



# *City of Bonner Springs*

## **PLANNING COMMISSION AGENDA**

CITY HALL COUNCIL CHAMBERS

**TUESDAY, APRIL 26, 2011**

STUDY SESSION @ 6:00 P.M.

REGULAR MEETING @ 7:00 P.M.

### **PLANNING COMMISSION MEMBERS:**

PLEASE CONTACT TERRY BARLOW @ 667-1710

NO LATER THAN 12:00 NOON, TUESDAY, APRIL 26, 2011,

IF YOU WILL BE UNABLE TO ATTEND

### **PREPARED BY:**

DON E. SLONE, AICP, CFM  
PLANNING DIRECTOR

**PEOPLE**

**PLANNING**

**PROGRESS**

**City of Bonner Springs**  
**Planning Commission Agenda**

Tuesday, April 26, 2011

Study Session 6:00 p.m.

- Continue the Planning Commission discussion on the 2011 Comprehensive Plan Vision 2025 Update; and
- Planning Commission discussion of the new Digital Flood Insurance Rate Map's (DFIRM's) and Flood Insurance Study (FIS) adoption on September 2, 2011.

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**Planning Commission Meeting – 7:00 p.m.**

**Call to Order:** Time: \_\_\_\_\_

**Roll Call:**

**ITEM NO. 1: Approval of Minutes:** The regular Planning Commission meeting held March 22, 2011.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

1. Board Discussion

# For: \_\_\_\_\_ #Against: \_\_\_\_\_

**New Business:**

**ITEM NO. 2: Site/Landscape Plan: ST-11-100, "First Pentecostal Church Addition"**, 1.6 acres platted as Lot 1, First Pentecostal Church Addition zoned R-1, Single-Family Residential District. Requested by Jim Denham, for the First Pentecostal Church, property owners of record. The site/landscape plan is being submitted in order to construct a new 700 square foot addition to front of the existing church facility. The property is located at 940 S. 130<sup>th</sup> Street.

1. Staff Presentation / Applicants Presentation
2. Public Comment

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

3. Board Discussion

# For: \_\_\_\_\_ #Against: \_\_\_\_\_

**ITEM NO. 3: Floodplain Management Regulations:** A request by the Bonner Springs Planning Department to amend Chapter XVI: Zoning and Planning; Article 4, Floodplain Management Regulations of the City of Bonner Springs Code of Ordinances, by amending the Floodplain Management Regulations adopted on February 11, 2008 under Ordinance No. 2209. The reasons for this request are to update the Floodplain Management Regulations to incorporate the new FEMA Issued Flood Insurance Rate Maps (FIRM's) and the Flood Insurance Study (FIS) that will become effective on September 2, 2011. The language for Penalties for Non-Compliance under Article 3, Section C be amended to be consistent with the provisions of Kansas State Law, K.S.A. 12-761: Violations, Penalties and Actions.

**Open Public Hearing** Time: \_\_\_\_\_

1. Staff Presentation
2. Public Comment

**Close Public Hearing** Time: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

3. Board Discussion

# For: \_\_\_\_\_ #Against: \_\_\_\_\_

**Adjournment** Time: \_\_\_\_\_

# ITEM NO. 1

Approval of Minutes of Planning Commission Meeting March 22, 2011

**PLANNING COMMISSION AGENDA**  
**TUESDAY, April 26, 2011, 7:00 P.M.**

<b>PRESENT</b>	Gray	_____
	Carter	_____
	Pierce	_____
<b>&amp; VOTE:</b>	Neal	_____
	Parks	_____
	Wallace	_____
	Stephan	_____
	Krone	_____

**MOTION:** \_\_\_\_\_

**SECOND:** \_\_\_\_\_

**ACTION:** MAKE A MOTION TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING ON MARCH 22, 2011

**STAFF RECOMMENDATION:** STAFF RECOMMENDS APPROVAL OF THE MINUTES

**NARRATIVE:** The minutes of the March 22, 2011 meeting are attached.

**PLANNING COMMISSION MEETING MINUTES**  
**Tuesday, March 22, 2011 AT 7:00 P.M.**

**MEMBERS PRESENT:** Tom Gray, Dan Carter, Dave Pierce, Robin Neal, Merle Parks, Malisa Wallace, Craig Stephan and Jason Krone

**STAFF PRESENT:** Don Slone, AICP, CFM, Planning Director  
Terry Barlow, Departmental Administrative Assistant  
Bill Legge, P.E., City Engineer

Chairman Parks called the meeting to order at 7:02 p.m. and asked for a roll call.

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes of the January 25, 2011 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written and Commissioner Krone seconded the motion. Chairman Parks asked if there were any questions or comments concerning the minutes. Seeing none, he called for the vote. The motion passed unanimously with Commissioner Neal abstaining as she was absent from the meeting.

Chairman Parks excused himself at 7:02 p.m. from the next item due to a conflict.

**NEW BUSINESS**

Vice-Chairman Pierce introduced **Item No. 2: LS-112: “Spartan Lot Split”**, 58.98 acres of unplatted property. The property is zoned A-1, Agricultural District. Requested by Jim Story, Story Surveying for Stephen and Karen Spartan, property owners of record. The request is in order to change the boundaries of the two existing parcels located at 12430 and 12520 Kansas Avenue.

Vice-Chairman Pierce asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval subject to the eleven (11) conditions listed in the Staff Report. The Planning Director stated that he would be glad to answer any questions the Planning Commission may have.

Vice-Chairman Pierce asked if the applicant would like to address the Planning Commission. **Jim Story, 2300 Hutton Road, Story Surveying**, stated that the lot split was in order to sell the house located at 12520 Kansas Avenue and they were in agreement with all the conditions listed in the Staff report. Mr. Story stated that he would be happy to answer any questions from the Planning Commission.

Vice-Chairman Pierce asked for any questions or comments from the audience. Seeing none he called for a motion. Commissioner Stephan made a motion to approve with the eleven (11) conditions listed in the Staff report. Commissioner Neal seconded the motion.

Vice-Chairman Pierce asked if the Planning Commission had any questions or concerns. Seeing none he called for a vote. Motion passed unanimously.

Chairman Parks returned to the meeting at 7:09 p.m.

Chairman Parks introduced **Item No. 3: Special Use Permit: SUP-126: “First Pentecostal Church”** A request to revise the Special Use Permit approved on November 19, 2001 under Ordinance No. 1941 for the existing church facility from the First Pentecostal Church, property owners of record. The request is in order to construct an addition to the existing church facility on property zoned R-1, Single-Family Residential District located at 940 S. 130<sup>th</sup> Street.

Chairman Parks opened the public hearing at 7:10 p.m. and asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval of this item as written in the Staff Report. The Planning Director stated that he would be glad to answer any questions.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Jim Denham** stated that the church had some setbacks the last year but they were ready to start the new addition and were in agreement with all the conditions listed in the Staff report. He stated that he was aware of the sanitary sewer issues and will be addressing that issue. He stated he would have the changes made that were listed in the Staff report and would have the site plan to the Planning Director the next day with the corrections.

Chairman Parks asked for any questions or comments from the audience. Seeing none, he closed the public hearing at 7:13 p.m. and called for a motion. Commissioner Pierce made a motion to approve the item as recommended by staff with a second from Commissioner Krone.

Chairman Parks asked if the Planning Commission had any questions or comments. Commissioner Stephan asked about the site plan issue regarding the septic system. The Planning Director stated that according to Mr. Denham, the septic tank was removed and the existing building was connected to the public sanitary sewer when the new building was built. The site plan issues with regard to the existing site conditions will be addressed with the revised site plan that is a requirement under Condition No. 1.

Chairman Parks asked if the Planning Commission had any further questions or comments. Seeing none, he called for the vote. The motion was approved unanimously.

The Planning Director stated that the Governing Body will consider this item on April 11, 2011 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 4: Lot Split: LS-113: "Country Hills Lot Split"**, 11.14 acres platted as Country Hills Subdivision, Replat of Lots 11 and 12. The property is zoned C-2, General Business District. Requested by James Anderson, Anderson Surveying Company for David J. Christie, Christie Development Associates, LLC under contract from Bonner Springs Shops LLC and Ted Green Company, property owners of record. The request is in order to lot split Lot B and Lot C to provide an additional 0.7 acre tract for future parking for the Bonner Springs McDonalds located at 606 S. 130<sup>th</sup> Street.

Chairman Parks asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. The Staff report is recommending denial, however, the Planning Director stated since he was in receipt of a letter from Thomas J. Dobski, The Thomas J. Dobski Trust stating that they were aware of the storm sewer issue located at the south end of the property, the City Engineer, Building Official and the Planning Director are now in support of a recommendation of approval. The Planning Director stated that he would be happy to answer any questions the Planning Commission may have.

Chairman Parks asked if the applicant would like to address the Planning Commission. **David N. Olson, Director of Design and Construction, Christie Development Associates, LLC**, stated that they were in agreement with the conditions listed in the Staff report and they commended the Planning Director on all the help he has given them during this process.

Chairman Parks asked that since Mr. Tom Dobski was present, could he address the storm sewer issue as discussed by the Planning Director. **Thomas J. Dobski, Trustee, McDonald's Office, Dobski & Associates**, stated they were in agreement with the conditions in the Staff report and they had sent a letter to the Planning Director confirming that the Trust was aware of the existing storm sewer system and improvements under the southern portion of the subject lot split and the storm sewer improvements are a private improvement benefiting the entire shopping center. They also understand that if they disturb the storm sewer improvements they will be solely responsible financially for making the modifications and alterations to the storm sewer system to maintain the required drainage necessary for the entire retail development.

