



City of Arkansas City

PLANNING COMMISSION AGENDA

Tuesday, July 12, 2022 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/611787229>

You can also dial in using your phone.

United States: +1 (872) 240-3311

Access Code: 611-787-229

Call to Order

Roll Call

Declaration

At this time, Planning Commission members are asked to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.

Public Comments

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.

Consent Agenda

- 1.** Meeting Minutes, **May 10, 2022 meeting.**

Public Hearings

- 2.** Hold a public hearing to consider the advisability of rezoning 405 S 3rd Street from a C-3 (General Commercial District) to an R-3 (High Density Residential District).

Consideration

- 3.** Reconsider the advisability of rezoning 2305 N 8th Street from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).
- 4.** Floodplain Management discussion

Comprehensive Plan

- 5.** Comprehensive Plan discussion

Other Items

Adjournment



City of Arkansas City

PLANNING COMMISSION MEETING

MINUTES

Tuesday, May 10, 2022 at 5:30 PM — 400 W Madison Ave, Arkansas City, KS

Call to Order

Roll Call

PRESENT: Mary Benton, Lloyd Colston, Brandon Jellings, Ian Kuhn, Cody Richardson, Tom Wheatley

ABSENT: Paisley Howerton, Kyle Lewis, Joni Spicer

Staff present at roll call was Principal Planner Josh White

Also present at roll call was Mayor Kanyon Gingher and multiple citizens

Declaration

At this time, Planning Commission members are asked to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.

No such declarations were made.

Public Comments

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.

Debbie Savala 1015 Key Largo Lane commented on the Bird scooters. She was concerned they were dangerous. Kuhn advised her to approach the City Commission with any concerns relating to the scooters. Jellings also noted that the scooters were owned by a private company and the City didn't spend any funds on the project.

Consent Agenda

1. Meeting Minutes, **April 12, 2022 meeting.**

Motion made by Colston, Seconded by Wheatley to approve the minutes as written.

Voting Yea: Benton, Colston, Jellings, Kuhn, Richardson, Wheatley

Consideration

2. Consider the advisability of rezoning 401 W Madison Avenue from an R-2 (Medium Density Residential District) to a C-2 (Restricted Commercial District).

Lewis joined the meeting in progress. White stated the public hearing had been held at the previous meeting. He said the request had been modified to include additional right of way of the former 10th Street (3rd Street).

Motion made by Jellings, Seconded by Benton to recommend approval of the rezoning of 401 W Madison Avenue from an R-2 (Medium Density Residential District) to a C-2 (Restricted Commercial District).

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Kuhn declared the motion passed unanimously 7-0.

3. Consider the advisability of vacating a portion of alley and a portion of 3rd Street adjacent to Block 2, Park Place Addition to Arkansas City.

Similar to the previous item, the public hearing had been held at the previous meeting. White noted that the same area of right of way was requested for the vacation in addition to the previously requested right of way. Kuhn asked if the developer was requesting any aid from the City for utility relocation. Alan Betchan of AAB Engineering responded that the developer would be paying for any relocation costs and briefly discussed the proposed relocations.

Motion made by Colston, Seconded by Wheatley to recommend approval of the vacation of an alley and a portion of 3rd Street (10th Street) adjacent to Block 2, Park Place Addition to Arkansas City.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Kuhn declared the motion passed unanimously 7-0

Public Hearings

4. Hold a public hearing to consider the advisability of rezoning 1118 Key Largo Lane from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).
- Kuhn turned the meeting over to White. White presented the staff report. He noted the proposal was for a duplex. He noted that R-1 would not allow more than one residential unit. Two units would require a conditional use permit. R-2 would allow two residential units and a additional units could be added by conditional use permit. R-3 would allow three or more units by right. The proposal would be for 3 total units and discussion between the applicant and staff it was determined that R-3 would be the best choice for simplicity sake. He noted that the Comprehensive Plan designated the area as residential without regard to density. It could also help with the housing shortage. Staff recommends the rezone be approved with reservations. He noted that multiple citizens had expressed multiple concerns with the proposal including the street needing improvements and the property not being served by sanitary sewer but could possibly support additional septic systems. Jellings noted that other developments were not allowed to proceed which did not have all improvements. Wheatley felt this would be considered spot zoning noting that other parcels could be developed in this manner. Jellings noted that R-3 would allow additional units to be developed.

Motion made by Wheatley, Seconded by Jellings to open the public hearing

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Terry Newman of 1112 Forrest Glenn Dr submitted photos of a property the applicant is working on that is unfinished. He is also opposed to this rezoning due to drainage issues. Debbie Savala of 1015 Key Largo Ln is opposed to the request due to existing drainage issues and prefers the existing rural character of the neighborhood. Nick Albrecht of 1219 Forrest Glenn Dr is opposed to the request due to the possibility of increased traffic, the road would have to be improved for this to work as it is too narrow. He also noted the existing rural character. Brett House of 1209 Forrest Glenn Dr is opposed to the request. He feels it will affect quality of life including loss of rural character. He noted there are already issues with the septic tanks in the neighborhood. He felt that 8th Street would also need to be improved. Jon Bossi of Central Christian Church at 2411 N 8th St is opposed to the request due to drainage issues. He was also concerned about any special assessments would be difficult for the church to bear. Roxanna & Matt James of 1004 Key Largo Ln are opposed to the request. They felt that 8th Street and Key Largo would have to be improved but that Key Largo couldn't be expanded because the existing houses are too close to the road. It would also cause them to lose trees and make the drainage issues worse. They were also concerned with their quality of life. Russell Meinen of 2627

N 8th St is opposed to the request. He felt the applicant knew this was a single family area when he bought this property and should've known it couldn't be developed any further.

Motion made by Wheatley, Seconded by Colston to close the public hearing.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Motion made by Colston, Seconded by Wheatley to deny the request to rezone 1118 Key Largo Lane from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District) Kuhn noted that the applicant was not here and that should weigh heavily on the decision. White noted he was notified about this meeting. Jellings noted that he had visited with the applicant several years ago about building several single family homes in the area but Jellings noted the neighborhood would have required the improvements that many of the residents had noted during the hearing. Kuhn felt that rezoning the property would be a spot zoning.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Kuhn declared the motion passed 7-0 and the rezoning request denied. White clarified the next steps. Staff would forward the recommendation of denial to the City Commission. The City Commission would have to have a 3/4 majority to override this recommendation. Russell Meinen asked for clarification about how public notices were sent out. White explained that letters were sent to all property owners within 200 feet of the property. Staff has since discussed this with the resident that is outside the 200 feet perimeter and also sent a public notice to them. Terry Newman asked if residents would be notified when this item would go before the City Commission. Kuhn said that would be available on the city's website when the meeting was scheduled. White noted that it would likely be on the agenda for the first meeting in June.

5. Hold a public hearing to consider the advisability of rezoning 2305 N 8th Street from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

Kuhn turned the meeting over to White. White presented the staff report. This is a similar request. He noted that a portion of the property is within the floodplain. The proposal is in line with the comprehensive plan without respect to density. Jellings asked if there would be any improvements. The proposal was for an additional duplex in addition to the existing single family home. Staff recommends approval of this request. Kuhn asked if the applicant was a developer. Jellings noted he was a contractor for several years but not a developer.

Motion made by Wheatley, Seconded by Colston to open the public hearing.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Don Hamilton representing Connie Palmer of 2355 N 8th Street noted that if this was approved that they would like to request a similar rezoning. White explained the procedure for applying for a rezone. Rich Jones of 2215 N 8th Street was opposed to high density residential but could support one duplex. He was also concerned about the floodplain and any development could increase issues with the water flow which could affect his bridge. He was also concerned the 8th Street bridge couldn't support heavy loads. Debbie Savala of 1015 Key Largo Lane was concerned about additional traffic on 8th Street if this property is allowed to have additional housing. There are issues with water degrading 8th Street. Nick Albrecht of 1219 Forrest Glenn Dr noted that 8th Street already needs improvements. Brett House of 1209 Forrest Glenn Dr echoed Albrecht's concern and noted that housing should be located elsewhere.

Motion made by Kuhn, Seconded by Colston to close the public hearing.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Colston was greatly concerned about additional development in the floodplain.

Motion made by Colston, Seconded by Wheatley to recommend denial of the request to rezone 2305 N 8th Street from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

Voting Yea: Benton, Colston, Kuhn, Lewis, Richardson, Wheatley

Voting Nay: Jellings

Kuhn declared the motion passed the recommendation of denial on a 6-1 vote. Colston acknowledged that we do need more housing but felt there were not enough plans to approve this particular request. Kuhn noted that R-2 may have been better and thanked the residents for their comments. He also noted that he appreciated their concerns as it is sometimes difficult to get public input and noted that these issues about 8th Street and the sanitary sewer would be noted in the Comprehensive Plan.

Comprehensive Plan

6. Comprehensive Plan discussion

There was some brief discussion about what happened in the public hearings. Jellings noted that they needed to be careful about not allowing the community to progress over simply citizen feedback but acknowledged many of the concerns were valid. Colston noted that all of the issues would be slow to be implemented due to cost constraints. White noted the City does some maintenance on Key Largo Ln. Kuhn reminded everyone that this was a big part of the Comprehensive Plan and really its purpose. Richardson wondered if the 8th Street property couldn't be split off and developed that way. White said that could be an option but the applicant would have to deal with the floodplain requirements.

White noted changes to the Economic Development Chapter. The Planning Commission discussed goals and actions as they relate to Economic Development. White then noted that Parks and Recreation could be moved to the next meeting but briefly introduced the Chapter and asked Commissioners to read over the Chapter.

Other Items

7. June Planning Commission meeting discussion

White mentioned that he would be unavailable for the June meeting. He noted that it had been a long time since the Planning Commission had a month off so he thought this was a good time for a break. There are also no new applications either. Planning Commissioners agreed cancelling was a good idea.

Adjournment

Motion made by Colston, Seconded by Jellings to adjourn the meeting.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Kuhn declared the meeting adjourned at 7:26 p.m.



Planning Commission Agenda Item

Meeting Date: 7/12/22
From: Josh White, Principal Planner
Item: 405 S 3rd Rezone

Purpose: Hold a public hearing to consider the advisability of rezoning 405 S 3rd Street from a C-3 (General Commercial District) to an R-3 (High Density Residential District).

Background:

The subject property is located at 405 S 3rd Street. The surrounding area is comprised of public and residential uses. The City Water Treatment Facility and school district bus barn is to the west. Residential can be found north, south and east of the site. The property consists of approximately 0.51 acres. The project will be to convert the former greenhouse into a dwelling. The applicants are requesting a rezone from C-3, General Commercial District to an R-3, High Density Residential District.

It is the recommendation of staff that the requested rezoning C-3 to R-3 be approved based on the following conclusions:

- The development appears compatible with the area.
- The buildings have not been fully utilized since 2013.
- The project should not adversely affect the neighboring properties as it matches their use
- The public health, safety and general welfare should not be negatively impacted by this rezoning.

Action:

Hold a public hearing. After the public hearing is closed, make a motion to recommend the City Commission approve/disapprove the request to rezone 403 S 3rd St from a C-3 General Commercial District to an R-3 High Density Residential District.

Attachments:

Staff report

Presentation Link: <https://arcg.is/0mLKm40>



STAFF REPORT

City of Arkansas City Neighborhood Services Division

Josh White, Principal Planner

118 W Central Ave, Arkansas City, KS 67005

Phone: 620-441-4420 Fax: 620-441-4403 Email: jwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER
RZ-2022-113

APPLICANT/PROPERTY OWNER
Jose & Corinna Garcia

PUBLIC HEARING DATE
July 12, 2022

PROPERTY ADDRESS/LOCATION
405 S 3rd St

SUMMARY OF REQUEST

The subject property is located at 405 S 3rd Street. The surrounding area is comprised of public and residential uses. The City Water Treatment Facility and school district bus barn is to the west. Residential can be found north, south and east of the site. The property consists of approximately 0.51 acres. The project will be to convert the former greenhouse into a dwelling. The applicants are requesting a rezone from C-3, General Commercial District to an R-3, High Density Residential District. Staff recommends approval of the rezone request.



Map data ©2022 Esri World Topographic map

EXISTING ZONING C-3-General Commercial District	EXISTING LAND USE Former greenhouse and living quarters	SURROUNDING ZONING & LAND USE North-R-3; Residential East-R-3; Residential South-R-3; Residential West-P; Public	SITE IMPROVEMENTS Greenhouse and warehouse	SIZE OF PROPERTY 0.51 acres
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STAFF RECOMMENDATION

☒ **APPROVE**

☐ **APPROVE WITH CONDITIONS**

☐ **DENY**

COMPATIBILITY with the COMPREHENSIVE PLAN

The Future Land Use portion of the Comprehensive Plan designates the subject property as commercial use. The proposed use is residential. As noted previously this is a residential neighborhood. Now that the century old business has closed, it is appropriate for a residential use to be placed on this site. This action does not meet a specific goal of the Comprehensive Plan but as has been noted in the development of the new Comprehensive Plan, we are experiencing a housing shortage and conversion of an underused building into a residential use provides yet another housing unit.

