Management Agency (FEMA) concerning requests for a determination as to whether a single lot or single structure, which has been elevated by fill, is located in a SFHA. In order for FEMA to issue a LOMR of this type under Part 65 of the NFIP regulations, a property owner should submit documentation, through the community, to satisfy the criteria listed below. Compliance with these criteria will result in the issuance of a LOMR, which will remove the structure or lot from the SFHA. (LOMR's discussed in this document do not effect changes in BFE's, floodway designations, coastal high hazard designations (V zones) and/or shallow flooding areas.)

#### 1-1 Definitions:

The terms used in this manual have the same meaning as those defined in Part 59.1 of the NFIP regulations at 44 CFR 59 et seq. SFHAs comprise all lands subject to inundation of the flood having a one-percent chance of being equaled or exceeded in any given year--hereafter called the base flood. This flood's elevation is called the base flood elevation (BFE) and is measured in feet above a given datum--e.g., the National Geodetic Vertical Datum (NGVD).

#### 1-2 Technical Data Required:

All requests for a LOMR must be supported by sufficient technical data to demonstrate that the entire land area within the legal bounds of a lot or the structure itself has been elevated by fill and is not subject to inundation by the base flood. For a lot, this consists of demonstrating that the entire lot has been elevated by fill to or above the BFE. For structures, it must be demonstrated that both the lowest floor (including basement) and the lowest finished grade adjacent to the structure have been elevated by fill to or above the BFE. Requests for LOMRs must be submitted through the community to ensure community knowledge and approval of the request. The following documentation should be submitted to aid FEMA in processing each LOMR request:

- a. A copy of the recorded deed indicating the legal description of the lot and the official recordation information (deed book volume and page number) and bearing the seal of the Recorder of Deeds.
- b. If the lot is recorded on a plat map, a copy of the recorded plat indicating both the location of the lot and the official recordation information (plat book volume and page number) and bearing the seal of the Recorder. If the lot is not recorded on a plat map, copies of the tax map or other suitable maps are required to aid FEMA in accurately locating the lot.

- c. For a single lot filled in its entirety, a topographic map indicating ground elevations and date of fill, certified by a registered professional engineer or licensed land surveyor.
- d. For a single structure, a topographic map indicating structure location, ground elevations, and the elevations of the lowest floor (including basement) and the lowest grade adjacent to the structure, certified by a registered professional engineer or licensed land surveyor.
- e. Data to substantiate the BFE (100-year elevation) may be provided by a FEMA FIS or by an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, U.S. Soil Conservation Service, other Federal agencies, or state and local water resource departments or may be determined from technical data prepared by a registered engineer. Hydraulic calculations may also be requested to determine a base flood elevation in an area where a BFE (100-year elevation) has not previously been established.
- f. A statement asserting the accuracy of the information submitted.

1-3 FEMA Evaluation and Response:

Upon receipt and evaluation of the required data by FEMA, the community will be notified of the findings. Should a review of the evidence indicate that a change in FEMA maps is needed, a LOMR will be issued with copies transmitted to the State Coordinating Agency and the owner of the property. The time required for FEMA to review requests of this nature will generally depend on the quality and completeness of the data submitted. Requests are usually evaluated within 4 to 6 weeks of the receipt of all technical data required to review the case.

1-4 Insurance Purchase Requirement After Issuance of LOMR's:

Property owners are required to purchase flood insurance as a condition of direct Federal or federally related financial assistance on a structure located in a designated SFHA on a FIRM or FIRM. Persons seeking a LOMR should check with the lending institution that imposed the flood insurance requirement originally to assure that if they are granted the LOMR from FEMA, the lending institution will honor it. Although FEMA may issue a LOMR removing a structure from the SFHA, it is the lending institution's prerogative to require flood insurance if it deems such action appropriate. A refund of the premium paid for the current policy year is not available for a structure removed from the SFHA by fill placed after the date of the first NFIP map, since the lot was not inadvertently included in the SFHA.

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1-5 Mailing Address:

Requests for single-lot or single-structure LOMR should be sent to:

Federal Emergency Management Agency  
Region VII  
Room 300  
911 Walnut Street  
Kansas City, Missouri 64106

More specific information relating to LOMRs may be obtained by telephoning Albert Schulz at (816) 374-2161.

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# Federal Emergency Management Agency

Region VII 911 Walnut Street Kansas City, Missouri 64106

## REQUEST FOR LETTER OF MAP AMENDMENT/MAP REVISION

This is to request that a determination be made as to whether or not a certain land area or structure is within a Special Flood Hazard Area.

All documents submitted in support of this appeal are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

\_\_\_\_\_  
Date Signature of Applicant

The following information is submitted in support of my request that a determination be made as to whether or not a certain land area or structure is within a Special Flood Hazard Area. The property is shown on the Federal Emergency Management Agency Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) identified as:

\_\_\_\_\_  
(Community Name) (Community Number)

(Please check appropriate boxes)

- (1) A copy of the recorded deed and recorded plat indicating both the legal description of the property and the official recordation information (deed or plat book volume and page number) and bearing the seal of the Recorder of Deeds.
- (2) Topographic information, including contours and elevations of both the lowest finished grade adjacent to the structure and the lowest floor (including basement).
- (3) Planimetric information indicating the location of structures on the property.
- (4) Certification by a registered professional engineer or licensed land surveyor indicating the type of structure, whether it is elevated on posts, piers, or walls, and whether it is built on a barrier sand dune.
- (5) Other (please list)

HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_

Please Print or Type Name and Address Legibly \_\_\_\_\_  
\_\_\_\_\_

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Federal Emergency Management Agency

Region VII 911 Walnut Street Kansas City, Missouri 64106

APR 17 1986

Mr. Chris J. Breitenstein, P.E.  
City Engineer's Office  
City Hall, Seventh Floor  
455 North Main Street  
Wichita, Kansas 67202

Dear Mr. Breitenstein:

I have received and reviewed the flood plain management ordinance for the City of Wichita, which you submitted to me on April 9, 1986.

Per our discussion of April 15, 1986, you agreed to amend Section 13 (d) to read, "Base flood elevation data, when not available, shall be provided by the applicant for all proposed subdivisions." The addition of the word "not" resolves the concern I had with this section. You also explained that Wichita's Zoning Ordinance prohibits mobile homes outside of mobile home parks and mobile home subdivisions; therefore, references to mobile homes placed on single lots do not apply and need not be included in your ordinance. Please send us a copy of this section of your Zoning Ordinance for our files.

With the one revision cited above, the proposed ordinance for the City of Wichita meets with the Federal requirements. Please let us know if we can be of any additional assistance with this.

Sincerely,

A handwritten signature in cursive script that reads "Tom Hogan".

Tom Hogan, Community Planner  
Natural & Technological Hazards Division