Chairman Parks asked if there were any questions or comments from the audience. Seeing none he called for a vote. Commissioner Stephan asked if the motion should be for denial. The Planning Director stated "no" since they had received the letter from Mr. Dobski, Staff's recommendation was now for approval.

Commissioner Stephan made a motion to approve with the conditions listed in the Staff report. Commissioner Wallace seconded the motion.

Chairman Parks asked if the Planning Commission had any questions or comments. Commissioner Neal asked about the issue with the 18.11' line that was addressed in the Staff report. The Planning Director stated if the applicant would move the lot split line 18.11' north, the storm sewer system would not be an issue.

Commissioner Parks had a question about the lot split line. Commissioner Parks also was concerned about the liability the City may have concerning the storm sewer. The Planning Director reiterated that the storm sewer issue has been addressed and any proposed buyer of Tract A-1 will be required to be made aware of the storm issue and the City, City Staff and the Planning Commission cannot be held liable for this issue.

The City Engineer, Bill Legge stated to the Planning Commission that this is a simple lot split and nothing more. When the applicant submits the site plan then changes and comments can be made before it is approved by the Planning Commission.

Chairman Parks asked if there was any further discussion from the Planning Commission. Seeing none he called for a vote. The motion was approved unanimously.

Chairman Parks introduced **Item No. 5: Zoning Ordinance Amendment: BSZP-117: "Sign Regulations: Banners, Temporary Promotional Business Signs"**: The Planning Director requests on behalf of the Planning Commission to consider an amendment to the Zoning Ordinance, Article XXXI, Sign Regulations, Section 6, Subparagraph 7 and Subparagraph 8 to increase the number of display periods for Banners or Temporary Promotional Business Signs during a twelve month period and other text changes.

Chairman Parks opened the public hearing at 7:37 p.m. and asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff is recommending approval of this item as written in the Staff Report. The Planning Director stated that he would be happy to answer any questions.

The Planning Commission discussed the issues of banners and human directional's that stand on the corner of Kansas Ave. and K-7 Highway. After some discussion, Chairman Parks asked if there were any questions or comments from the audience. Since there was no audience, Chairman Parks closed the public hearing at 7:46 p.m. and called for a motion. Commissioner Pierce made a motion to approve with a second from Commissioner Stephan.

Chairman Parks asked if there were any questions or comments from the Planning Commission. Commissioner Neal asked about the time frame between banners, can you take them down one day and put them up the next. The Planning Director stated that they could remove the banner for a day or two and then put them back up. The Planning Director stated that if the applicant wants to utilize all four (4) banner display periods back to back, that it should be their choice as long as there is a short period of no display. Once the four (4) display periods have been used, no others will be allowed during the calendar year,

Chairman Parks asked if there were any further questions or comments. Seeing none he called for a vote. Motion passed unanimously

The Planning Director stated that the Governing Body will consider this item on April 11, 2011 with a Planning Commission recommendation of approval.

Chairman Parks asked if there was any further discussion or other items. Seeing none, he adjourned the meeting at 7:53 p.m.

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Planning Commission Secretary

# ITEM NO. 2

**Site/Landscape Plan: ST-11-100, "First Pentecostal Church Addition"**, 1.6 acres platted as Lot 1, First Pentecostal Church Addition zoned R-1, Single-Family Residential District. Requested by Jim Denham, for the First Pentecostal Church, property owners of record. The site/landscape plan is being submitted in order to construct a new 700 square foot addition to front of the existing church facility. The property is located at 940 S. 130<sup>th</sup> Street.

## PLANNING COMMISSION MEETING

**TUESDAY, APRIL 26, 2011 at 7:00 P.M.**

<b>PRESENT</b>	Gray	_____
	Carter	_____
	Pierce	_____
<b>&amp; VOTE:</b>	Neal	_____
	Parks	_____
	Wallace	_____
	Stephan	_____
	Krone	_____

**MOTION:** \_\_\_\_\_

**SECOND:** \_\_\_\_\_

**ACTION:** MAKE A MOTION TO APPROVE

**STAFF RECOMMENDATION:** STAFF IS RECOMMENDING APPROVAL OF THIS ITEM SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT

**NARRATIVE:** A staff report is included in the agenda. Staff will be present to answer any questions.

**SITE/LANDSCAPE PLAN: FIRST PENTECOSTAL CHURCH ADDITION**

**Case No.:** ST-11-100

**Applicant:** Jim Denham

**Property Owner:** First Pentecostal Church, Inc.

**Location:** 940 S. 130<sup>th</sup> Street (Lot 1, First Pentecostal Church Addition)

**Zoning:** R-1, Single-Family Residential District

**Lot Size:** 1.6 acres

**Building Size:** 740 sq.ft. Building Addition

**Building Use:** Church Facility

**Parking:** Parking provided as shown on the submitted site/landscape plan

**Landscaping:**

Trees Required: Three (3) additional 2" diameter Oak or Maple trees are being added as shown on the revised site/landscape plan

**Signage:** None shown

**Site Lighting:** None shown

**Staff Analysis:**

The site/landscape plan is being submitted in order to construct a new 740 square foot addition to front of the existing church facility. The submitted site plan does meet the minimum submittal requirements listed under Article V, Section 10: Site Plans of the Zoning Ordinance.

**Staff Recommendation:**

The Development Staff recommends approval of the Site/Landscape Plan subject to the following condition to include all Standing Conditions listed below:

1. The Wastewater Division will perform a dye test on this clean-out to insure that the flow reaches the sanitary sewer main. This test is being conducted to verify the slope of the original sanitary sewer pipes.

**Note:** All other recommended conditions by the Planning Director have been addressed on the Revised Site/Landscape Plan submitted on March 29, 2011.

**Standing Site Plan Conditions:**

1. Changes or deviations from the approved site/landscape plan shall require resubmittal to the Planning Department for review and approval. If the changes are substantial, resubmittal to the Planning Commission for approval shall be required;
2. Site/Landscape Plans are valid for 180 days from the date of approval;
3. All utilities shall be placed underground;
4. All water and sewer taps shall be coordinated with the Utility Department;
5. Erosion/Sediment Control per City Standards shall be installed and maintained during construction; and
6. All signage requires a Sign Permit to be issued by the Planning Department.

**Review Comments Received from the Development Review Team:****Planning Director:**

1. Revise the Site Plan sheet by removing Proposed Building and Proposed Concrete Sidewalk;
2. Revise the Site Plan sheet to reflect the correct location of the handicapped stall;
3. Revise the Site Plan sheet to show the missing sidewalk along the east side of the existing 8,800 sq.ft. building addition completed in 2003;

4. Revise the Site Plan to reflect the parking stalls that have been removed along the west side of the original church;
5. Revise the Site Plan sheet by adding the canopy to the west side of the original church where the parking stalls were removed;
6. Revise the Site Plan sheet to show the new four (4) foot sidewalk to be installed on the south side of the building addition that will be removed during construction of the addition;
7. Revise the Site Plan sheet under the Landscape Legend to change the specified 1½"-2" Bradford Pear to one of the "Recommended Trees" as Bradford Pears do not hold up to the Kansas winds;
8. Revise the Site Plan sheet to show the correct location of the sanitary sewer lines including all clean outs that were added during the construction in 2003;
9. Add a note to Site Plan sheet to reflect the additional four (4) foot of asphalt parking to be installed in order to compensate for the four (4) foot loss of asphalt parking from the building addition;
10. Correct the Site Plan sheet by removing the waterline that bisects the property that was removed in the early 1980's with the installation of the new waterline; and
11. Revise the Site Plan sheet to show the correct location of the waterline as shown on the attached drawing that was constructed in early 1980's with the upgrade of the K-7 Highway. *(See copy of Waterline Relocation 1980's attached)*

**City Engineer:** No comments.

**Building Official:** No comments.

**Economic Development Director:** No comments.

**Public Works Director:** No comments.

**Utilities Director:**

**Background:**

1. The Wyandotte County Health Department (WYCOHD) records indicate that the septic tank for the On-Site Wastewater Treatment System (OWTS) was situated at the northwest corner of the original building. *(See attached copy of drawing);*
2. A clean-out was observed by Utilities Department staff at the northwest corner of the original building;
3. The City's records indicated that the original building would remain on the OWTS;
4. The City is in receipt of a letter from the First Pentecostal Church detailing the decommissioning of the septic tank. This letter was forwarded to the WYCOHD for their approval; *(See attached copy of letter);*
5. The City received septic tank decommissioning approval email from WYCOHD dated March 9, 2011; *(See attached copy of email);*
6. In view of the fact that the Utilities Department was unaware that the sanitary sewer was connected to the City's sanitary sewer system, no wastewater charges were ever billed to this account;
7. The Utilities Department reviewed water usage for the original building since 2005 and concluded that approximately 294,000 gallons of water was used at this location;
8. The resulting charges for wastewater discharges from 2005 to present is \$1,622.00;
9. The City will waive the wastewater charges for this account; and
10. The Utilities Department will verify the new connection during the normal inspection process.