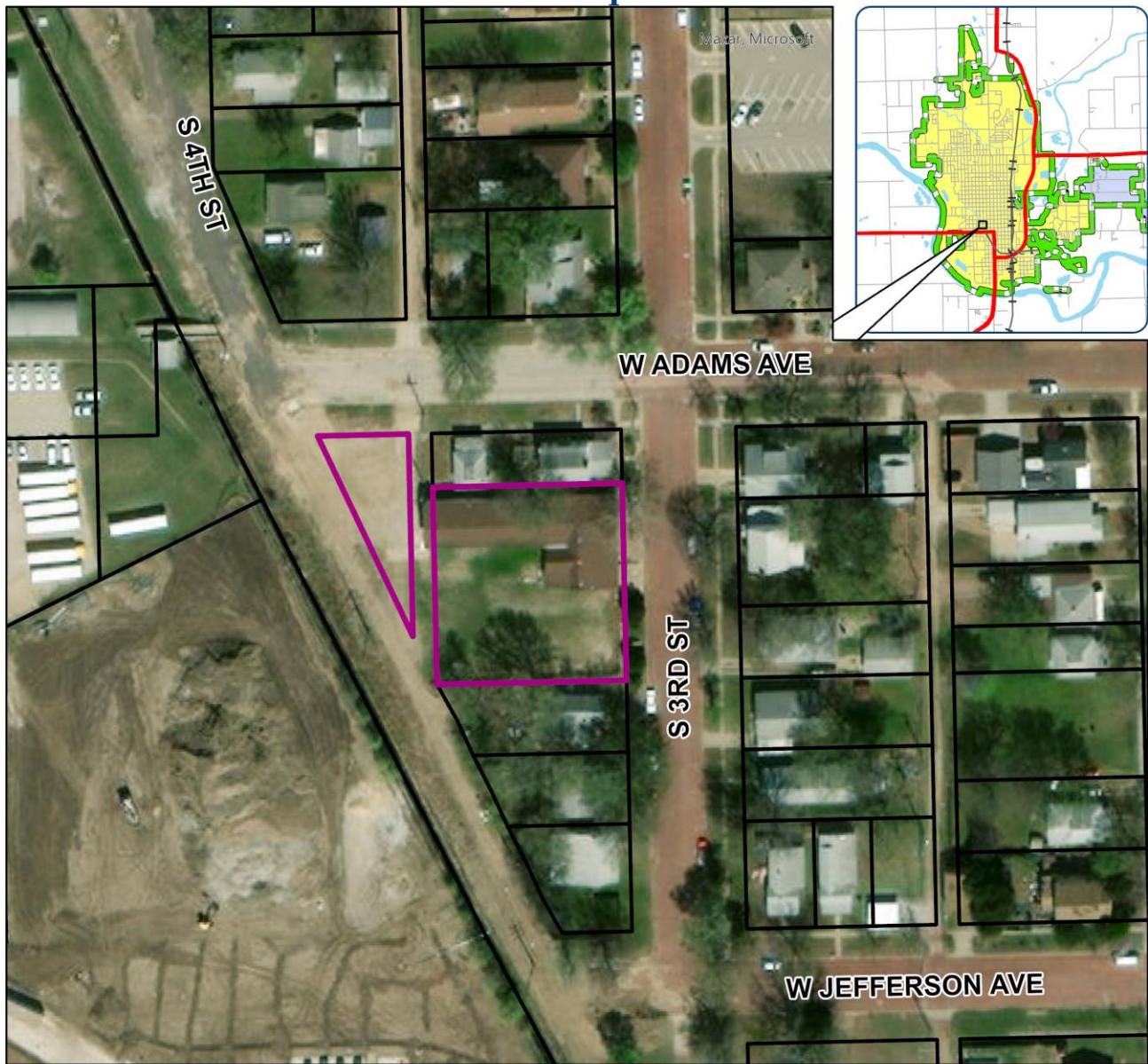
PROPERTY HISTORY

According to an Arkansas City Traveler article from December 25, 2013, the business had recently closed. The business was originally started in 1909 in another location. The article doesn't specifically state when the shop moved to this location but notes the business was a century old. Country records have buildings on this site built anywhere from 1890 to 1950 so it is very difficult to determine the precise date these buildings were built. In 1965, the property was rezoned from residential to commercial but the case file itself appears lost so no details are available. An accessory structure was removed in 2017. In 2020, a conditional use permit was requested for a tire and lube shop, the request was tabled and later withdrawn.

COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of public and residential uses. It is the intent of the residential zoning districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with the residential neighborhood. The change in classification would be consistent with the intent and purpose of these regulations as the proposed use is residential.

Rezone Request



A request for a rezone at 405 S 3rd Street
from a C-3 General Commercial District
to an R-3 High Density Residential District

-  City Limits
-  Rezone
-  Property Lines

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Created: June 03, 2022



Rezone Request



A request for a rezone at 405 S 3rd Street
from a C-3 General Commercial District
to an R-3 High Density Residential District

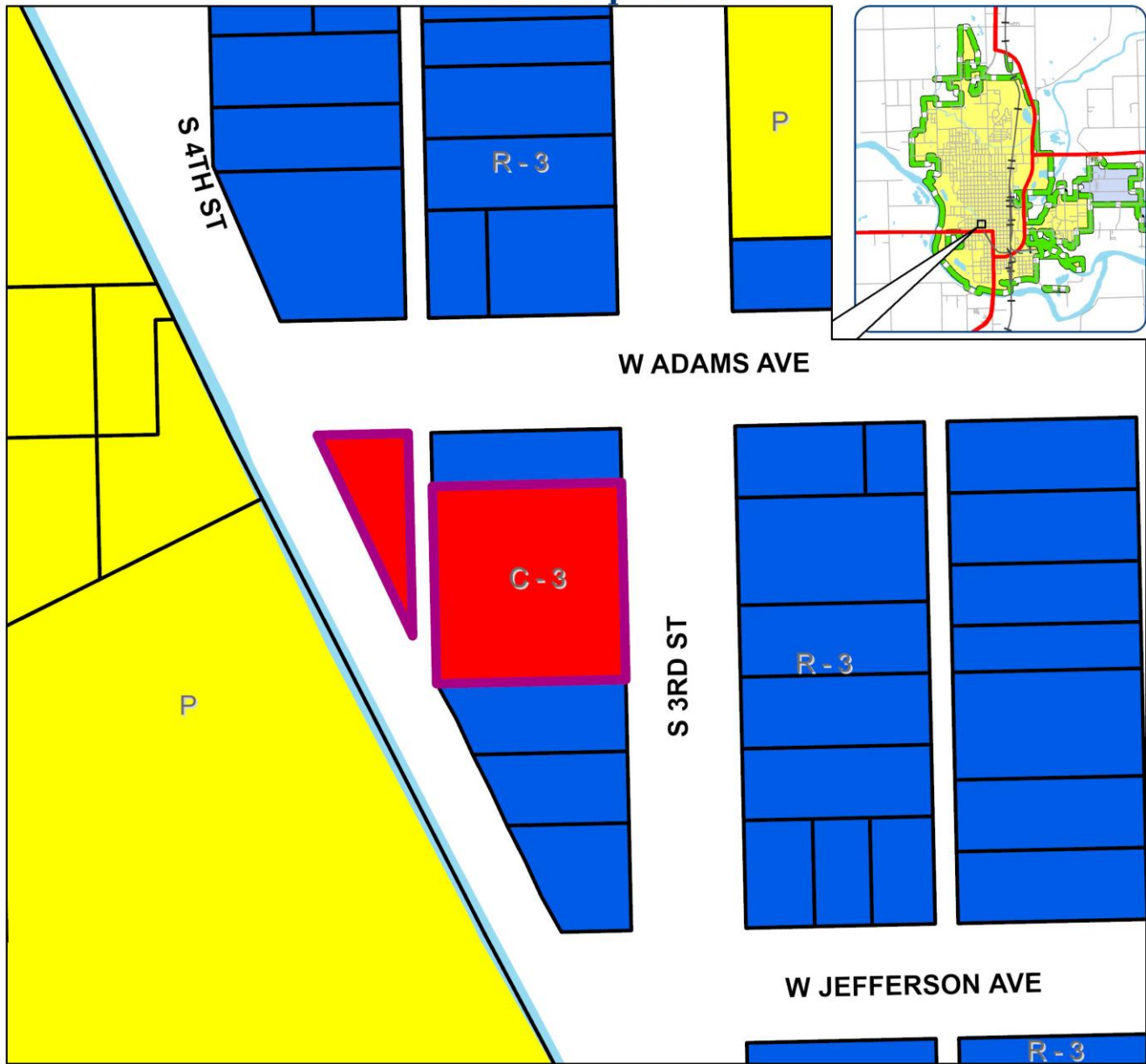
- City Limits
- Rezone
- Property Lines

- Future Land Use**
- Residential
 - Commercial
 - Public

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data to date.
Created: June 03, 2022



Rezone Request



A request for a rezone at 405 S 3rd Street
from a C-3 General Commercial District
to an R-3 High Density Residential District

- City Limits
- Rezone
- Property Lines

Zoning

- R-3, High Density Residential
- C-3, General Commercial District
- P, Public Use District

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Created: June 03, 2022



Site Plan

No site plan was provided and none was required.

Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;

The surrounding area is comprised of public and residential uses. It is the intent of the residential zoning districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with the residential neighborhood. The change in classification would be consistent with the intent and purpose of these regulations as the proposed use is residential.

2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The surrounding area is comprised of public and residential uses. The City Water Treatment Facility and school district bus barn is to the west. Residential can be found north, south and east of the site. Residential development in this area should not negatively affect the neighborhood as it is already predominately residential. This had been a long standing business that was closed and the applicant wants to convert it into their home.

Neighborhood Photos



The subject property



North along 3rd Street



Rear of property and view of Adams Street



North side of property

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

The current Commercial Zoning District does not allow the proposed use. While residential is permitted in commercial districts, it cannot be on the ground floor. This use would also match the residential character of the neighborhood. The neighborhood appears to not be changing from residential to commercial.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

North, south and east of the site is residential. This area is zoned residential. To the west is public and is zoned public to match the uses. The area, with the exception of the public areas to the west is not changing from residential.

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

The proposed use of residential would be permitted under the R-3 High Density Residential District. This is part of the core residential area of the City that has a mix of densities so that is why this district was chosen. The R-3 district does allow more intense residential density but again the neighborhood is already mixed density and is adjacent to the college just north of the neighborhood.

6. The suitability of the applicants property for the uses to which it has been restricted;

The property is currently zoned for commercial use; the buildings are vacant. The proposed use is not a commercial use and commercial use no longer appears compatible with the neighborhood. The 2013 Comprehensive Plan called for this area to be commercial but that was when the business was still open.

7. The length of time the subject property has remained vacant or undeveloped as zoned;

McCool's Flower shop closed in 2013 and the buildings have been vacant ever since.

8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

All sewer, water and other utilities are readily available at or near the site. Police and Fire should be able to serve the building without any changes to services.

9. **The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;**

There is certainly other land that is zoned residential however this is not new construction and utilizes an underused building.

10. **Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;**

The Future Land Use portion of the Comprehensive Plan designates the subject property as commercial use. The proposed use is residential. As noted previously this is a residential neighborhood. Now that the century old business has closed, it is appropriate for a residential use to be placed on this site. This action does not meet a specific goal of the Comprehensive Plan but as has been noted in the development of the new Comprehensive Plan, we are experiencing a housing shortage and conversion of an underused building into a residential use provides yet another housing unit.

11. **Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,**

The public health, safety and general welfare should not be negatively impacted by this rezoning.

12. **Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

13. **The recommendations of professional staff;**

It is the recommendation of staff that the requested rezoning C-3 to R-3 be approved based on the following conclusions:

- The development appears compatible with the area.
- The buildings have not been fully utilized since 2013.
- The project should not adversely affect the neighboring properties as it matches their use
- The public health, safety and general welfare should not be negatively impacted by this rezoning.



Planning Commission Agenda Item

Meeting Date: 7/12/22
From: Josh White, Principal Planner
Item: 2305 N 8th Rezone

Purpose: Reconsider the advisability of rezoning 2305 N 8th Street from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

Background:

UPDATE: On June 7, 2022, the City Commission tabled action and referred the petition back to the Planning Commission with instructions to reconsider. They felt that the reasons for denial were insufficient based on the fact that this project will not negatively impact traffic on 8th Street and the original decision sends the wrong message about housing. Options include reaffirming the original recommendation, reversing the original recommendation and approving the original request, suggesting an alternative recommendation or take no action which would essentially return the original recommendation to the City Commission. Staff suggests considering alternatives and is willing to discuss the possible options. Included in the packet is Zoning Regulations Section 6-301 which contains the use table for residential districts.

ORIGINAL: The subject property is located at 2305 N 8th Street. The surrounding area is comprised of residential uses. The property consists of approximately 3.4 acres. The project will be to develop a duplex. A portion of the site is within the floodplain. The applicants are requesting a rezone from R-1, Low Density Residential District to an R-3, High Density Residential District.

It is the recommendation of staff that the requested rezoning R-1 to R-3 be approved based on the following conclusions:

- The development appears compatible with the area.
- The lot is large enough to handle additional dwelling units
- The use helps to alleviate the current housing shortage
- The general area around the site is seeing an increase in housing demand and density
- The public health, safety and general welfare should not be negatively impacted by this rezoning
- All utilities are readily available at or near the site.

Action:

Hold a discussion. A response will need to be returned to the City Commission for their July 19 meeting.

Options:

1. Reaffirm the original recommendation
2. Reverse the original recommendation
3. Suggest an alternative
3. Take no action, staff will essentially report that Option 1 was still supported.

Attachments:

Staff report

Presentation Link: <https://arcg.is/ObvuzC0>



STAFF REPORT

City of Arkansas City Neighborhood Services Division

Josh White, Principal Planner

118 W Central Ave, Arkansas City, KS 67005

Phone: 620-441-4420 Fax: 620-441-4403 Email: jwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER
RZ-2022-111

APPLICANT/PROPERTY OWNER
Jose Paz-Ontiveros

PUBLIC HEARING DATE
May 10, 2022

PROPERTY ADDRESS/LOCATION
2305 N 8th Street

SUMMARY OF REQUEST

The subject property is located at 2305 N 8th Street. The surrounding area is comprised of residential uses. The property consists of approximately 3.4 acres. The project will be to develop a duplex. A portion of the site is within the floodplain. The applicants are requesting a rezone from R-1, Low Density Residential District to an R-3, High Density Residential District.



Map data ©2022 Esri World Topographic map

EXISTING ZONING R-1-Low Density Residential FP-O, Floodplain Management Overlay District	EXISTING LAND USE Residential	SURROUNDING ZONING & LAND USE North-R-1; Residential East-R-1; Residential South-R-1; Residential West-R-1; Residential	SITE IMPROVEMENTS Single Family Dwelling and Accessory structures	SIZE OF PROPERTY 3.4 acres
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STAFF RECOMMENDATION

☒ **APPROVE**

☐ **APPROVE WITH CONDITIONS**

☐ **DENY**

COMPATIBILITY with the COMPREHENSIVE PLAN

The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is also residential. The Plan did not differentiate in terms of residential density. This will also help to meet the goal from Chapter 3 to "encourage the availability of housing in Arkansas City for all ages and income groups." Recent studies of our current housing situation also suggests that the City work to create greater housing options with greater density.

