

RESOLUTION NO. -2012

Date Adopted: - -2012

Date Published/Effective: - -2012

A RESOLUTION AMENDING CHAPTER 13, ARTICLES I AND III, OF THE SEDGWICK COUNTY CODE, ENTITLED "FLOODPLAIN MANAGEMENT," WITH CERTAIN PROVISIONS DECLARED TO BE REPEALED, AMENDED OR MODIFIED; AND ADOPTING THE NEW FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE STUDY WITH ACCOMPANYING FLOOD INSURANCE RATE MAPS DATED MAY 2, 2012 TO BE EFFECTIVE WITHIN THE UNINCORPORATED AREAS OF SEDGWICK COUNTY, KANSAS.

WHEREAS, the National Flood Insurance Act of 1968 as amended requires local communities to adopt control measures that regulate land use in areas of special flood hazard within their communities; and

WHEREAS, The Board of County Commissioners on January 3, 2007, passed Sedgwick County Resolution No. 14-2007, enacting the current Chapter 13 of the Sedgwick County Code, entitled "Floodplain Management" and rescinding Resolution #183-2004 and all previous floodplain resolutions; and

WHEREAS, the Board of County Commissioners finds it necessary to amend Resolution No. 14-2007, codified in Chapter 13 of the Sedgwick County Code, in order to comply with the updated regulations of the Federal Emergency Management Agency and to adopt the new Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, the Federal Emergency Management Agency has identified the areas of special flood hazard in Sedgwick County, Kansas; and

WHEREAS, the legislature of the State of Kansas has in K.S.A. 19-212 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare to its citizenry; and

WHEREAS, this Resolution is adopted pursuant to the authority of K.S.A. 12-766.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THAT CHAPTER 13 OF THE SEDGWICK COUNTY CODE ENTITLED "FLOODPLAIN MANAGEMENT," BE AND IS HEREBY AMENDED:

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ARTICLE I. IN GENERAL

Section 13-2. Findings of fact.

Subpart: (c) (1) is hereby deleted in its entirety and new Section 13-2, Subpart (c) (1) is hereby adopted, which shall read as follows:

(c) (1)

Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this chapter is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this chapter. It is in the general order of a flood that could be expected to have a one percent (1%) chance of occurrence in any one year as delineated on the Federal Insurance Administrator's Flood Insurance Study (FIS), and illustrative materials dated May 2, 2012 as amended, and any future revisions thereto.

Section 13-4. Applicability of chapter.

Section 13-4 is hereby deleted in its entirety and new Section 13-4 is hereby adopted, which shall read as follows:

Sec. 13-4. Applicability of chapter.

The provisions of this chapter shall apply to all areas of special flood hazard within the unincorporated areas of Sedgwick County, Kansas. Areas of special flood hazard are identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "The Flood Insurance Study, Sedgwick County, Kansas, Unincorporated Areas," dated May 2, 2012, with accompanying Flood Insurance Rate Maps, with any revisions thereto, which are hereby adopted and incorporated by reference. Such study results are on file at the office of the County Clerk, the Department of Code Enforcement of Sedgwick County, Kansas and the Division of Water Resources for the State of Kansas.

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ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 13-68. Specific standards.

Subpart: (a) (2) is hereby deleted in its entirety and new Section 13-68, Subpart (a) (2) is hereby adopted, which shall read as follows:

(a)(2)

Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least two (2) feet of freeboard above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to a minimum of one (1) foot above base flood elevation, so that below such a level, the structure 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. 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 13-36.

Subpart: (b) (2) is hereby deleted in its entirety and new Section 13-68, Subpart (b) (2) is hereby adopted, which shall read as follows:

(b)(2)

Nonresidential Construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure where there is no detailed study information shall either have the lowest floor, including basement, elevated to at least three (3) feet of freeboard above the level of the estimated base flood elevation together with the attendant utilities and sewer facilities, or be floodproofed to a minimum of one (1) foot above base flood elevation, so that below such a level, the structure is water tight with walls substantially impermeable to the passage of water and with structure 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 administrator as set forth in Section 13-36.

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Commissioners present and voting were:

DAVID M. UNRUH _____
TIM R. NORTON _____
KARL PETERJOHN _____
RICHARD RANZAU _____
JAMES B. SKELTON _____

Dated this _____ day of _____, 2012.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


ATTEST:

KELLY B. ARNOLD, County Clerk

TIM R. NORTON, Chairman
Commissioner, Second District

JAMES B. SKELTON, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:



BILL H. RAYMOND
Assistant County Counselor

DAVID M. UNRUH
Commissioner, First District

KARL PETERJOHN
Commissioner, Third District

RICHARD RANZAU
Commissioner, Fourth District

APPROVED PURSUANT TO K.S.A. 12-766 (b) ON THIS 19th DAY OF March, 2012.

KANSAS DEPARTMENT OF AGRICULTURE

BY: Tom Mory for Tom Mory for Chief Engineer-Director
DIVISION OF WATER RESOURCES

APPROVED
This 19th day of March, 2012
Tom Mory for
DAVID W. BARFIELD, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

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