**Condition of Approval:**

1. The Wastewater Division will perform a dye test on this clean-out to insure that the flow reaches the sanitary sewer main. This test is being conducted to verify the slope of the original sanitary sewer pipes. *(This condition will address comment No. 2 above).*

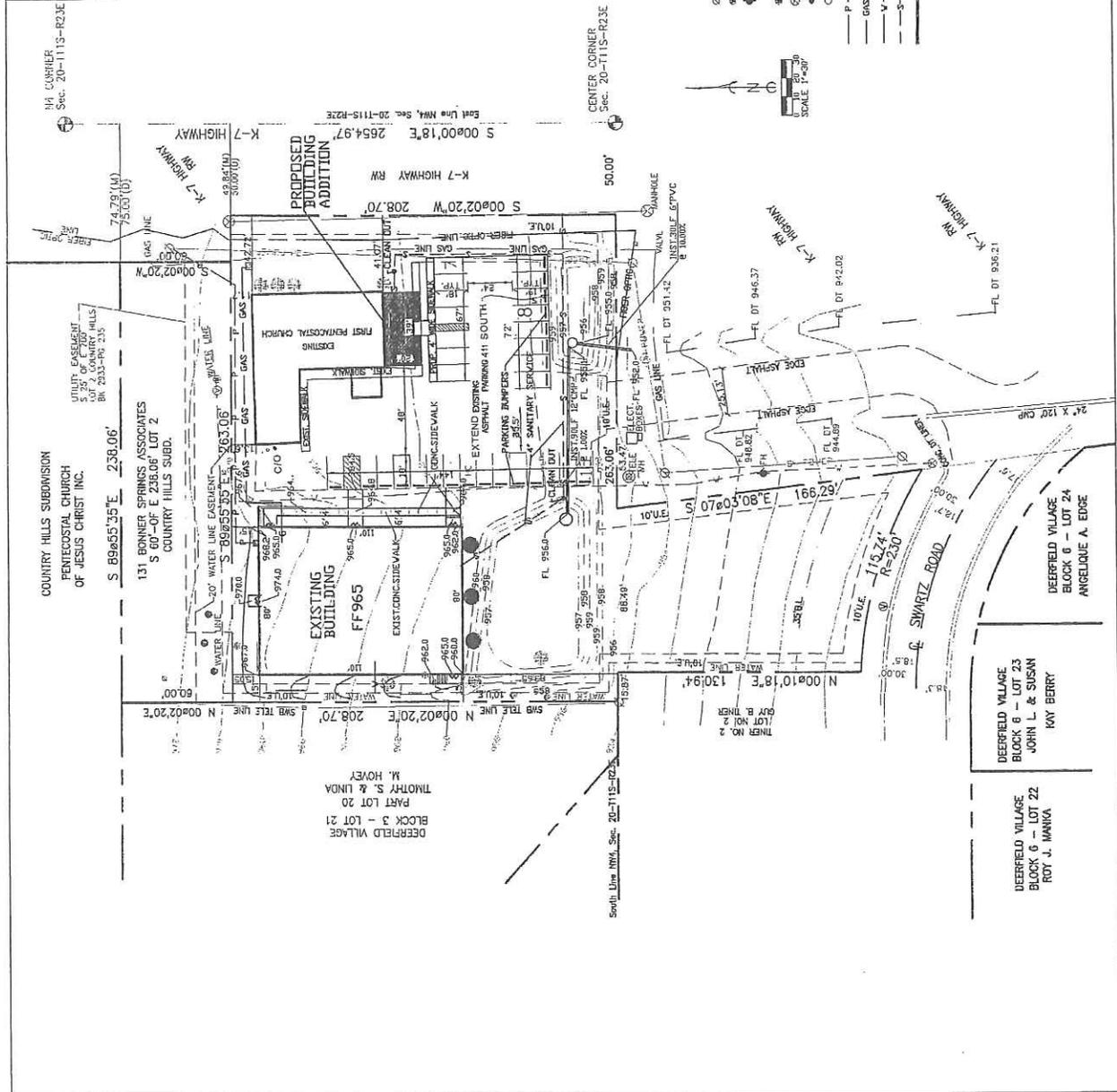
**FELLOWSHIP HALL**  
**FIRST PENTACOSTAL CHURCH**  
**SITE PLAN**

Prepared by  
**ROBERT C. WESSEL**  
 consulting engineers  
 6309 KENNETT PLACE  
 MISSION, KANSAS 66202  
 (913)671-7473 FAX 671-7476

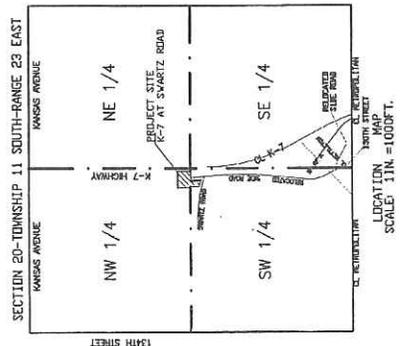
LEGAL DESCRIPTION  
 FIRST PENTACOSTAL CHURCH ADDITION  
 PROPOSED USE - CHURCH HALL  
 HOURS OF OPERATION - VARIES

RECEIVING BASIN ELEVATION	AREA SF.	TOTAL VOLUME C.F.	DISCHARGE C.F.S.
955.0	350	275	0.88
957.8	4535	2818	1.25
957.0	7270	14580	1.83
959.0	7250	14550	1.83

PROPOSED 15" - 2' DIA. OAK OR MAPLE TREES



- LEGEND**
- POWER POLES
  - WATER VALVES
  - FIRE HYDRANT
  - WATER METER
  - SLOPE ON TELEPHONE MANHOLE
  - SMALL TREES
  - PROPERTY CORNERS FOUND
  - P — PEPPER LINE
  - GAS — GAS LINE
  - W — WATER LINE
  - S — SANITARY SEWER
  - STORM SEWER



DEERFIELD VILLAGE  
 BLOCK 6 - LOT 23  
 JOHN L. & SUSAN  
 KAY BERRY

DEERFIELD VILLAGE  
 BLOCK 6 - LOT 24  
 ANGELIQUE A. EDGE

DEERFIELD VILLAGE  
 BLOCK 6 - LOT 22  
 ROY J. MANKA

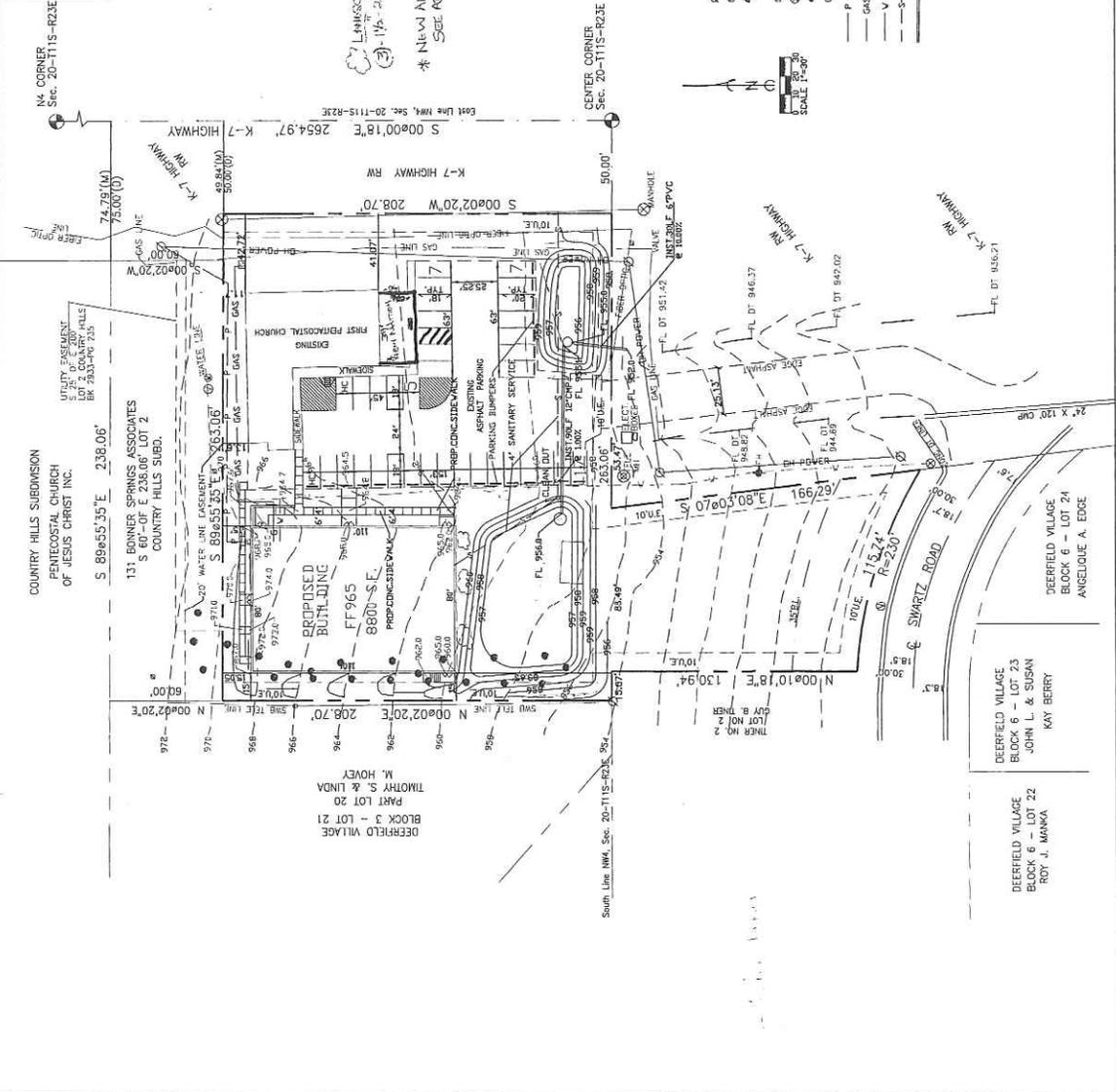
FELLOWSHIP HALL  
 FIRST PENTACOSTAL CHURCH  
 SITE PLAN

prepared by  
**ROBERT C. WESSEL**  
 consulting engineers  
 6309 KENNETH PLACE  
 MISSION, KANSAS 66202  
 (913)671-7473 FAX 671-7476