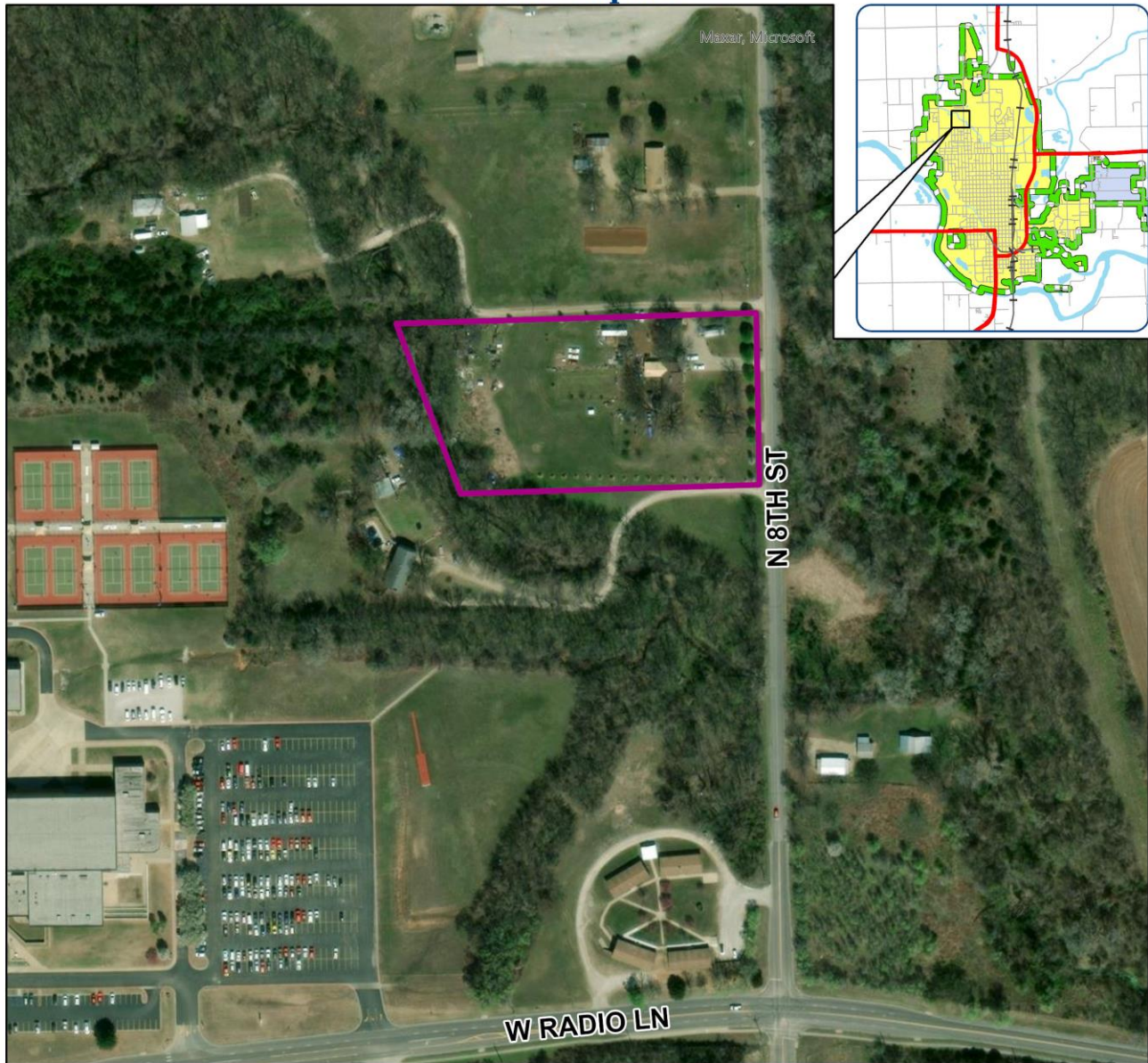
PROPERTY HISTORY

The property was developed with a single family dwelling unit in 1962 according to County records. Additional site improvements have been made in the years since. No other land use records were found.

COMPATIBILITY with the ZONING ORDINANCE

It is the intent of the residential zoning districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with residential development. The change in classification would be consistent with the intent and purpose of these regulations.

Rezone Request



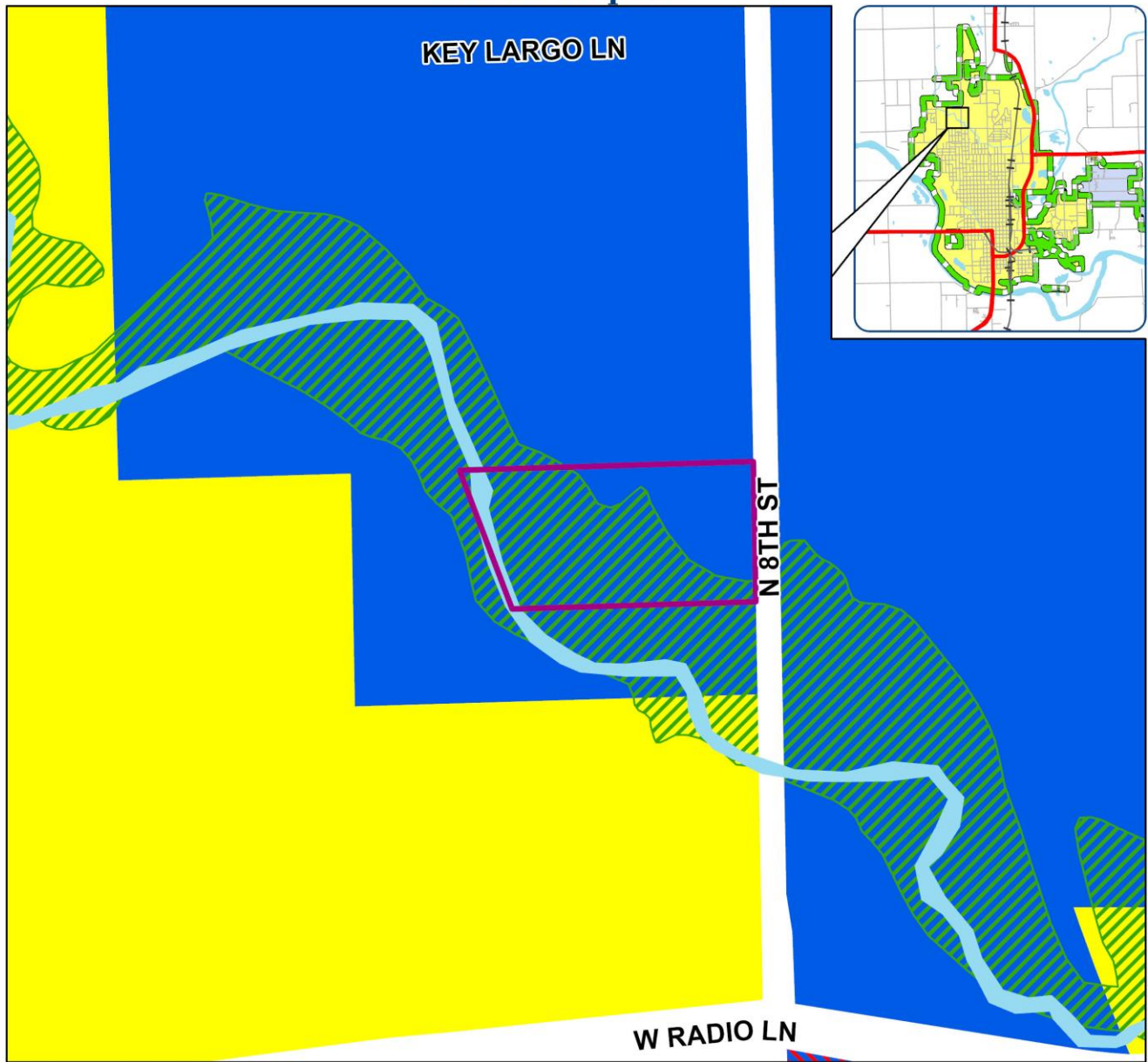
A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

- City Limits
- Rezone

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Created: April 11, 2022



Rezone Request



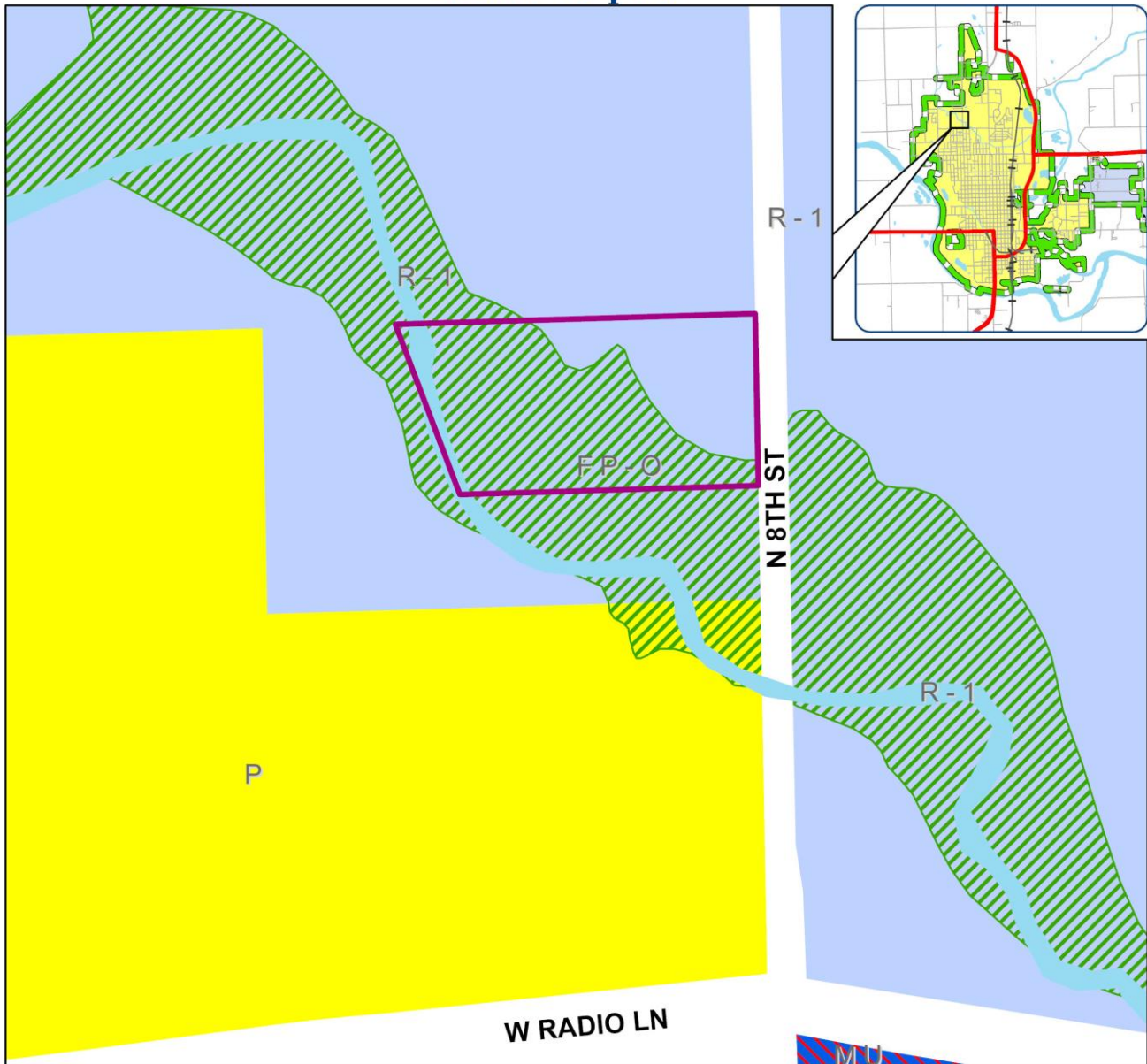
A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

- | | |
|------------------------|-------------|
| City Limits | Residential |
| Rezone | Mixed Use |
| Future Land Use | Public |
| Floodplain | |

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Created: April 11, 2022



Rezone Request



A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

- | | |
|---------------------------------------|--|
| City Limits | P, Public Use District |
| Rezone | MU, Mixed Use District |
| Zoning | FP-O, Floodplain Management Overlay District |
| R-1, Low Density Residential District | |

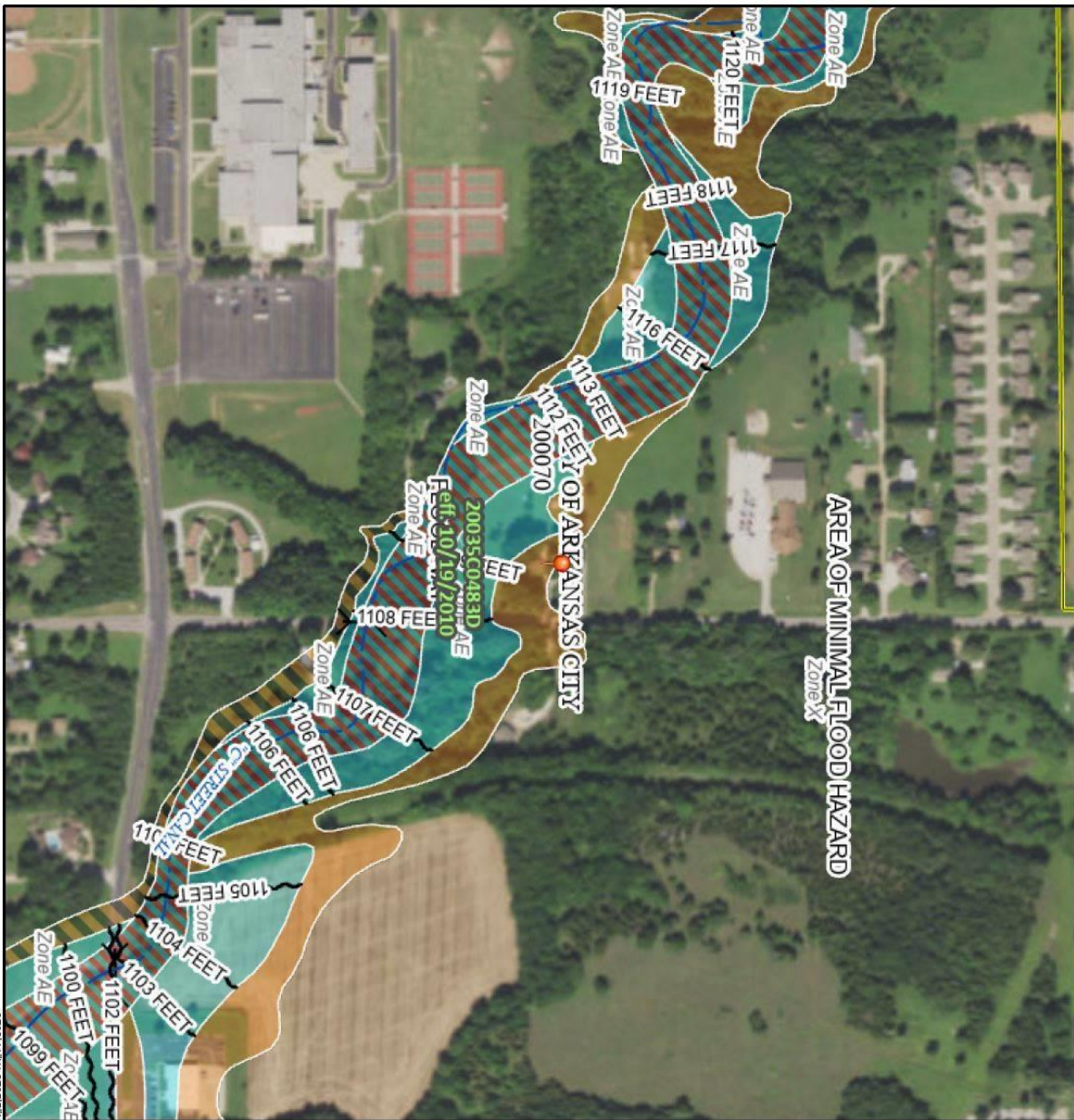
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National Flood Hazard Layer FIRMette



97°31'8"W 37°53'4"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE ITS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, AE9 With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
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OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee, See Notes, Zone X Area with Flood Risk due to Levee Zone D
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OTHER AREAS GENERAL STRUCTURES	NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
--------------------------------	--

OTHER FEATURES	20.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transsect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transsect Baseline Profile Baseline Hydrographic Feature
----------------	--

MAP PANELS	Digital Data Available No Digital Data Available Unmapped
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The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/21/2022 at 2:52 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRMette panel number, and FIRMette effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

A site plan was not provided for this application and was not required.

Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;

It is the intent of the residential zoning districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with residential development. The change in classification would be consistent with the intent and purpose of these regulations.

2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The surrounding area is comprised of residential uses. The proximity of the site to the C Street Canal Floodplain has largely prevented increased density from occurring. Much of the existing site is also in the floodplain. Any development within the floodplain would be required to meet all floodplain management regulations.

Neighborhood Photos



The subject property-4/25/22



Looking to the south along 8th Street-4/25/22

Looking to the north along 8th Street-4/25/22Looking across 8th Street-4/25/22

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

The current Residential Zoning District does not allow the proposed use. The current district allows single family dwellings and Two Family dwellings are allowed with a conditional use permit. The proposed use is to add two dwelling units for a total of three units. An alternative to the proposal would be to rezone the property to R-2 and a conditional use permit would then be needed to allow three or more families. It is for the reason of simplicity that R-3 was chosen as the most appropriate district for this project. R-3 would also permit additional dwelling units to be added in the future. The general area around this site has seen increased housing demand.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

The area is surrounded by residential uses and is all zoned for residential. The general area around the site is seeing an increase in housing demand and increasing density of residential uses.

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

R-3 zoning does allow increased housing density. All development is currently served by septic tanks for sewage disposal.

6. The suitability of the applicants property for the uses to which it has been restricted;

The property is currently zoned for residential use and is large enough to sustain additional residential density. The proposed use is an increase in residential density that is not allowed in an R-1 district. Increased density will put additional pressure on the existing floodplain. All construction will have to be built to the standards set out in the floodplain management ordinance.

7. The length of time the subject property has remained vacant or undeveloped as zoned;

The property is not currently vacant.

8. Whether adequate sewer and water facilities, and all other needed public services exist or can

be provided to serve the uses that would be permitted on the property if it were reclassified

All water, sewer and other utilities are readily available at or near the site. Police and Fire should be able to serve the proposed use without any changes to existing services.

- 9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;**

There is other land that could be used for such a use within the City but it is not owned by the applicant.

- 10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;**

The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is also residential. The Plan did not differentiate in terms of residential density. This will also help to meet the goal from Chapter 3 to "encourage the availability of housing in Arkansas City for all ages and income groups." Recent studies of our current housing situation also suggests that the City work to create greater housing options with greater density.

- 11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,**

The public health, safety and general welfare should not be negatively impacted by this rezoning.

- 12. Public Comments**

The public overall was not in opposition to the request. One owner wanted to ensure that her private drive would not be used for access to this property.

- 13. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

The Planning Commission recommended denial of this request due to citizen feedback. Citizens were concerned about increased traffic on an already insufficient 8th Street. Planning Commissioners also had concerns about increased housing density within the floodplain.

14. The recommendations of professional staff;

It is the recommendation of staff that the requested rezoning R-1 to R-3 be approved based on the following conclusions:

- The development appears compatible with the area.
- The lot is large enough to handle additional dwelling units
- The use helps to alleviate the current housing shortage
- The general area around the site is seeing an increase in housing demand and density
- The public health, safety and general welfare should not be negatively impacted by this rezoning
- All utilities are readily available at or near the site.

Based on the decision of the Planning Commission, staff now recommends denial of the application and suggests an alternate approach of splitting the lot according to the lot split requirements and building a single family home on the new lot. Floodplain Management requirements would still have to be met. The new home would also be required to connect to the city sanitary sewer. This alternative would not require a rezoning of the property.

On June 7, 2022, the City Commission tabled action and referred the petition back to the Planning Commission with instructions to reconsider. They felt that the reasons for denial were insufficient based on the fact that this project will not negatively impact traffic on 8th Street and the original decision sends the wrong message about housing. Options include reaffirming the original recommendation, reversing the original recommendation and approving the original request, suggest an alternative recommendation or take no action which would essentially return the original recommendation to the City Commission. Staff suggests considering alternatives and is willing to discuss the possible options. Included below is Zoning Regulations Section 6-301 which contains the use table for residential districts.

SECTION 6-3 PERMITTED AND CONDITIONAL USES

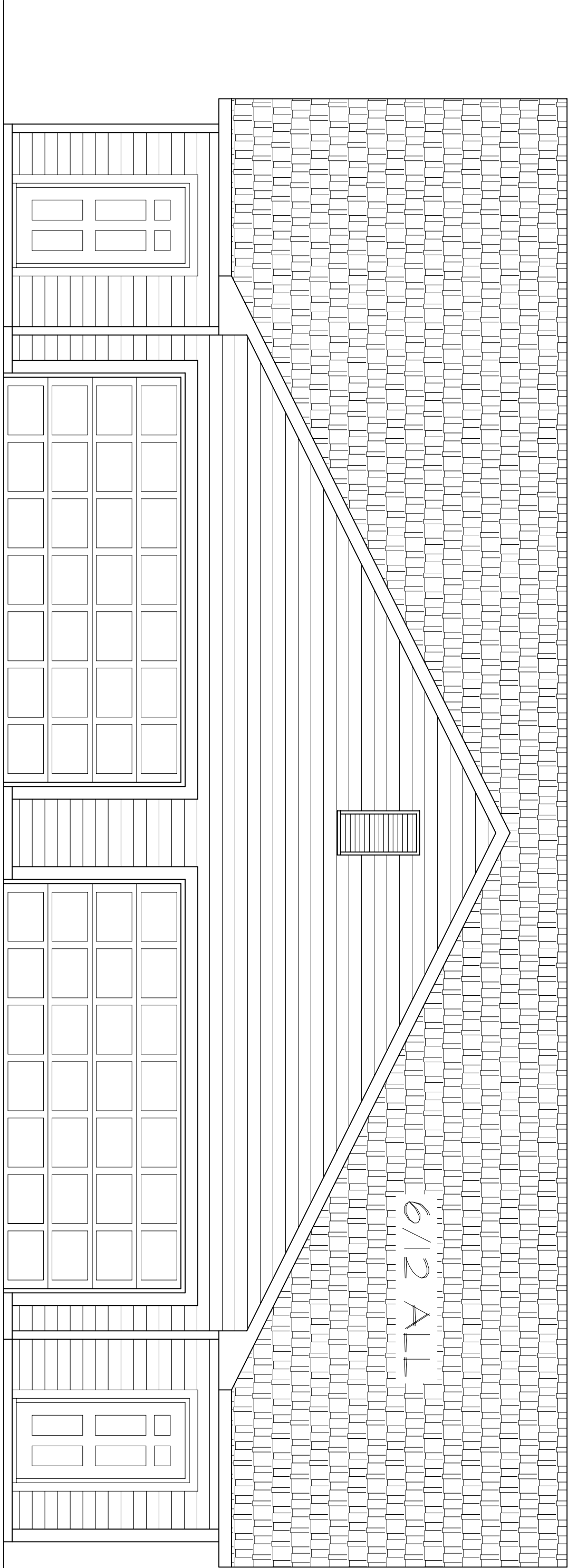
6-301. In the residential zoning districts the uses listed in Table 6-1 within the designated zoning districts are permitted uses or conditional uses as designated. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26. No building or land shall be used and no building or structure shall be hereafter erected, enlarged or altered unless otherwise provided for in these zoning regulations, except as listed in Table 6-1.

TABLE 6-1
Residential Zoned Districts
Permitted and Conditional Uses

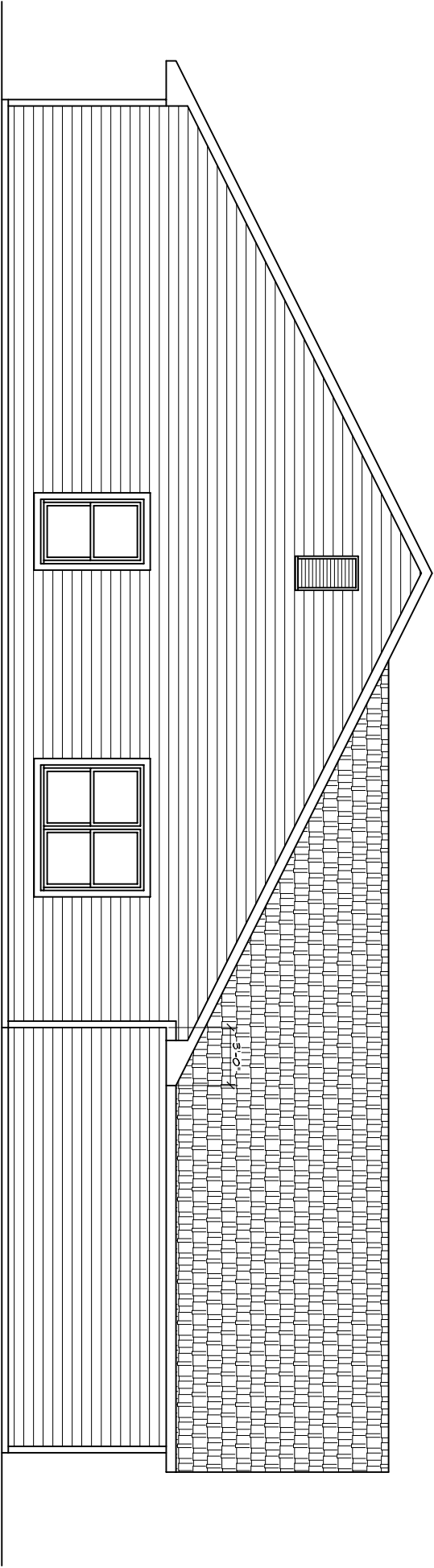
P = Indicates Permitted Uses

C = Conditional Uses

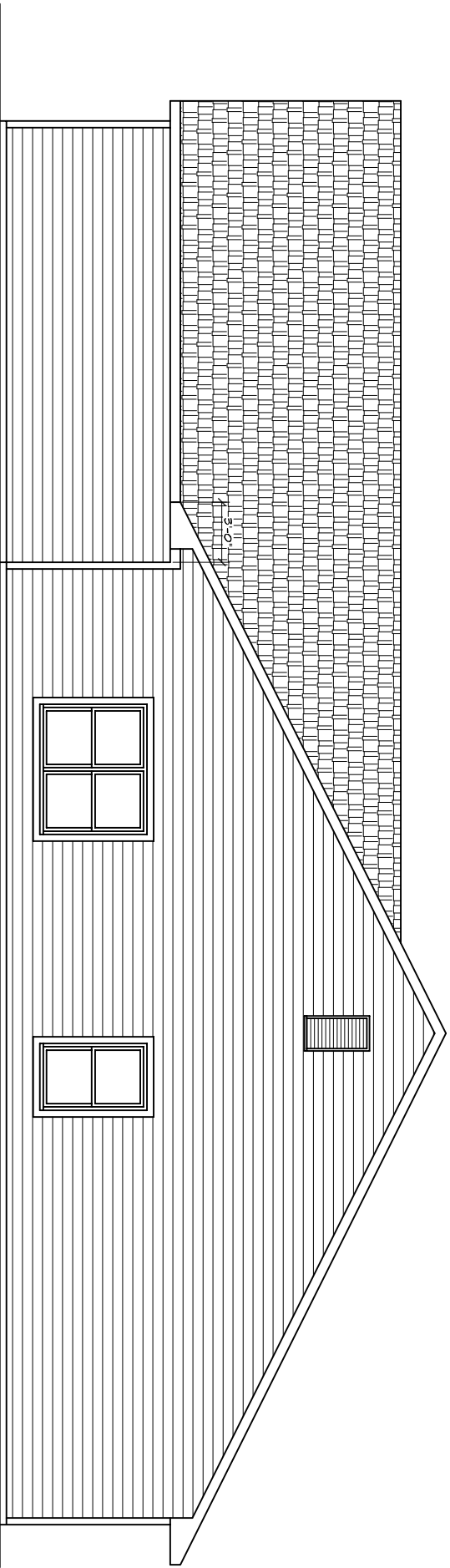
USE		R-1	R-2	R-3
1.	Any public building or land use by any department of the City, county, state or federal government.	C	C	C
2.	Bed and breakfast inns.			P(1) / C
3.	Churches and similar places of worship	C	P	P
4.	Community recreation building owned and operated by a public agency.		P	P
5.	Day care facilities: adult day care homes, child care centers, day care homes, family day care homes, group day care homes and preschools.	P(3)	P(3)	P(3) / C(1)
6.	Dormitories for students of colleges and theological institutions.	C(3)	C(3)	C(3)
7.	Dwellings: a. Single family (including Modular home and Residential design manufactured home).	P	P	P
	b. Two family.	C	P	P
	c. Three or more families.		C	P
8.	Fraternal organizations, lodges.	C	C	C
9.	Golf courses.	P(5)	P(5)	P(5)
10.	Group boarding homes for minors.			P(2) / C(4)
11.	Group homes.	P(4)	P(4)	P(4)
12.	Hospitals and related medical facilities including, but not limited to, medical, dental and health clinics.	C	C	C
13.	Large group homes.		C(3)	P(2) / C(4)
14.	Lodging houses.		C	P(1) / C
15.	Nonprofit institutions of an educational, philanthropic or eleemosynary nature.			C
16.	Nursing homes, rest homes, convalescent homes and similar facilities.		C	C
17.	Rehabilitation houses.		C	C(5)
18.	Safe houses.	P	P	P
19.	Schools:			
	a. Public and private elementary schools	P	P	P
	b. Public and private secondary schools	C	P	P
	c. Post-secondary educational institutions	C	C	P
20.	Telephone exchanges, electric substations and similar public utilities.			C