LEGAL DESCRIPTION  
 FIRST PENTACOSTAL CHURCH ADDITION  
 PROPOSED USE - CHURCH HALL  
 HOURS OF OPERATION - VARIES

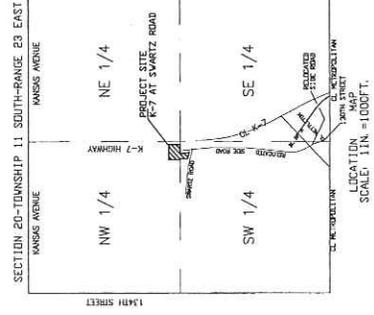
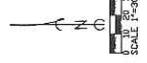
RETENTION BASIN ELEVATION (FEET)	TOTAL VOLUME (CU FT)	DISCHARGE (CFS)
953.0	960	1.7
954.0	1920	3.4
955.0	4320	7.6
956.0	7680	13.8
957.0	10080	18.0
958.0	12480	22.2
959.0	14880	26.4

RECEIVED  
 FEB 14 2011



**LEGEND**

- ⊙ POWER POLES
- ⊕ WATER VALVES
- ⚡ FIRE HYDRANT
- ⊙ WATER METER
- ⊙ SINKER OR TELEPHONE MANHOLE
- ⊙ SMALL TREES
- PROPERTY CORNERS FOUND
- P — POWER LINE
- G — GAS LINE
- W — WATER LINE
- S — SANITARY SEWER
- STORM SEWER



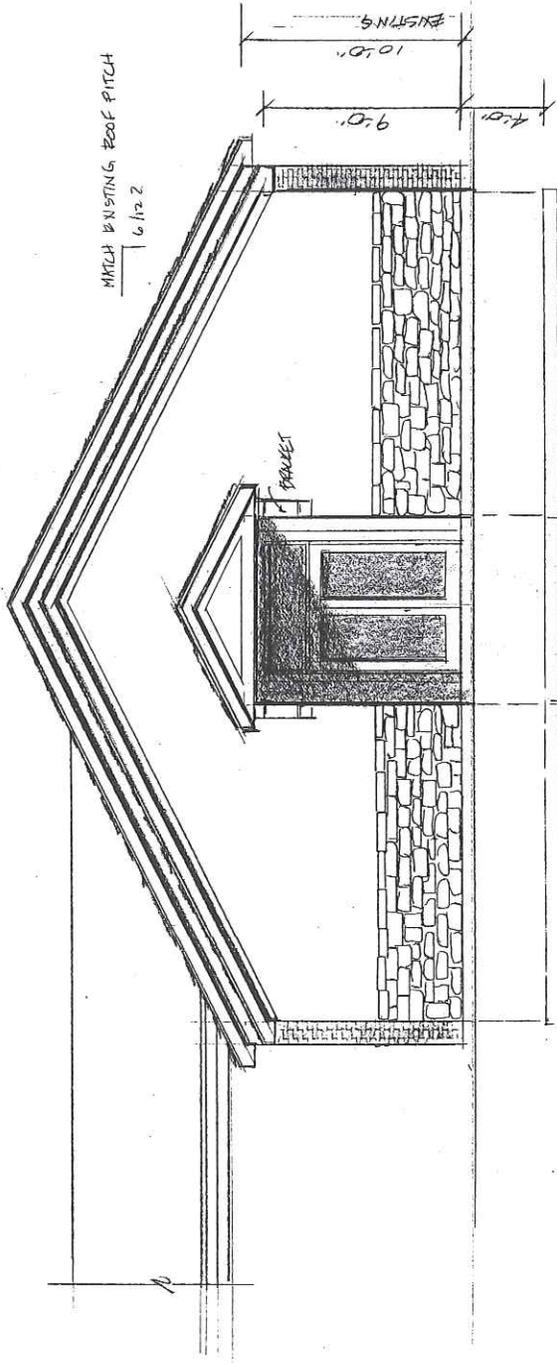
LOCATION MAP  
 SCALE: 1 IN = 1000 FT.

RECEIVED  
FEB 14 2011

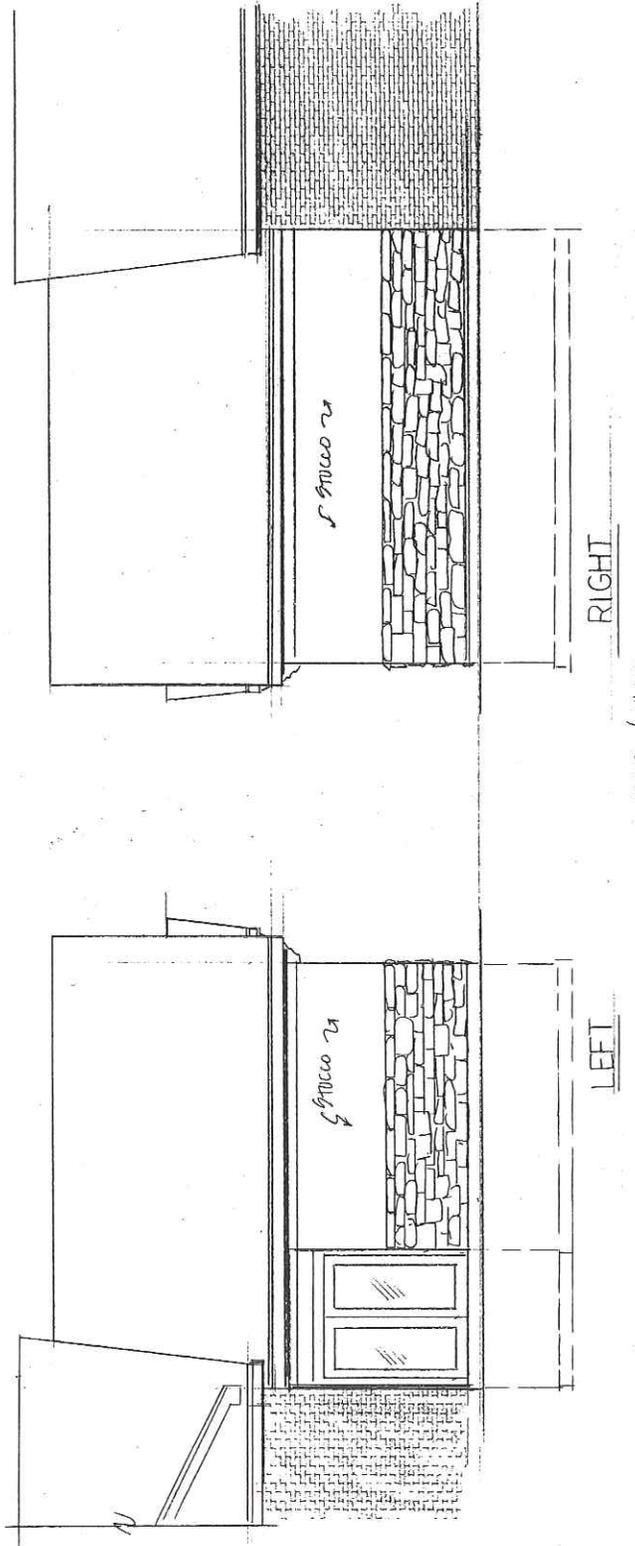
FOR: CANAAN (1ST PENTECOSTAL CHURCH)  
(913) 764-3642