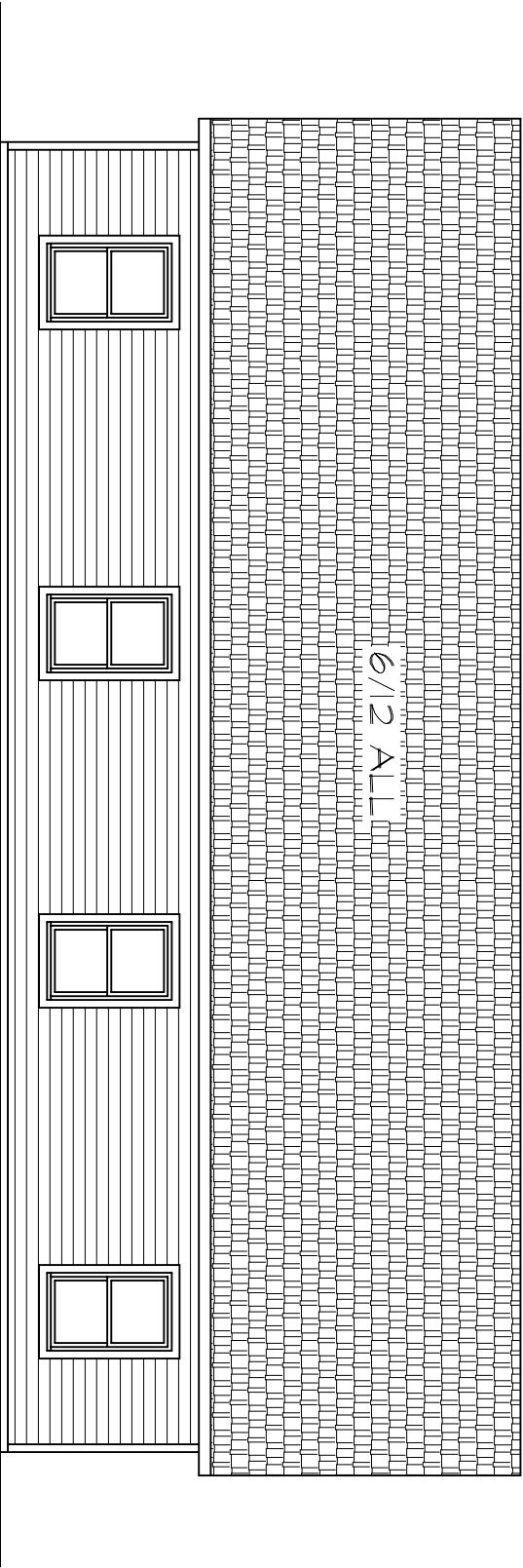
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



13022 E. Mainsgate Cir.
Wichita, Ks. 67228

(316) 682-3344

SHANDY RESIDENTIAL DESIGNS IS A PROFESSIONAL DESIGN FIRM IN WICHITA, KS. BECAUSE SITE CONDITIONS VARY, SHANDY RESIDENTIAL DESIGNS CANNOT UNDERWRITE THE SUITABILITY OF THESE PLANS FOR USE ON YOUR SPECIFIC SITE. ALL DIMENSIONS, DETAILS, AND SPECIFICATIONS BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION. SHANDY RESIDENTIAL DESIGNS IS NOT RESPONSIBLE FOR PLAN ERRORS.

NOTES

DATE	
PRELIM	00/00/00
REVISIONS	00/00/00
FINAL	03/13/14
REVISIONS	03/31/14

SQ. FT.	
OUTSIDE OF FRAMING	1283
OUTSIDE OF FINISH WALL	1283

DRAWING #

142566

ELEVATIONS

SCALE

1/4" = 1'-0"

1/8" = 1'-0"

SHEET



(316) 682-3344

NOTES

SQ. FT.

DRAINING

FLOOR PLAN

SCALE

$$1/4'' = 1'-0''$$

STMT

$$\frac{O}{\pi} \omega$$



Planning Commission Agenda Item

Meeting Date: 7/12/22
From: Josh White, Principal Planner
Item: Floodplain Management discussion

Purpose: Floodplain Management discussion

Background:

The City desires to enter into the Federal Emergency Management Agency's Community Rating System which requires the City to go above the minimum requirements of the National Flood Insurance Program to ensure the City's residents are protected from most floods. The program also offers an incentive in the form of discounts on flood insurance policies. Staff has worked with the Kansas Department of Agriculture Division of Water Resources to craft updated regulations. Most of the amendments involve updating out of date language since the ordinance has not been updated since 2010. One particular increase in regulations involves elevating mechanical equipment at least 1 foot above base flood elevation to match the lowest floor of the structure. A full list of the changes is included in this packet.

Since the floodplain management ordinance is adopted by reference into the Zoning Regulations, a review and a public hearing by the Planning Commission is required. The entirety of the recommended amendments is attached as well as a quick reference for all the amendments. Staff recommends approval.

Action:

Discuss the Floodplain Management Ordinance and proposed amendments to the zoning regulations. After discussion set a public hearing date.

Attachments:

Proposed ordinance, proposed amendments, summary of changes

ARTICLE 28

FLOODPLAIN MANAGEMENT

Sections:

28-1 Incorporation by Reference of Floodplain Management Ordinance

SECTION 28-1 INCORPORATION BY REFERENCE OF FLOODPLAIN MANAGEMENT ORDINANCE

28-101.

- a. Pursuant to the provisions of K.S.A. §§ 12-3009, 12-3010 and 12-3301, there is hereby incorporated by reference for the purpose of providing floodplain zoning regulations within the City of Arkansas City, that certain standard floodplain management zoning ordinance, known as the “Floodplain Management Ordinance for the City of Arkansas City, Kansas,” which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program.
- b. No fewer than three copies of the Floodplain Management Ordinance for the City of Arkansas City Kansas, shall be marked or stamped “Official Copy as incorporated by Ordinance No. ~~2010-08-4259~~ *2022-00-0000* of the City of Arkansas City, Kansas,” and such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

ORDINANCE NO. 2022-__-_____**AN ORDINANCE AMENDING ZONING REGULATIONS ARTICLE 28 (FLOODPLAIN MANAGEMENT), AND INCORPORATING SUCH REGULATIONS BY REFERENCE.**

WHEREAS, the City Commission of Arkansas City adopted Zoning Regulations on May 20, 2014 and has since amended both sets of regulations; and

WHEREAS, such regulations need to be reviewed and amended from time to time; and

WHEREAS, the City desires to enter into the Federal Emergency Management Agency's Community Rating System and the program requires certain amendments to the Floodplain Management Ordinance 2010-08-4259 and such ordinance has not been updated since 2010 and contains some outdated provisions; and

WHEREAS, in accordance with state and federal law, all such floodplain zoning regulations must be approved by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program and must coordinate with the requirements and regulations of the National Flood Insurance Act of 1968 as amended; and

WHEREAS, the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program and the officials of the Federal Emergency Management Agency (FEMA) Region VII have recommended that Arkansas City revise its floodplain management zoning regulations and adopt new regulations based upon the recommended model floodplain management regulations; and

WHEREAS, the Floodplain Management Ordinance is incorporated by reference into the Zoning Regulations as Article 28; and

WHEREAS, on the ____ day of _____, 2022 the Planning Commission held a public hearing after due public notice on the proposed amendments to Article 28 of the Zoning Regulations; and

WHEREAS, on that date the Planning Commission recommended the Governing Body adopt the amendments to the Zoning Regulations based on said model floodplain management regulations; and

WHEREAS, the Governing Body desires to accept the Planning Commission's recommendation and amend Article 28 Floodplain Management of the Zoning Regulations.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: REPEAL

The Floodplain Management Ordinance 2010-08-4259 is hereby repealed in full.

SECTION TWO: INCORPORATING BY REFERENCE FLOODPLAIN MANAGEMENT ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating floodplain management zoning within the corporate limits of the City of Arkansas City, Kansas, that certain standard floodplain zoning ordinances, known as the "Floodplain Management Ordinance of the City of Arkansas City, Kansas," which is based upon and modeled after Model Floodplain Ordinance as approved and recommended by

the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain program.

No fewer than three copies of the Floodplain Management Ordinance for the City of Arkansas City, Kansas, shall be marked or stamped **“Official Copy as incorporated by Ordinance No. _____ of the City of Arkansas City, Kansas,”** and such copies shall be filed with the city clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from city hall. All city officials requiring the use of the Floodplain Management Ordinance for the City of Arkansas City, Kansas, shall be supplied, at the expense of the City, such number of official copies of such ordinance as may be deemed expedient by the Governing Body.

SECTION THREE: AMENDMENTS TO MUNICIPAL CODE.

The Governing Body of the City of Arkansas City desires to amend Article 28 of the City’s Zoning Regulations regarding Floodplain Management, said amended Article 28 is attached hereto and incorporated by reference as if fully set forth herein. The Governing Body therefore hereby amends Arkansas City Municipal Code Part III, Title 18 to read as follows (new provisions in italics; deleted provisions struck through):

Title 18 - ZONING

Sec. 18.1. - Adopted by reference.

The City of Arkansas City Zoning Regulations (hereafter "Zoning Regulations"), as prepared in book form by the Planning Commission under date of ~~September 2018~~ **2022**, following a public hearing as required by state law, and the same and new zoning map are hereby declared to be approved and incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 et seq., K.S.A. 12-3009 et seq. and K.S.A. 12-3301 et seq.

SECTION FOUR: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION FIVE: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this _____ day of _____ 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

DRAFTED AND APPROVED AS TO FORM:

Larry Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2022-__-____ of the City of Arkansas City, Kansas adopted by the Governing Body thereof on _____, 2022, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk

FLOODPLAIN MANAGEMENT ORDINANCE
Pursuant to 44 CFR § 60.3 (d) - Regulatory Floodway Identified,
K.S.A. 12-766, and K.A.R. 5-44-1 through 5-44-7

ORDINANCE No. 2022- -

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A. STATUTORY AUTHORIZATION

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 June 7, 2022.

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 of the public. Therefore, the City Commission of Arkansas City, Kansas, ordains as follows:

SECTION B. FINDINGS OF FACT

1. Flood Losses Resulting from Periodic Inundation

The special flood hazard areas of Arkansas City, Kansas, 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. The base flood is the flood that is estimated to have a one percent chance of being equaled or exceeded in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated October 19, 2010 as amended, and any future revisions thereto.
- 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.
- e. Delineation of flood 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 of the public; 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 Arkansas City, Kansas identified as numbered and unnumbered A Zones, AE, AO and AH Zones on the Flood Insurance Rate Map (FIRM) panels referenced on the associated FIRM Index dated October 19, 2010 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

City Commission or its duly designated representative under such safeguards and restrictions as the City Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

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

It is not intended by this ordinance 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 Arkansas City, Kansas, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made there under.

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 the 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 Principal Planner or other duly appointed floodplain manager is hereby appointed to administer 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 of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this 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; and
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;
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:

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 one percent annual chance or 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 greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, Material, and Equipment*

- a. Storage of 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 has been or is discontinued for twenty-four 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; the structure meets the following floodplain management requirements; and a floodplain development permit has been issued.

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:

- a. 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.
- b. 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).
- c. 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.
- d. 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.
- e. Any mechanical, electrical, or other utility equipment must be located (1) one 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.

- f. 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.
- g. 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.
- h. Major equipment, machinery, or other contents must be protected from any flood damage.
- i. 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.
- j. 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.

8. *Accessory Structures*

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 600 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; the accessory structure meets the following floodplain management requirements; and a floodplain development permit has been issued. Wet-floodproofing is only allowed for small low cost structures.

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

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

- a. Use of the accessory structures must be solely for parking and limited storage purposes in any special flood hazard area as identified on the community's Flood Insurance Rate Map (FIRM).

- b. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.
- c. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure 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.
- d. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.
- e. The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with Article 4, Section B (1)(c) of this ordinance.
- f. The accessory 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 accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
- g. Equipment, machinery, or other contents must be protected from any flood damage.
- h. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
- i. 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.

9. *Critical Facilities*

- a. All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated at least one (1) foot 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 a minimum of one (1) foot above 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.

10. *Hazardous Materials*

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

11. *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 (5) 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 one (1) foot above the base flood elevation.

SECTION B. SPECIFIC STANDARDS

- 1. In all areas identified as numbered and unnumbered A zones, AE, and AH Zones, where base flood elevation data have been provided, as set forth in Article 4, Section A(2), the following provisions are required:

- a. *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. Mechanical and HVAC equipment servicing the building must be elevated to the same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

- b. *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 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 verify that the standards of this subsection are satisfied. Mechanical and HVAC equipment servicing the building must be elevated or flood protected to same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such certification shall be provided to the floodplain administrator as set forth in Article 3, Section C(7)(8)(9).

c. *Enclosures 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 in addition to proper anchoring as required in the city adopted building codes.
2. Require manufactured or mobile 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 an 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. Mechanical and HVAC equipment servicing the building must be elevated to the same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or 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:
 - a. The lowest floor of the manufactured or mobile home is a minimum of one (1) foot above the base flood level. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Mechanical and HVAC equipment to be elevated to same level as the lowest floor.

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

Located within the areas of special flood hazard as described in Article 2, Section A 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) plus one (1) foot of freeboard. Mechanical and HVAC equipment to be elevated to same level as lowest floor.
 - b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, 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) plus one (1) foot of freeboard 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. Mechanical and HVAC to be flood protected or elevated to same freeboard level.

- 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 4, Section B.
- 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. 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 44 CFR 65.12, and receives the approval of FEMA.
4. 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.
5. 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 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. 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, or
3. Meet the permitting, elevation, and anchoring requirements for manufactured homes of this ordinance if within an approved travel trailer park.

SECTION G. CONDITIONS FOR APPROVING TEMPORARY STRUCTURES

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

1. A temporary structure may be considered for location within the one percent annual chance flood event, also referred to as the 100-year floodplain only when all of the following criteria are met:
 - a. Use of the temporary structure is unique to the land to be developed and cannot be located outside of the floodplain nor meet the NFIP design standards;
 - b. Denial of the temporary floodplain development permit will create an undue hardship on the property owner;
 - c. Community has adopted up-to-date NFIP and building regulations to direct placement and removal of the temporary structure; and,
 - d. Community has sufficient staff to monitor the placement, use, and removal of the temporary structure throughout the duration of the permit.
 - e. The placement of any temporary structure within the special flood hazard areas as shown on the community's adopted FEMA/NFIP map shall require an approved temporary floodplain development permit. The temporary floodplain development permit shall be valid for a period not to exceed 180 days.
 - f. An emergency plan for the removal of the temporary structure that includes specific removal criteria and time frames from the agency or firm responsible for providing the manpower, equipment, and the relocation and disconnection of all utilities shall be required as part of the temporary floodplain development permit application for the placement of any temporary structure.
 - g. On or before the expiration of the end of the 180 day permit period, the temporary structure shall be removed from the site. All utilities, including water, sewer, communication, and electrical services shall be disconnected.
 - h. To ensure the continuous mobility of the temporary structure for the duration of the permit, the temporary structure shall retain its wheels and tires, licenses, and towing appurtenance on the structures at all times.

- i. Under emergency flooding conditions, the temporary structure shall be removed immediately or as directed by the community and as specified in the emergency removal plan.
- j. Location of any temporary structure within the regulatory floodway requires the provision of a "no-rise" certificate by a registered professional engineer.
- k. Violation of or non-compliance with any of the stated conditions of the temporary floodplain development permit during the term thereof, shall make the permit subject to revocation by the floodplain administrator. Issuance of permit revocation notice shall be made to the landowner and the occupant of the land.
- l. Any deviation from the approved site plan shall be deemed a violation of the temporary floodplain development permit approval and the uses allowed shall automatically be revoked. The subsequent use of the land shall be as it was prior to the permit approval.
- m. If the temporary structure is to be returned to its previously occupied site, the process for issuing a temporary floodplain development permit must be repeated in full. Any subsequent permit shall be valid for 180 days only.

ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION A. ESTABLISHMENT OF APPEAL BOARD

The Board of Zoning Appeals shall act as the Appeal Board as established by the City of Arkansas City, Kansas and 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 Appeal Board, as defined in Article 5, Section A.

The Appeal Board 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 Appeal Board 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 Appeal Board 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 elevation, 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, repair, 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, provided the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any designated floodway if any significant increase in flood discharge or base flood elevation 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.
6. A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
7. A community shall maintain a record of all variance actions, including justification for their issuance.
8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items 1 through 5 of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 6 VIOLATIONS

1. The floodplain administrator may make reasonable entry upon any lands and waters in Arkansas City, Kansas for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. The floodplain administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered. If none of these persons can be found, the floodplain administrator shall affix a copy of the notice to one or more conspicuous places on the property a minimum of five (5) days prior to entry.
2. A structure or other development without a floodplain development permit or other evidence of compliance is presumed to be in violation until such documentation is provided.
3. The floodplain administrator shall provide written notice of a violation of this ordinance to the owner, the owner's agent, lessee, or lessee's agent by personal service or by certified mail, return receipt requested. The written notice shall include instructions and a deadline to request a hearing before the appeals board, and if no hearing is requested, a deadline by which the violation must be corrected.

4. 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 five hundred dollars (\$500), 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 Arkansas City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

5. Notwithstanding any criminal prosecutions or in lieu of any criminal prosecutions, if the owner, occupant or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the period specified, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.

6. If the public officer or an authorized assistant abates or removes the nuisance pursuant to this section, notice shall be provided to the owner, the owner's agent, lessee, or lessee's agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred. The notice shall also state that the payment is due within 30 days following receipt of the notice. The cost of providing notice, including any postage, required by this section may also be recovered.

7. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (K.S.A. 12-1617f).

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 Arkansas City. 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."*

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"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 principle 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.

"Base Flood Elevation" means the elevation of the surface of the water during a one percent annual chance flood event.

"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 include mobile homes manufactured prior to 1976 but **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 National American Vertical Datum (NAVD) of 1988 or other datum, 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).

"Numbered A Zone" means a special flood hazard area where the Flood Insurance Rate Map shows the Base Flood Elevation.

"One percent annual chance flood" see *"base flood."*

"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 a *"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.

"Unnumbered A Zone" means a special flood hazard area shown on either a flood hazard boundary map or flood insurance rate map where the base flood elevation is not determined.

"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 National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE 9 CERTIFICATE OF ADOPTION

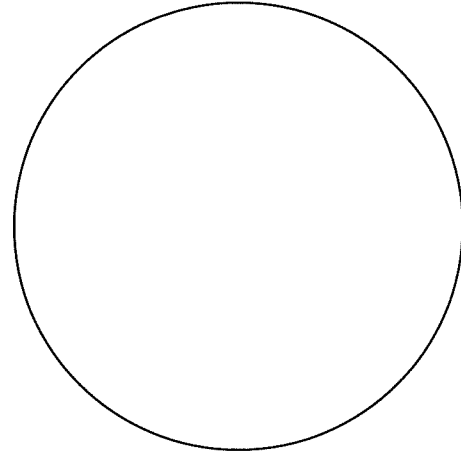
This Floodplain Management Ordinance for the community of Arkansas City, Kansas.

PASSED AND ADOPTED by the Governing Body of Arkansas City, Kansas.

This _____ day of _____, 20____.

Chief Engineer Draft Approval Seal Here:

APPROVED
 This 7th day of June, 2022
Steve Sammelson For Earl Lewis
 Earl D. Lewis, Jr., P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

Community Approval Seal Here:**APPROVED:**

 Kanyon Gingher, Mayor

 Date

ATTEST:

 Lesley Shook, City Clerk

 Date

Published in the Cowley Courier Traveler on the _____ day of _____, 2022



Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

Phone: 785-296-5733
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

June 07, 2022

Josh White
Principal Planner
118 W. Central Ave.
Arkansas City, Ks 67005

Subject: Floodplain Management Ordinance for Arkansas City, Kansas

Dear Mr. White,

The floodplain management regulations submitted for Arkansas City, Kansas were received for review on June 06, 2022. The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, acting under terms of K.S.A. 12-766, and the administrative regulations adopted pursuant thereto (K.A.R. 5-44-1 through 7) approved your regulations on June 08, 2022. An approved draft copy of the regulations is returned for action by the governing body.

When the governing body has officially adopted the regulations, please send a signed copy of the adopted document to me. I will send the documentation to FEMA for you. Please call me at (785)-296-0854 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheyenne Sun Eagle".

Cheyenne Sun Eagle
NFIP Specialist

Enclosures:
Approved Draft Document

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

Summary of Changes to Floodplain Management Ordinance:

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

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

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

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

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

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

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

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

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

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

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

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

Article 2, Sections B-F: no changes

Article 3, Section A: no changes

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

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

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

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

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

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

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

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

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

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

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

Article 5, Sections A-E: No changes

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

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

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

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

Article 7: no changes

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

Article 9: No changes

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



Planning Commission Agenda Item

Meeting Date: 7/12/22
From: Josh White, Principal Planner
Item: Comprehensive Plan discussion

Purpose: Comprehensive Plan discussion

Background:

The topic of discussion this month is Parks and Recreation and Natural and Historical Resources. This is a pretty expansive Chapter and in the past we discussed splitting this into 2 chapters. At this point, I recommend we leave it as one chapter in the interest of time. We've had several meetings on all the topics of this chapter and I hope to summarize any changes and set some measurable goals. The Beautification and Tree Advisory Board and the Historic Preservation Board have both previously reviewed this chapter and made recommendations.

Action:

Hold discussion.

Attachments:

Draft Parks, Recreation and Natural and Historical Resources Chapter

Chapter Five: Parks, Recreation and Natural and Historical Resources

- 5.1 Introduction**
- 5.2 Vision**
- 5.3 Background**
- 5.4 Community Survey Responses and Comments**
- 5.5 Parks and Outdoor Spaces**
- 5.6 Recreational Activities**
- 5.7 Natural Resources**
- 5.8 Historical Resources**
- 5.9 Accomplishments**
- 5.10 Goals and Actions**

5.1 INTRODUCTION

Park areas and recreational programs serve the citizens of Arkansas City in multiple ways. For the individual, parks, open space and recreation programs provide the opportunity to improve physical and mental health, and the opportunity for relationships with others that enhance social well-being. Parks and recreation facilities and programs should be central to a community's pride in itself, serve citizens of all ages, give choice to citizens for leisure activities, enhance the environment, and promote tourism and economic development.

The City owns a number of parks providing open space and recreational opportunities. The parks have baseball and softball fields, soccer fields, tennis courts, basketball courts, and a variety of playground equipment. Walking, running, hiking and biking takes place over the trails and in the parks. Recreational programming is also available, particularly for youth sports, which is important for team activity, skill building, and confidence.

5.2 VISION

The City, working alongside the Recreation Commission, Cowley College and USD 470, will establish, preserve and manage public parks, open space and recreational facilities, and will provide a range of recreational and cultural opportunities to benefit and enrich the quality of life of current and future residents of all ages.

5.3 BACKGROUND

A. 2003 Plan Recommendations Relating to Parks, Recreation and Natural and Historic Resources

Comment [JW1]: This is getting dated, not sure what to put here. A Background section is valuable.

Key Findings for Parks & Natural Resources

- Arkansas City has approximately 320 acres of parks, or 30 acres per 1000 population. This compares favorably with national park standards. Much of the park acreage is in riverside open space areas.
- Development from a natural resources standpoint should occur in the Osage Prairies, including areas north of the City, east of the Walnut River, and south of the Arkansas River.
- Because of the difficulty of extending city services across the Arkansas River, the two most environmentally sound areas for urban expansion are the areas north and northwest of Arkansas City, and the areas between the Walnut River floodplain and C-4 school.
- Development should be avoided in the floodplains where there is insufficient levee protection. Levee system expansion beyond that now being constructed by the Corp of Engineers to enhance existing levees should be avoided for the protection of wetland and riparian areas that serve as wildlife habitats and natural flood absorbers.

Recommendations

- Develop and maintain a park and open space system to serve the needs of all the citizens of Arkansas City, in particular enhancing park and public places.
- Develop a long range plan for development of the Walnut River and Arkansas River Greenway around the City which would include development of a system of connecting hike/bike trails.
- Encourage the preservation of the Walnut River floodplain for agricultural or natural areas to enhance the character of the Highway 77 bypass.

5.4 SURVEY RESPONSES AND COMMENTS

Comment [JW2]: Still working on a survey option that is more current.

When asked for their input in 2013 in the community survey conducted for this comprehensive plan, citizens responded they are generally satisfied with the public park and recreation facilities and programs. The complete survey, and responses, are found at Appendix A.

A large majority of respondents were satisfied with the maintenance of (71%) and the number of (72%) city parks, walking and biking trails (64%), and with the

swimming pool (53%). They were somewhat less satisfied with the tennis courts, soccer fields, and softball fields, as shown below.

		Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	TOTAL RESPONSES
A.	Maintenance of City parks	2%	4%	23%	51%	20%	682
B.	The number of City parks	2%	3%	23%	51%	21%	685
C.	Walking and biking trails in the City	2%	6%	29%	39%	25%	704
D.	City swimming pool	3%	5%	40%	38%	15%	706
E.	Tennis courts	2%	3%	47%	33%	15%	706
F.	Number of soccer fields	2%	4%	58%	24%	11%	657
G.	Number of softball fields	2%	1%	48%	33%	16%	697
H.	Youth athletic programs	3%	5%	35%	40%	17%	700
I.	Adult athletic programs	3%	8%	50%	31%	9%	703
J.	Other recreation programs, such as classes & special events	4%	10%	40%	35%	12%	704
K.	Cultural programs	4%	11%	43%	31%	10%	646
L.	City community centers	3%	8%	43%	35%	11%	699
M.	Arkalalah Fall Festival	3%	5%	15%	41%	36%	719

Satisfaction with some of the recreational programs was less clear, though youth programs had a higher satisfaction rate at 57% satisfied or very satisfied, than adult at 40%, and 50% taking a neutral position. It is likely that many respondents who do not participate in or utilize those particular programs and facilities responded as "neutral".

When asked if they supported extension of the hike and bike trail on the west side of the City, 54% said that they do support that extension:

Hiking and Biking Trails. Would you support an extension of the hike and bike trail on the west side of the City, south of Chestnut, to improve safety for travel to the Cowley College Sports Complex?

Yes	54%
No	46%
TOTAL RESPONSES	658

As development of wetlands has been an issue of discussion in recent years, there were several questions in the 2013 survey posed about possible City action relating to wetlands. The responses to those survey questions are as follows:

Wetlands.

- A. If it were likely to result in savings for taxpayers, would you support the City, in partnership with others, developing a wetland area near**

the Arkansas River to provide wildlife habitat and destination point on the hike and bike trail?

Yes	76%
No	24%
TOTAL RESPONSES	672

B. Would you support such a wetland area becoming a City park?

Yes	65%
No	35%
TOTAL RESPONSES	654

C. Would you like to see the City's historic canal carry water supplied by a wetland?

Yes	62%
No	38%
TOTAL RESPONSES	654

Survey Comments

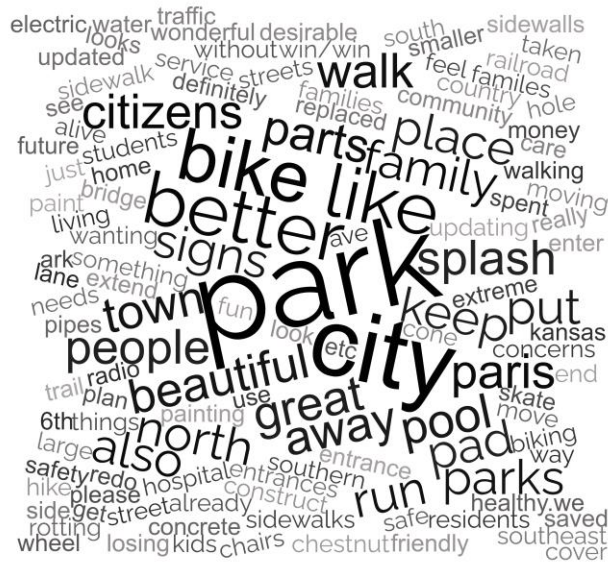
The 2013 community survey asked for citizen comments on the present condition of the City, and for concerns and hopes for the future. Many of those comments are set out in Appendix B. Some of the comments relating to parks and recreation are as follows:

- *We love Arkalalah, its local culture, people love it, and it brings the downtown to life. We need to work out how to bring that kind of life and energy to our city in smaller ways year round.*
- *I think that we have enough sports fields of any kind. They are an eye sore. We have more than enough trails. What a waste of money. There are miles of streets that people can walk.*
- *During these tough economic times it is important to have a very conservative approach. It is necessary to take care of city services, police, fire, water, streets, sanitation and similar necessary items. Parks, hike & bike trails, arts and other cultural expenditures should be cut back until times improve.*
- *City also needs to invest in social and human capital -- Big Brothers, Habitat, arts, historic preservation. A major recreational project, like a river walk, redevelopment of park at bridge on south end of town.*
- *The city has a huge perception problem. Ark City looks less favorable to visitors and residents alike due to the condition of some of the parks.*

Boarded up structures, play equipment in poor repair (the park north of the river on Lincoln Ave.), parks with almost nothing there (downtown), and continually dirty restrooms (almost all of them) are a big problem.