3952

SHEET

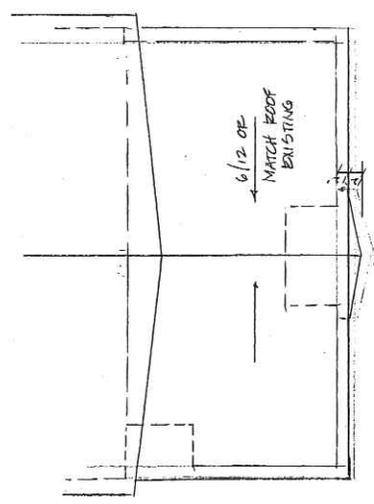
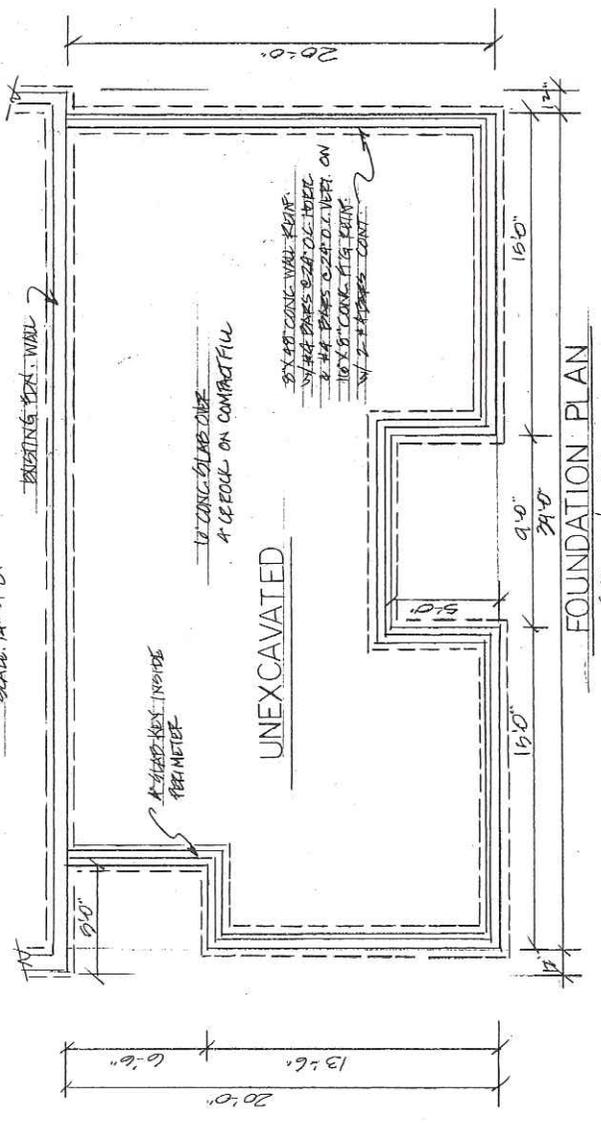
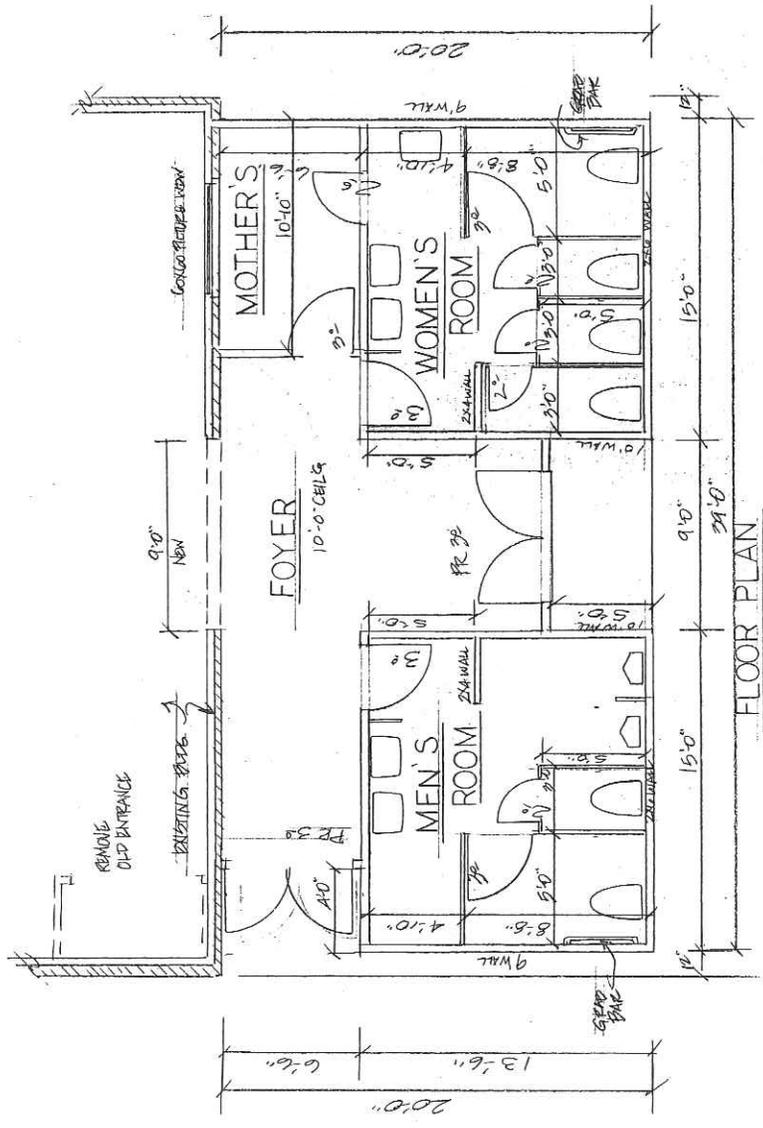


SCALE: 1/4" = 1'-0"



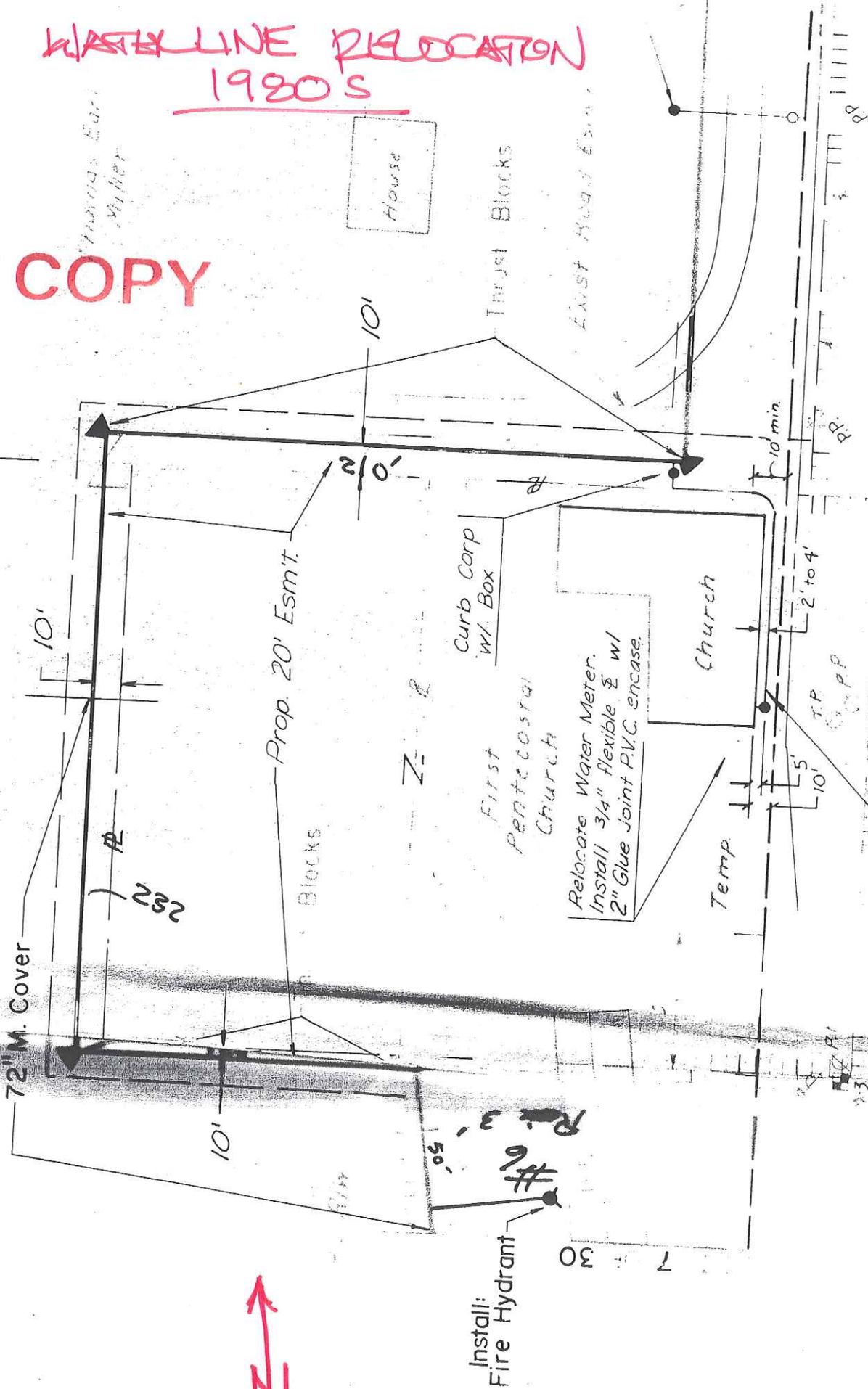
SCALE: 1/4" = 1'-0"

RECEIVED  
 FEB 14 2011



# WATER LINE RELOCATION 1980S

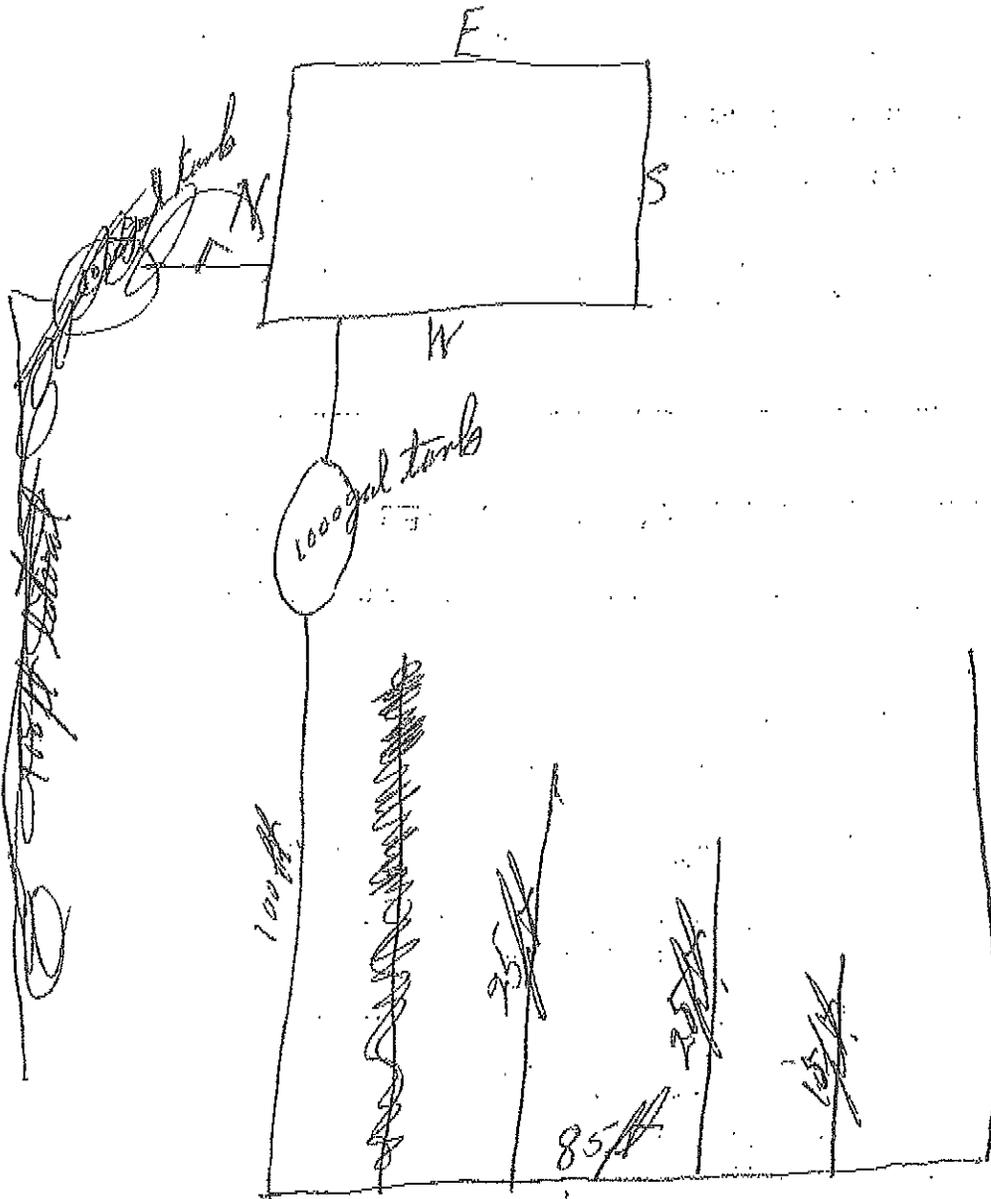
COPY



to be trenched EXIST. R/W A.C. or rock sawed - no backhoeing



940 So 130' ~~W~~



100 ft  
~~85~~  
~~65~~  
~~15~~  
~~25~~  
~~25~~  


---

395  
3  


---

945 ft of water

Soil Rock  
System fair

May 6, 1969

A. F. Hammel-Smith

Unified Government Public Health Department of  
Wyandotte County  
Environmental Health Services

619 Ann Ave.  
Kansas City, KS 66101  
Phone #: 913-573-6705  
Fax #: 913-573-6760  
Facsimile

To: Rick  
\_\_\_\_\_  
\_\_\_\_\_

Fax #: 422-5947

From: Jim McDaniel  
\_\_\_\_\_  
\_\_\_\_\_

Subject: 940 S. 130 <sup>6+</sup>

Date: 3-7-11

Pages: 2 (including cover sheet)

Notes:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Important: The documents in this facsimile transmission may contain confidential information subject to protection under the Federal Standards for Privacy of Individually Identifiable Health Information (45 C.F.R. Parts 160 and 164). If you or your organization is a "Covered Entity" under the above mentioned regulations, you are obligated to treat such information in a manner consistent with the regulations. This information is intended only for the use of the individual or entity named above. If it appears that this facsimile transmission was sent to you in error: (1) you are prohibited from utilizing or disseminating any information contained herein; (2) please immediately destroy this facsimile; and (3) email mhaley@wyockck.org or call Michelle Haley at 913.573.6705 advising that you have done so. We appreciate your cooperation.



Pastor Jimmy Parker

940 South 130th Street • Bonner Springs, KS 66012 • 913/422-4001

Monday, March 07, 2011

**ATTENTION CITY OF BONNER SPRINGS UTILITY DIRECTOR:**

**THE SEPTIC SYSTEM THAT WAS ORIGINALLY SERVICING FIRST PENTECOSTAL CHURCH OF BONNER SPRINGS, INC. WAS CRUSHED AND FILLED; AND, THE LATTERAL LINES WERE REMOVED IN ORDER TO BUILD THE FAMILY LIFE CENTER THAT IS WEST OF THE CHURCH.**

**THE CHURCH AND THE FAMILY LIFE CENTER WERE CONNECTED TO THE NEW SEWER LINE ON THE CHURCH'S EAST PROPERTY LINE. THE CONTRACTOR INSTALLED A "Y" ON THE MAIN SEWER LINE TO PROVIDE CONNECTIONS FOR THE CHURCH AND FAMILY LIFE CENTER. THE CITY UTILITY DIVISION MADE AN INSPECTION AND APPROVED THE CONNECTION.**

**IF ANY FURTHER ASSISTANCE ON THE PART OF FIRST PENETECOSTAL CHURCH OF BONNER SPRINGS, INC. IS REQUIRED, PLEASE CONTACT US; AND, WE WILL DO OUR BEST TO COMPLY WITH ANY AND ALL REQUEST.**

THANK YOU,

**FIRST PENTECOSTAL CHURCH  
OF BONNER SPRINGS, INC.**

## Rick Sailer

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**From:** McDaniel, Jim [jmcdaniel@wycokck.org]  
**Sent:** Wednesday, March 09, 2011 9:48 AM  
**To:** Rick Sailer  
**Subject:** RE: OWTS

After having received the letter from the First Pentecostal Church, in which they stated that the septic tank was pumped, crushed and filled and the fact that they are now connected to Bonner Springs city sewer system the Wyandotte County Health Department will not pursue this matter any further. We will attach the letter from the church to the paper work here and keep it on file. We will now show that the church is connected to a city sewer and is no longer on a septic system. Thank you

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**From:** Rick Sailer [<mailto:bonnerut@bonnersprings.org>]  
**Sent:** Wednesday, March 09, 2011 8:53 AM  
**To:** McDaniel, Jim  
**Cc:** [dslone@bonnersprings.org](mailto:dslone@bonnersprings.org); [bonnersewer@bonnersprings.org](mailto:bonnersewer@bonnersprings.org)  
**Subject:** RE: OWTS

I have attached a letter from the property owner at 940 S. 130<sup>th</sup> Street regarding the removal/destruction of the septic tank during the construction process in 2001. We do not have any records to confirm this, but we do know that the building that was using a OWTS is connected to our system now. Please let me know how you want to proceed. If you do issue a decommission statement, just send me a copy please.

Rick Sailer  
Utilities Director  
City of Bonner Springs  
Kansas, USA 66012  
direct: 913-667-3514  
cell: 913-207-1530  
[bonnerut@bonnersprings.org](mailto:bonnerut@bonnersprings.org)

Visit our Website [www.bonnersprings.org](http://www.bonnersprings.org)

*"The Quality of Person's Life is in Direct Proportion to Their Commitment to Excellence" .....Vince Lombardi*

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**From:** McDaniel, Jim [<mailto:jmcdaniel@wycokck.org>]  
**Sent:** Tuesday, March 08, 2011 12:26 PM  
**To:** Rick Sailer  
**Subject:**

Rick, here is my email

# ITEM NO. 3

**Floodplain Management Regulations:** A request by the Bonner Springs Planning Department to amend Chapter XVI: Zoning and Planning; Article 4, Floodplain Management Regulations of the City of Bonner Springs Code of Ordinances, by amending the Floodplain Management Regulations adopted on February 11, 2008 under Ordinance No. 2209. The reasons for this request are to update the Floodplain Management Regulations to incorporate the new FEMA Issued Flood Insurance Rate Maps (FIRM's) and the Flood Insurance Study (FIS) that will become effective on September 2, 2011. The language for Penalties for Non-Compliance under Article 3, Section C is amended to be consistent with the provisions of Kansas State Law, K.S.A. 12-761: Violations, Penalties and Actions.

## PLANNING COMMISSION MEETING

TUESDAY, APRIL 26, 2011 at 7:00 P.M.

PRESENT	Gray	_____
	Carter	_____
	Pierce	_____
& VOTE:	Neal	_____
	Parks	_____
	Wallace	_____
	Stephan	_____
	Krone	_____

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

**ACTION:** MAKE A MOTION TO APPROVE

**STAFF RECOMMENDATION:** STAFF IS RECOMMENDING APPROVAL OF THIS ITEM SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT

**NARRATIVE:** A staff report is included in the agenda. Staff will be present to answer any questions.

**Note:** The Planning Director will forward this item to the Governing Body upon approval by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture.

To: Planning Commission

From: Don E. Slone, AICP, CFM, Planning Director

**RE: Floodplain Management Regulations:** A request by the Bonner Springs Planning Department to amend Chapter XVI: Zoning and Planning; Article 4, Floodplain Management Regulations of the City of Bonner Springs Code of Ordinances, by amending the Floodplain Management Regulations adopted on February 11, 2008 under Ordinance No. 2209. The reasons for this request are to update the Floodplain Management Regulations to incorporate the new FEMA Issued Flood Insurance Rate Maps (FIRM's) and the Flood Insurance Study (FIS) that will become effective on September 2, 2011. The language for Penalties for Non-Compliance under Article 3, Section C is amended in the "Draft" to be consistent with the provisions of Kansas State Law, K.S.A. 12-761: Violations, Penalties and Actions. *(Copies of the "Draft" Regulations and letter from FEMA are attached)*

**Recommendation:**

As the City's Floodplain Administrator, I recommend approval of the "Draft" Floodplain Management Regulations by repealing Ordinance No. 2209 that adopted the current Floodplain Management Regulations under the Code of Ordinances, Chapter XVI: Zoning and Planning; Article 4, Floodplain Management Regulations that were adopted on February 11, 2008.