-
- A photograph showing a paved path leading towards a body of water. On the left side of the path, there is a signpost with two signs. The background is filled with lush green trees under a blue sky with scattered white clouds. The path appears to be made of asphalt or concrete.

At Arkalalah 2021, attendees were asked about areas of importance. Parks and recreation came up often. A word cloud shows common responses related to parks and recreation.



5.5 PARKS AND OUTDOOR SPACES



Some parks serve as neighborhood areas, some are destination locations or community parks due to their amenities, and then there are regional recreation areas that serve a region and its population. Arkansas City has a wide range of neighborhood parks and community parks. In addition, other public spaces exist, for recreation or team sports, that are owned or operated

by USD 470 and Cowley College. There are also nearby reservoirs. The City's breadth of parks is highlighted here, but a complete listing of parks is found later in this chapter along with a map.

The community is fortunate to have a large number of **neighborhood parks**. They include the downtown seating area at Ben Givens City Center Park at 0.2 acres and go up in size to Mills Park at 4.7 acres, located on Highland Drive. Many of the neighborhood parks have picnic areas, benches, playgrounds, backstops, basketball courts, and some have areas for football, horseshoe or tennis. Catalpa hosts the community vegetable garden. Water features are found at both river access areas as well as several local lakes, including Veteran's Lake, which also has a trail.



Paris Park, Arkansas City's central park complex, is almost 9 acres with three playground areas, an aquatic center, tennis courts, a baseball backstop, football fields, shelters and an adjacent skateboard park.

This park is home to an annual car show. In 2021, a Facility Evaluation Report was conducted by Lamp Rynearson which uncovered significant issues with the Paris Park Pool. The community will need to decide the past course of action to move forward on repairing the pool, replacing the pool or relocating it.

Wilson Park hosts many events in the community, including National Day of Prayer, Farmers Market and Art in the Park. The rotunda is an icon for Arkansas City and is over 100 years old. Two playgrounds, picnic areas, tennis courts and other facilities make Wilson an important park for the community, at about 4.7 acres. Serving as a gateway to the downtown is the locomotive that abuts Summit Street. It reflects the importance of railroads to Arkansas City's history, and also evokes memories of childhood play and adventure. The newest amenity to the park is a swing which can be utilized by those in wheelchairs.

The largest regional open space maintained by the City is the **Prairie Passage Recreation Area**, which is 165 acres. The natural trail system (not improved with rock or asphalt) is maintained by the Parks Division, and the ponds on the grounds and tree cover make it a very enjoyable way to spend an afternoon. Other regional parks include Cherokee Park and Walnut Park.

The **USD 470**

Sports Complex, approximately 33 acres in size, is adjacent to the Arkansas City High School, on North 15th Street. The complex has fields for baseball and



softball, including one that is used for college level play. Soccer is also played on the fields, both by the high school and the recreation program.

The City operates a nine-hole golf course located at 3202 N. Summit called **Spring Hill Golf Course**. The course was built in 1928 and is very challenging with a hilly terrain; one hole has a 70 foot elevation from tee to green. In addition, an eighteen-hole course is located at 8731 US Highway 166. That course is operated privately by Great Life Golf & Fitness as a private club with additional amenities including 24-hour/7 day a week fitness facilities, swimming pool and driving range.

Other community amenities include the skate park, ponds and lakes for fishing or camping, and several community building facilities. The Middle School track area is also used by the community a great deal for exercise outdoors. The Cleo Graves Hogan recreational building is located in Ranney Park and used for parties and other gatherings. The Agri-Business building at Paris Park is also frequently used for community meetings and events.

Trails, Pedestrian and Bicycle Paths

Trails provide healthy and recreational alternatives to vehicular transportation. Trails are often established in urban areas to connect major public services, parks and sporting areas, and schools. Arkansas City has developed several trails including the Poplar Walking Trail, Hike/Bike Trail and the Kneebler Pond Walking Trail. The Poplar Walking Trail, a 1¼ mile-long asphalt path, has a spectacular view of the native prairie area being developed within the boundary of the trail.



The Hike/Bike Trail was opened in 2011 and financed with Kansas Department of Transportation enhancement funding. The 2.5 mile trail begins adjacent to Paris Park, travels west along the Mill Canal, then south on the levee system for the Arkansas River, which is the southwestern edge of the community, and back east to the Charles Dow Sports Complex. The total Hike/Bike Trail is anticipated to be nearly seven miles when remaining lengths are constructed. Those lengths go northeast again, often along a levee, but this time the Walnut River levee, with termination at the Poplar Walking Trail area. An additional pedestrian and bicycle connection will be built in 2022 through the middle of the community, through a combination of sidewalks, bike lanes, and/or trail from Cowley College to its new sports complex in southern Arkansas City. This was the project that 2013 survey respondents indicated support for and could be the next addition to the trail system. The City is currently pursuing grants for an additional trail called the Central Trail that will run north from Paris Park Pool along 6th Street to the Northwest Community Center and eventually northward to Kansas Avenue and beyond. Lastly, for hiking and biking enthusiasts who enjoy a less improved amenity, the Prairie Passage Recreation Area is home to the Kneebler Pond Walking trail, five miles of natural surface in a wooded area with a large pond, on the eastern edge of the community.

Future Needs

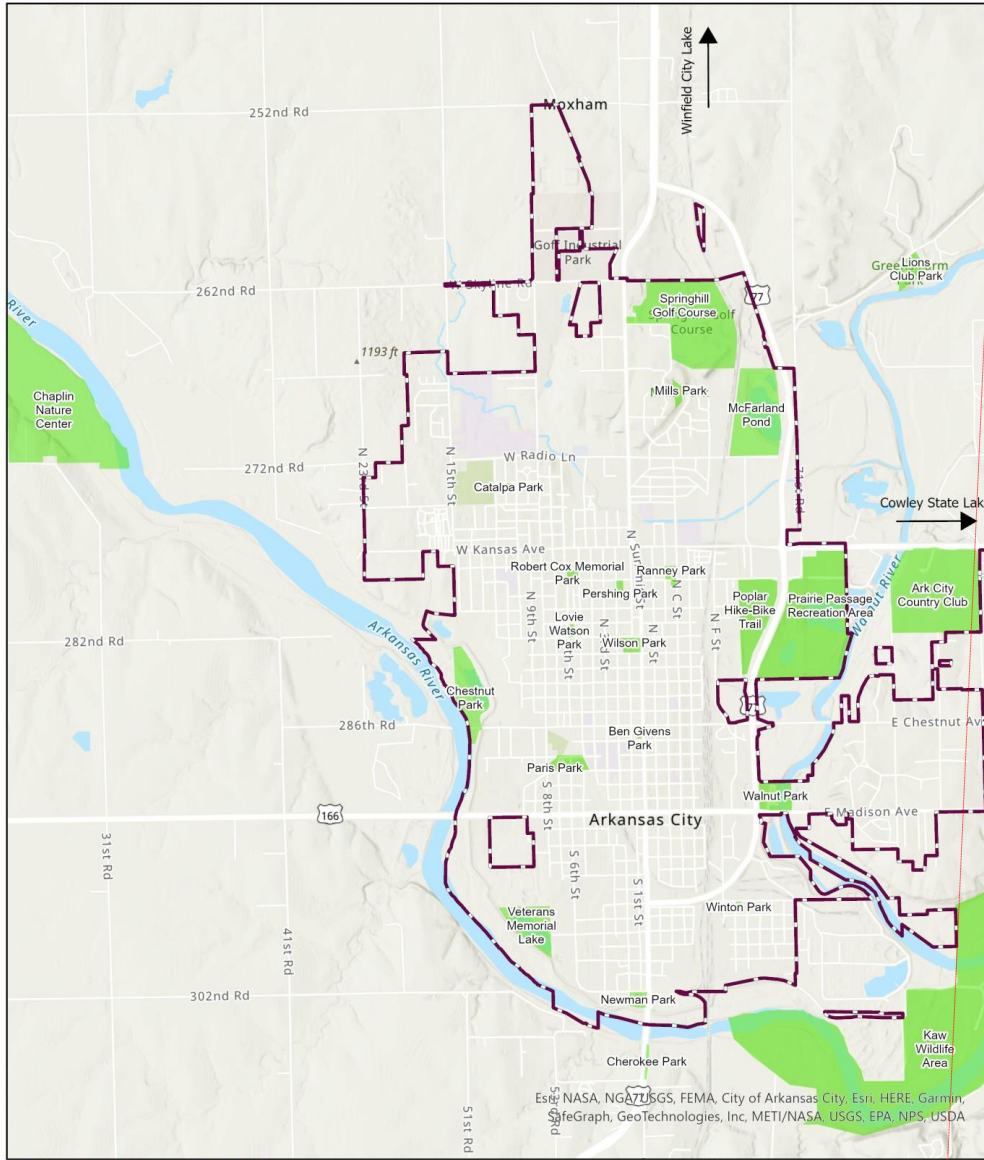
Some possible recreation improvements for the future include improvements to the Dow Recreational Complex with improvements to existing soccer fields. Another feature that could be considered is a dog park, an enclosed area for dogs and dog owners to train, exercise and socialize. The Baseball Complex at 15th Street & Radio Lane could use some improvements including the addition of ticket booths at the north and east entrances. The existing Recreation Center building is also in need of improvements. The building is out of date with ADA requirements and needs HVAC improvements. There also needs to be a discussion about the moving of the facility to better house its programs. A recent study of Paris Park Pool revealed a number of issues that will also need to be addressed in the near future to continue the use of the pool

Comment [JW3]: This section was updated based on the comments that Landon West presented at the June 2021 meeting.

As the community plans for the future, attention should continue to be given to ensure good connections to parks and recreation, social and education institutions as well as shopping and major employment areas. In addition, when building roads or bridges, non-motorized needs must be considered. Grants and loan programs should be used when possible to improve recreational facilities.

Comment [JW4]: New map, that was referenced in the previous plan but was not included.

Parks



Comment [JW5]: Chart has been updated

	Acreage	Shelter	Restrooms	Tables & Picnic	Playground	Basketball	Baseball / Softball	Disc Golf	Football/ Soccer	Tennis	Boat Ramp	Camping	Fishing
Neighborhood Parks													
Ben Givens City Center Park	0.2												
Catalpa Park	0.5			X									
Lovie Watson Park	1.3	X	X*	X	X	X							
Mills Park	4.7												
Pershing Park	1.7	X	X*	X	X	X	X						
Ranney Park	1	X		X	X	X	X						
Robert Cox Memorial Park	1.7	X		X				X					
Winton Park	0.9	X		X	X	X	X						
Community Parks													
Cherokee Park	3.1			X									
Paris Park	6	X	X	X	X					X			
Prairie Passage Recreation Area	165							X					X
Walnut Park	12.6		X	X	X						X	X	X
Wilson Park	4.7	X	X	X	X					X			
Other Community Recreation													
Skate Park (Paris Park)	0.2												
Paris Park Pool	2.9			X	X					X			
Veterans Memorial Lake	80	X	X	X							X		X
High School Sports Fields	33						X						
Middle School Sports Complex	18								X	X			
CCCC Softball Fields	2.2						X						
CCCC Track/Field/City Ballpark	28						X						
Newman Park (RV Sites)	5	X	X	X								X	
Spring Hill Golf Course	10												
Charlie Dow Sports Complex	4								X				
Cleo Graves Hogan - Rec Bldg (Ranney Park)		X	X										
Regional Parks													
Chaplin Nature Center	230		X										
Cowley County State Lake	198												
Kaw Wildlife Area	4,341												
Lions Park	10		X	X			X						
Winfield Lk/Timber Creek Reservoir	19,876	X	X	X	X							X	X
Walking Trails													
	Length												
Hike-Bike Trail	2.5 mi.												
Kneebler Pond Trail	5 mi.												X
Poplar Hike-Bike Trail	1 mi.												
Veterans Memorial Lake Trail	1 mi.	X	X	X									X

*Full restroom facilities are not available but a portable toilet is available on site.

5.6 RECREATIONAL ACTIVITIES

The city's recreational program, overseen by the Arkansas City Recreation Commission Board, serves residents of all ages and provides many types of activities. The Recreation Commission is a joint city/school entity, with two members appointed by the City, two by the School Board, and one at-large. The Recreation Center is located downtown at 225 E. 5th Avenue where it has its offices as well as a fitness center. The fitness center is a membership center and offers weight/strength building, cardiovascular equipment and sauna.

The Recreation Commission manages the Aquatic Center at the high school and the outdoor pool in Paris Park, providing lap swimming, water aerobics, recreational swimming and swim lessons.

Sports programs for local youth include baseball, softball, gymnastics, basketball, football, wrestling, soccer, tennis, swimming, volleyball, and golf. Other youth offerings include zumba, martial arts, cheerleading, fishing, dances and gaming.

Adult offerings include classes, activities and fitness. Included in these are bingo, weight loss and exercise, zumba, martial arts and horseshoes. Sports include softball, volleyball, golf and tennis.

Fitness equipment is also available at Cowley College to the public as a membership program at the Ben Cleveland Wellness Center. In addition, there are local private fitness centers, providing opportunities for aerobic and strength training. Private groups and individuals also provide dance, cheerleading, and club sports.

Water-related recreation opportunities within thirty minutes of Arkansas City include Winfield Lake, Cowley County State Lake, and Kaw Reservoir (Oklahoma). Among the activities available at these lakes and reservoirs are camping, fishing and boating.

Located east of Arkansas City is Camp Horizon, which is open to the public for camping, outdoor challenge course and mountain bike trails. Another favorite for leisure time is hunting which is also available in the area.