**Note:** The "Draft" Floodplain Management Regulations are required to be approved by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agricultural prior to adoption by the Governing Body. Therefore, if recommended for approval by the Planning Commission, the "Draft" will be forwarded to the Chief Engineer and if approved, will then be forwarded to the Governing Body for final approval.

**Background:**

The City of Bonner Springs received new Flood Insurance Rate Maps and the Flood Insurance Study from FEMA on March 7, 2001 that will become effective on September 2, 2011. These new maps are Countywide and include the City of Bonner Springs as well as the unincorporated area of Wyandotte County. These new FIRM's will replace the existing FIRM and will be used to identify areas of special flood hazard (commonly referred to as the 100-year floodplain). This is the first Flood Insurance Rate Map update since the City began its participation in the National Flood Insurance Program on January 3, 1979. The new Flood Insurance Rate Maps show an increase of 42 properties that will be included in the special flood hazard area. In 1979, there were 277 properties within the special flood hazard area; however, the new maps show that number has increased to 307 properties. Of these, there are 42 additional properties that will be included in the special flood hazard area and 12 properties that have been removed as they are no longer located within the special flood hazard area.

**Discussion:**

The reasoning behind amending our existing Floodplain Management Regulations at this time is as follows:

1. The Federal Emergency Management Agency (FEMA) sent to the Honorable Clausie Smith, Mayor a letter dated March 2, 2011 that states the requirement to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM which is September 2, 2011;
2. Incorporate and adopt the Flood Insurance Rate Maps (FIRM's) and the Flood Insurance Study (FIS) that reflect the new Base Flood Elevations (BFE's);
3. The Floodplain Management Regulations adopted by Ordinance No. 2209, Article 4, Section C: Penalties for Non-Compliance needed to be updated to be consistent with the provisions of Kansas State Statute: K.S.A. 12-761: Violations, Penalties and Actions that apply to floodplain violations; and
4. The format of our current Floodplain Management Regulations is out of date with respect to the Model Floodplain Management Ordinance adopted by the State of Kansas in cooperation with FEMA Region VII. The "Draft" regulations are consistent with the Model.

# Affidavit in Proof of Publication

STATE OF KANSAS  
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, March 31, 2011)

**NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION  
CITY OF BONNER SPRINGS, KANSAS**

Erika Gray of the Legal Dept. of the Bonner Springs Chieftain being first duly sworn, deposes and says:

The Planning Commission will hold a public hearing on Tuesday, April 26, 2011 at 7:00 p.m. at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Wyandotte County, Kansas, with a general paid circulation on a weekly basis in Wyandotte County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Bonner Springs Chieftain

**Floodplain Management Regulations:** A request by the Bonner Springs Planning Department to amend Chapter XVI: Zoning and Planning; Article 4, Floodplain Management Regulations of the City of Bonner Springs Code of Ordinances, by amending the Floodplain Management Regulations adopted on February 11, 2008 under Ordinance No. 2209.

The reasons for this request are to update the Floodplain Management Regulations to incorporate the new FEMA Issued Flood Insurance Rate Maps (FIRM's) and the Flood Insurance Study (FIS) that will become effective on September 2, 2011. The language for Penalties for Non-Compliance under Article 3, Section C be amended to be consistent with the provisions of Kansas State Law, K.S.A. 12-761: Violations, Penalties and Actions.

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Bonner Springs in said County as second class matter.

Questions or comments may be addressed to the Planning Department located at 205 E. 2nd Street to Don E. Slone, AICP, CFM, Planning Director at (913) 667-1708.

Persons who wish to be heard will be given an opportunity to make comments at the public hearing.

/s/ Don E. Slone, AICP, CFM  
Planning Commission Secretary

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 03/31/2011 with publications being made on the following dates:

03/31/2011

Subscribed and sworn to before me this

3-31-2011

Notary Public

My Appointment expires:

Publication Charges	\$45.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<hr/>
	\$45.00

11 APR - 1 AM 9:47  
CITY OF BONNER SPRINGS

RECEIVED

**ARTICLE 3. FLOODPLAIN MANAGEMENT REGULATIONS**

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

**ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES**

**SECTION A. STATUTORY AUTHORIZATION**

~~The Legislature of the State of Kansas has in K.S.A. 12-741 et seq, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare.~~

~~The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on \_\_\_\_\_, 20\_\_.~~

**1. *Approval of Draft Ordinance by Kansas Chief Engineer Prior to Adoption***

**The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on \_\_\_\_\_, 20\_\_.**

**2. *Kansas Statutory Authorization***

**The Legislature of the State of Kansas has in K.S.A. 12-741 et seq, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare.**

**SECTION B. FINDINGS OF FACT**

**1. *Flood Losses Resulting from Periodic Inundation***

The special flood hazard areas of the City of Bonner Springs, Kansas and the unincorporated portion of Wyandotte County, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

**2. *General Causes of the Flood Losses***

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

**3. *Methods Used To Analyze Flood Hazards***

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

- a. 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 ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated in most current Flood Insurance Study;
- b. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;

- c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point;
- d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height; and
- e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

**SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B(1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

- 1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- 2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- 3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

**ARTICLE 2 GENERAL PROVISIONS**

**SECTION A. LANDS TO WHICH ORDINANCE APPLIES**

This ordinance shall apply to all lands within the jurisdiction of the City of Bonner Springs and the unincorporated portion of Wyandotte County **identified as numbered and unnumbered A Zones, AE, AO, and AH Zones, on the Index Map dated September 2, 2011 of the Flood Insurance Rate Map (FIRM) as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Floodplain Administrator.**

**SECTION B. Basis for Establishing the Areas of Special Flood Hazard**

~~The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled for the City of Bonner Springs, Wyandotte County and the unincorporated area of Johnson County, Kansas, now in the City of Bonner Springs", dated January 3, 1979 and June 17, 2002, respectively, and "The Flood Insurance Study for the County of Wyandotte, Kansas, unincorporated areas", dated June 1979, with any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Bonner Springs City Hall.~~

**SECTION B. COMPLIANCE**

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

**SECTION C. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall

prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

#### SECTION D. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.

#### SECTION E. WARNING AND DISCLAIMER OF LIABILITY

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

#### SECTION F. SEVERABILITY

If any section; clause; provision; or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

### ARTICLE 3 ADMINISTRATION

#### SECTION A. FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

#### SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The **Planning Director** ~~City Planner~~ is hereby appointed to administer, enforce, and implement the provisions of this ordinance.

#### SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review all applications for development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;

5. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed; and
9. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

#### SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

**To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:**

~~In addition to all other licenses and permits required by the several ordinances of this City, a development permit shall be obtained before construction or other development begins within any area of special flood hazard established in Article 2, Section B. No person, firm, corporation, or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate development permit for each structure or other development as defined in Article 2. Application for a Floodplain Development Permit shall be made on forms furnished by the City Manager and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically the following information is required:~~

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the floodplain administrator;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

#### ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

##### SECTION A. GENERAL STANDARDS

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

2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
  - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. Construction with materials resistant to flood damage;
  - c. Utilization of methods and practices that minimize flood damages;
  - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - (1) All such proposals are consistent with the need to minimize flood damage;
    - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
    - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
    - (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
5. *Storage, Material, and Equipment*
  - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
  - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.
6. *Nonconforming Use*

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

- a. If such structure, use, or utility service is discontinued for twelve consecutive months, any future use of the building shall conform to this ordinance.
- b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

**7. *Agricultural Structures***

**Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.**

**8. *Critical Facilities***

- a. **All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the .2 percent annual chance flood event, also referred to as the 500-year flood level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood 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 the 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 floodplain administrator as set forth in Article 3, Section C(7)(8)(9).**
- b. **All critical facilities shall have access routes that are above the elevation of the 500-year flood.**
- c. **No critical facilities shall be constructed in any designated floodway.**

**9. *Hazardous Materials***

**All hazardous material storage and handling sites shall be located out of the special flood hazard area.**

**10. *Cumulative Improvement***

**A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with Article 4, Section B(1) which requires elevation of residential structures to one (1) foot above the base flood elevation or the elevation/floodproofing of non-residential structures to two (2) foot above the base flood elevation.**

**SECTION B. Standards for Subdivision Proposals**

- ~~1. All subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be consistent with the need to minimize flood damage.~~

- ~~2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.~~
- ~~3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.~~
- ~~4. Base flood elevations shall be provided for subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser.~~

## SECTION B. SPECIFIC STANDARDS

In all areas identified as numbered and unnumbered A zones, AE, and AH Zones, where base flood elevation data have been provided, the following provisions are required:

### 1. *Residential Construction*

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor or licensed professional engineer.

### 2. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below one (1) foot above the base flood elevation 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. The elevation of the lowest floor shall be certified by a licensed land surveyor or licensed professional engineer. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section C.

### 3. *Fully Enclosed Areas Below Lowest Floor*

Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- (2) The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

## SECTION C. MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:

- a. Outside of a manufactured home park or subdivision;
  - b. In a new manufactured home park or subdivision;
  - c. In an expansion to and existing manufactured home park or subdivision; or
  - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or licensed professional engineer.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:
- a. The lowest floor of the manufactured home is a minimum of one (1) foot above the base flood level; or
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or licensed professional engineer.