5.7 NATURAL RESOURCES

Kaw Wildlife Area is one of two areas near Arkansas City preserving wildlife habitats. It is owned by the U.S. Corp of Engineers and managed by the Kansas Department of Wildlife and Parks. The area is 4,341 acres of land and river, with about one quarter of it cultivated, and the balance in grasslands and riparian

timber. A portion of the cultivated area is left standing for wildlife food and cover. Some hunting is allowed.

The Chaplin Nature Center is the second wildlife area located several miles west of the City. It is owned by the Wichita Audubon Society. There are a number of hiking trails, stretching over five miles and providing multiple opportunities for exploration. There is a visitor center, with programs including a naturalist. This is a valuable means for exploring the bottomland timber and prairies, upland prairies, and the Arkansas River, allowing view of the many species of birds as well as the wide range of trees. The Center is an amenity to the local area as well as a tourist attraction for south central Kansas and north central Oklahoma.

Features that have long defined the community are the Arkansas and Walnut Rivers. They make possible activities that people enjoy, such as fishing, kayaking, boating, floating and hiking. However, they are also critical habitat for animal and plant life and essential to natural cleaning of stormwater and the air. Two wildlife habitat terms of note are wetlands and riparian areas, both found abundantly in the Arkansas City area. Riparian areas comprise the areas along the river banks and streams that feed them. Wetlands include marshes, ponds or other particularly moist areas that also are filled with animal and plant life.

The City's 2003 Comprehensive Plan covered in great detail natural habitats that should be protected. Those include the Arkansas River Corridor (essentially the floodplains associated with the river), the Walnut River Corridor (also floodplain), the Bolton Uplands (south of the confluence of the rivers), the Creswell Uplands (near C-4 school and land near Walnut River), and the Osage Prairies. The Prairie has the greatest potential for development that would have the least impact to the environment. A map showing these areas is included in this chapter as Map 1.

According to the 2004 USGS Lower Ark Model Report #5204, one key natural feature that serves Arkansas City is the Arkansas River Alluvial Aquifer, enabling a ready source of water resources, even in drought conditions. According to this report,

“Hydraulic properties of an aquifer provide important information in the evaluation of ground-water problems by giving an indication of well yield in a particular aquifer and by providing the necessary data for ground-water modeling. Hydraulic properties include estimates of hydraulic conductivity, transmissivity, storage coefficient, and specific yield. Under unconfined conditions, as is the case in the alluvial aquifer in the modeled area, the storage coefficient and the specific yield are virtually equal.”

In simple terms, the large alluvial aquifer provides a steady base flow of water to the stream. While this provides security to the community for its future water needs, it also means the community must do what it can to ensure no harm

occurs to the aquifer, a large area reaching north to Wichita, so water demands do not put too much strain on the aquifer. As the Wichita area has seen strong growth over the years, with greater demand on water resources, this will be an area of concern, particularly in low precipitation years.

Floodplains have been regulated by the City since the early 1980s, with the most recent version adopted in October 2010. Flood areas are important to maintain, not only for protection of life and property, but also for animal habitat. There will be more discussion on the floodplains in Chapter Six.

5.8 HISTORICAL RESOURCES

The following is borrowed from a 1983 National Register of Historic Places Nomination Form, describing the downtown area of Arkansas City:

The architectural expression of the buildings in the commercial area reflects the mood of the community at the time they were built. The district consists of five main commercial blocks along Summit Street and two and a half blocks of Fifth Avenue in the vicinity of Summit Street. The boundaries were chosen to include the main commercial core of Arkansas City with their limits defined by the location of key or particularly significant buildings. Generally, the boundaries follow the property lines of the buildings facing onto Summit Street and Fifth Avenue with the exception of the west side of the 100 block of North Summit which has been eliminated from the district since most of the structures there do not contribute to the district. At the south end of the district, the west side of the 400 block of South Summit, except for the Syndicate Block, a key building, has been eliminated from the district.

There are many historic buildings and areas in Arkansas City. The most well-known are the following:

Burford Theatre & Commercial Building, 110-118 S. Summit, In November 1919, J.B. Burford and his associates purchased Highland Hall, the town's first opera house that was built in 1883, as an initial step toward their plan to build a moving picture palace. They also purchased the Isabella Block building next door, to the south of Highland Hall. The Saddle Rock Café had operated in the Isabella Block at 118 S. Summit St. since at least the early 1900s. The buildings were razed in 1924 for construction of the new Burford Theatre. It opened in September of that year and the opening represented an investment of \$300,000. The two-story Burford Theatre, connected to the adjacent Burford Commercial Building, has a total frontage of 125 feet. The theater was built as a venue for vaudeville shows, local artistic productions and movie events. Ginger Rogers performed on the Burford stage as part of a vaudeville act in the mid- to late 1930s. The Arkalalah coronation was held at the theater in the 1930s, the early

years of the town's annual fall festival. Actress Janis Carter, who starred in the movie "Santa Fe," visited the theater in 1951 for the staging of the movie's premiere. The theater underwent several changes to its interior through the years. It closed in 2004, and then-owner B&B Theatres donated the building to the Arkansas City Area Arts Council. The council led a 12-year, \$7.5 million effort to restore the theater to its original 1920s look. Community volunteers, professional construction workers and a New York-based restoration firm worked long hours to restore the theater, which reopened in 2016. The prairie-style structure with Neoclassical decorative elements is a three-bay buff building with wreath and garland.



Ireland Hall/Old Arkansas City High School is located at 300 W. Central and was constructed in 1890. It is three stories, a rectangular Richardsonian Romanesque structure with basement. It was constructed of white Silverdale limestone set in red mortar. Because the mortar was not waterproofed pink streaks appeared due to moisture and the stone absorbed the color, resulting over time in a pink color. Artistic features of lions' heads and dragons carved in stone, along with two massive chimneys and a clock tower, contribute to the spectacular appearance of this distinctive building. Ironically, clocks were never installed in the tower. The first high school class, with 194 students, started on September 7, 1892, although the building was not completely finished until 1893. It remained in use as the high school until 1922, when a new high school was opened. Arkansas City's sixth-graders used the school until 1941.

After the last students left, the old high school was used by the USO during World War II, as a teen town, and also by the Red Cross.

By 1949, time had taken its toll and the school board was considering selling the old school. But interested persons suggested the building should be made available for the local junior college. A new chapter in the life of this old building began when Cowley County Community College acquired it in 1971. In 1974, the building was added to the National Register of Historic Places and declared a state landmark.

After the college secured funding for a renovation of the lower portion of the building, which was completed by the summer of 1982, "The Red School House" returned to its original mission of education. The building was officially dedicated on December 12, 1982, and named after W.H. "Pat" Ireland, a strong community supporter who served on the college's Board of Trustees for nearly 10 years. Today, Ireland Hall is home to Cowley College's Criminal Justice, Cosmetology and Institute of Lifetime Learning programs.

Pilgrim Congregational Church/Vinelif Church is located at 101 N. 3rd Street. Construction of one of Arkansas City's most impressive historic buildings, the Pilgrim Congregational Church, began in 1891 and finished in 1893. It was completed just a few years after the old high school (now Ireland Hall), built in 1890. Both buildings are wonderful examples of Richardsonian Romanesque architecture, and both are built of cut Silverdale stone blocks with the Roman arches and towers typically found in this style.

The Congregational Church was one of Ark City's oldest churches. Several of Ark City's founding fathers, who originally came here from Emporia, were Congregationalists. Among them were A.A. Newman, Lyman Beecher Kellogg and Henry Brace Norton. (The latter two men were instrumental in securing and staffing the Kansas State Normal School in Emporia, now known as Emporia State University.)

The Congregational Church in Ark City had grown to 154 members by 1892. During the 1870s, its early members joined members of other denominations and met in several different locations in town. In 1887, the Reverend D.D. DeLong, a popular minister, was secured to unite the people and the church was incorporated. A building committee was formed in 1889.

Built of sandstone with limestone trim, the church features a bell tower 78 feet high. In 1949, it became home to the Nazarene Church and, in 2002, the Vinelif Family Church. It was added to the National Register of Historic Places in 2005.

HISTORIC STRUCTURES IN ARKANSAS CITY

The following is a list of prominent buildings with locations and date of construction. It is important to note that a number of buildings have been lost over the years including the Gladstone/Elmo Hotel and the Fifth Avenue Opera House. The loss of buildings is primarily due to neglect of the property owner but also due to fire. The City strives to inform property owners of the importance of maintenance and preservation of our historic resources. Additional information on many of these buildings can be found in the Arkansas City Downtown Historic District Walking Tour brochure.

Historic Name	Address	Year Built
Red Head Motor Co.	118-120 N Summit St	1912
Summit Barber Shop	112 N Summit St	1899
Osage Hotel	100 N Summit St	1920
Feagin/Thomas Drug	100 S Summit St	1920
Bryant Hardware	102 S Summit St	1920
Burford Theatre	116-118 S Summit St	1924
Home National Bank	126 S Summit St	1917
U.S. Post Office	120 E 5 th Ave	1915
Howard Building	200 S Summit St	1931

Beekman Building	202-204 S Summit St	1932
Zadie Building	206-210 S Summit St	1920
Ormiston Building	212-214 S Summit St	1932
Wright-Burton Hardware	218-220 S Summit St	1912
The KP Castle Block	226 S Summit St	1889
Creswell Building	300 S Summit St	1886
Sheridan Block	308-310 S Summit St	1895
Eagle Block	312-314 S Summit St	1886
Summit Block	316-322 S Summit St	1886
Newman's Department Store	400-402 S Summit St	1917
S.H Kress & Company	321-323 S Summit St	1910
Ford Auto Sales Building	317-319 S Summit St	1915
Oklahoma Tire and Auto	313-315 S Summit St	1922
Crescent/Beard Building	301-303 S Summit St	1905
American National Bank	227 S Summit St	1890
Kirkpatrick's Furniture	223-225 S Summit St	1900
The Parker Block	219-221 S Summit St	1893
Kuntz Clothiers	209 S Summit St	1884
White House Café	207 S Summit St	1884
Harris (Rexall) Drug	205 S Summit St	1895
C.R. Anthony Dry Goods	203 S Summit St	1920
Matlack Building	201 S Summit St	1880
Matlack Building Addition	109 W 5 th Ave	1887
Traveler Building	117-119 W 5 th Ave	1912
Cornish Photography Studio	125 W 5 th Ave	1924
I.O.O.F Hall	201-205 W 5 th Ave	1910
Carnegie Library	213-217 W 5 th Ave	1906
Arkansas City Office Building	112-116 W 5 th Ave	1928
First National Bank	127 S Summit St	1883
Conrad Block/Strand Theater	125 S Summit St	1895
Royal Café	117 S Summit St	1895
City Hall	118 W Central Ave	1919
Central Christian Church	206 W Central Ave	1921-1923
Old High School	300 W Central Ave	1890
Redeemer Lutheran Church	320 W Central Ave	1941
Pilgrim Congregational Church	101 N 3 rd St	1891-1983
First Church of Christ, Scientist	201 N A St	1915-1916
Trinity Episcopal Church	220-224 N A St	1922
5 th Ave United Presbyterian Church	122-124 S B St	1874
Sacred Heart Catholic Church	320-326 S B St	1919-1920
First Presbyterian Church	321 S 1 st St	1913-1915

5.9 ACCOMPLISHMENTS

A study of existing parks was conducted in 2017. Part of the purpose was to determine if the community would benefit from the closure of certain parks and other city owned properties. As a result, some changes were made to the parks system. Brock Park at 501 S 6th Street was closed and the horseshoe pits there were moved to Pershing Park. The property has since been sold to Habitat for Humanity to build houses on. Cox Park was also discussed but it was repurposed and adopted by the Walnut Valley Disc Golf Association who built a disc golf course on the site. The playground still exists there. Catalpa Park and Mills Park were also discussed but ultimately they were not changed due to deed restrictions and reverter clauses attached to them that would have made redevelopment as anything other than a park very difficult.

In 2015, the Wilson Park Master Plan was developed. It set out a plan to redevelop the park for the whole community. To date, the historic train was restored and construction on a new farm and art market pavilion and additional parking

In 2017, a Historic Preservation Fund grant was awarded to the City and with the grant a resurvey of the Downtown Historic District was conducted. Now each building in the district has more information attached to it and it is easier to understand why it is so important to preserve our historic buildings and resources. The survey will be used as a tool to carry out further goals related to historic preservation.

In 2020, the City was awarded another Historic Preservation Grant in which a walking tour was created. The brochure was created and released in 2021 in time for the City's 150th Anniversary Celebration in July. A web application is also a companion to this printed brochure.

In 2021, a Facility Evaluation Report for Paris Park Pool was also conducted. From that a committee was formed to discuss the future of the pool as well as any other potential recreational facility opportunities in the Paris Park area.

5.10 GOALS AND ACTIONS

Goals represent overall vision and desired outcomes. They describe the kind of community Arkansas City leaders hope to offer to citizens to meet their expectations and needs for active living. The following goals and associated actions provide the outline of recreational amenities, programs and the preservation of natural and historical resources.

Goals or actions are organized around priorities. Generally where specific actions build on a goal they will be listed immediately following the goal. Some goals may not have specific actions. Short term priority means it should be achieved within the next 5 years. Medium term priority means it should be achieved within 5-10 years. A long term priority means it should be achieved in 10 or more years.

Goal/Action	Priority		
	Short	Medium	Long
Make Improvements to Parks and Playgrounds to Meet the Needs of Persons of All Ages.			
Continue development of the Wilson Park Master Plan	X		
Develop and implement a Master Plan for Paris Park		X	
Develop a set of goals for each of the smaller neighborhood parks. Designate the Beautification and Tree Advisory Board to develop these plans and make a recommendation to the Planning Commission.		X	
Develop a dedicated funding stream for park maintenance and redevelopment.	X		
Protect and preserve the natural resources, particularly along the rivers, both for natural features and flood protection			
Develop McFarland Pond and access for public use		X	
Work with Visit Ark City to promote area natural resources	X		
Promote the maintenance and preservation of historical resources			
Individually list City Hall on the State and National Register of Historic Places or list as part of an expansion of the historic district.	X		
Expand the existing historic district to match the recommendations from the 2017 Resurvey of the Downtown Historic District	X		
List the historic churches as thematic nomination on the State and National Register of Historic Places as recommended by the 2017 survey.	X		
Create markers to be attached to significant buildings to tell passersby about the history of the building	X		
Encourage property owners to maintain their properties by assisting them in identifying and accessing public and private resources for historic preservation	X		
Encourage upper floor housing to preserve integrity of buildings using Rural Housing Incentive Districts, Tax Credits etc.	X		