#### SECTION D. AREAS OF SHALLOW FLOODING (AO and AH zones)

Located within the areas of special flood hazard as described in Article 2, Section are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. *AO Zones*
  - a. All new construction and substantial-improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified);
  - b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that 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; and
  - c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.
2. *AH Zones*
  - a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 5, Section C; and
  - b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

## SECTION E. FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. If Article 4, Section E(2), is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

## ~~SECTION E. FLOODWAYS~~

~~Located within areas of special flood hazards established in Article 2, Section A, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:~~

- ~~1. Encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway shall be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge;~~
- ~~2. If Article 4, Section D 1, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5;~~
- ~~3. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources; and.~~
- ~~4. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.~~

## SECTION F. RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones, AE, AH, and AO Zones on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days, *or*
2. Be fully licensed and ready for highway use\*; *or*
3. Meet the permitting, elevation, and anchoring requirements for manufactured homes of these regulations.

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

## **SECTION G. CONDITIONS FOR APPROVING AGRICULTURAL STRUCTURES**

Any permit granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances.

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

1. All proposed agricultural structures shall demonstrate that no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
2. Use of the structures must be limited to agricultural purposes in any special flood hazard area only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located one (1) foot above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance. The elevation shall be certified by a licensed land surveyor or professional engineer.
6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with Article 4, Section B (1)(c) of this ordinance.
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section E(2) of this ordinance. No permits may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the one percent annual chance flood event, also referred to as the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community. The community may request approval by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. Cost for any required professional certification to be paid by the developer.

## **ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

### **SECTION A. ESTABLISHMENT OF APPEAL BOARD**

The Board of Zoning Appeals as established by the Zoning Ordinance, Article XXVI of the City of Bonner Springs shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

#### SECTION B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Board of Zoning Appeals, as defined in Article 5, Section A.

The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

#### SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision to the District Court as provided in K.S.A. 12-759 and 12-760.

#### SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Zoning Appeals shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. Danger to life and property due to flood damage;
2. Danger that materials may be swept onto other lands to the injury of others;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flood damage, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. 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; streets; and bridges.

#### SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

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 two (2) through six (6) below have been fully considered. As the lot 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, the State Inventory of Historic Places, or local inventory of historic places upon determination, provide the proposed activity will not preclude the structure's continued historic designation;
3. Variances shall not be issued within any designated floodway if any increase in flood discharge would result
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief
5. Variances shall only be issued upon: (a) showing of good and sufficient cause, (b) determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances and
6. The City of Bonner Springs shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

#### **ARTICLE 6 VIOLATION AND PENALTY**

**Any person, firm or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any plan submitted and approved hereunder shall be guilty of a misdemeanor; and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense.**

~~No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.~~

~~Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent the City of Bonner Springs or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.~~

#### **ARTICLE 7 AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Bonner Springs. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of this ordinance are in compliance with the NFIP regulations.

## ARTICLE 8 DEFINITIONS

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

**"100-year Flood"** *see "base flood."*

**"Accessory Structure"** means the same as *"appurtenant structure."*

**"Actuarial Rates"** *see "risk premium rates."*

**"Agricultural Commodities"** means agricultural products and livestock.

**"Agricultural Structure"** means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

**"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**"Appurtenant Structure"** means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**"Area of Shallow Flooding"** means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the structure having its floor subgrade (below ground level) on all sides.

**"Building"** *see "structure."*

**"Chief Engineer"** means the chief engineer of the division of water resources, Kansas Department of Agriculture.

**"Chief Executive Officer" or "Chief Elected Official"** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

**"Community"** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated Building"** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**"Eligible Community" or "Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**"Existing Construction"** means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or

the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

**"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards.

**"Flood Fringe"** means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

**"Flood Hazard Map"** means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel and (5) other geographic features.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**"Flood Insurance Study (FIS)"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (*see "flooding"*).

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

**"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Floodway Encroachment Lines"** means the lines marking the limits of floodways on Federal, State and local floodplain maps.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* does not include a *"recreational vehicle."*

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means, the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

**"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

**"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP), the North American Vertical Datum of 1988 (NAVD88) to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**"New Construction"** means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

**"(NFIP)"** means the National Flood Insurance Program (NFIP).

**"Participating Community"** also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

**"Permit"** means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

**"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**"Reasonably Safe From Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Remedy A Violation"** means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

**"Risk Premium Rates"** means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

**"Special Flood Hazard Area"** see *"area of special flood hazard."*

**"Special Hazard Area"** means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

**"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

**"Substantial-Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial-Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures, which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as *d'historic structure."*

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

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

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

**"Water Surface Elevation"** means the height, in relation to the North American Vertical Datum of 1988 (NAVD88) of floods of various magnitudes and frequencies in the floodplain.

## **ARTICLE 9 REPEAL OF EXISTING ORDINANCE**

The Floodplain Management Regulation Ordinance No. 2209 adopted February 11, 2008, be and the same is hereby repealed.

## **ARTICLE 10 CERTIFICATE OF ADOPTION**

This Floodplain Management Ordinance for the City of Bonner Springs, Kansas and the unincorporated portion of Wyandotte County.

PASSED AND ADOPTED by the Governing Body of the City of Bonner Springs, Kansas,

This \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

Clausie W. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Rita Hoag, City Clerk  
(seal)

APPROVED  
This \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

COPY



# Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
19P

March 2, 2011

The Honorable Clausie Smith  
Mayor, City of Bonner Springs  
Post Office Box 38  
Bonner Springs, Kansas 66012-0038

Community: City of Bonner Springs, Kansas  
Community No.: 200361  
Map Panels Affected: See FIRM Index

Dear Mayor Smith:

This is to formally notify you of the final flood elevation determination for the City of Bonner Springs, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On August 18, 2009, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On November 6, 2009, FEMA provided you with Preliminary copies of the FIRM and Flood Insurance Study (FIS) report that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in *The Echo* on June 24, 1020 and July 1, 2010, and in the *Federal Register*, at Part 67, Volume 75, Page 32685, on June 9, 2010.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on September 2, 2011. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS report establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to September 2, 2011, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIRM and FIS report to which the regulations apply and other modifications made by this map revision. Some of

the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations;  
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

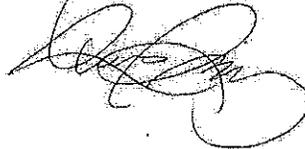
To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Wyandotte County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Kansas City, Missouri, at (816) 283-7002 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structure*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository

Don Slone, Floodplain Administrator/City Planner, City of Bonner Springs

**§ 60.3 Flood plain management criteria for flood-prone areas.**

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in §64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

- (1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;
- (2) Review proposed development to assure 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;
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;
- (5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
- (6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

- (1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;
- (2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

- (3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;
- (4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;
- (5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:
- (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
  - (ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and
  - (iii) Maintain a record of all such information with the official designated by the community under §59.22 (a)(9)(iii);
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:
- (1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;
  - (2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);
  - (3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood 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;
  - (4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii);
  - (5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to

flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1–30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in §60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1–30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A–1–30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1–30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1–30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

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

(d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

- (1) Meet the requirements of paragraphs (c) (1) through (14) of this section;
- (2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- (3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
- (4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

- (1) Meet the requirements of paragraphs (c)(1) through (14) of this section;
- (2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii);
- (3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;
- (4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.
- (5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State

codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
- (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

- (i) Outside of a manufactured home park or subdivision,
- (ii) In a new manufactured home park or subdivision,
- (iii) In an expansion to an existing manufactured home park or subdivision, or
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

- (i) Be on the site for fewer than 180 consecutive days,
- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.

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

(f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

- (1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.
- (2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in §59.1 in accordance with the eligibility procedures under §65.14.
- (3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:
  - (i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and
  - (ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

- (i) Determine the AR base flood elevation; and
- (ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

- (i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;
- (ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and
- (iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

- (i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and
- (ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

## FINAL SUMMARY OF MAP ACTIONS

Community: BONNER SPRINGS, CITY OF

Community No: 200361

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on September 2, 2011.

### 1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

### 2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR-F	99-07-246A	03/24/1999	PRAIRIE PLAZA ESTATES, LOT 5 -- 11701 KAW DRIVE, BLDGS. A-L	2003610005A	20209C0128D
LOMA	10-07-0354A	04/01/2010	LOTS 1-4, BLOCK 1, ELLENDALE SUBDIVISION -- 103 NORTH GARFIELD STREET	2003610005A	20209C0117D

### 3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

## FINAL SUMMARY OF MAP ACTIONS

Community: BONNER SPRINGS, CITY OF

Community No: 200361

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

#### 4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

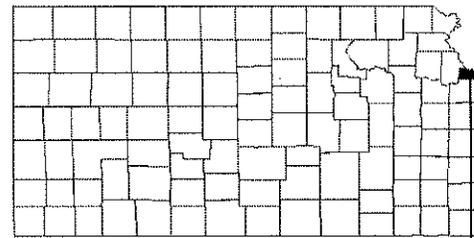
LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

# FLOOD INSURANCE STUDY



## WYANDOTTE COUNTY, KANSAS AND INCORPORATED AREAS

Community Name	Community Number
BONNER SPRINGS, CITY OF	200361
EDWARDSVILLE, CITY OF	200362
KANSAS CITY, CITY OF	200363
WYANDOTTE COUNTY	
UNINCORPORATED AREAS	200562



Wyandotte County



### Federal Emergency Management Agency

FLOOD INSURANCE STUDY NUMBER

20209CV000A

EFFECTIVE  
September 2, 2011