

ORDINANCE NO. 8541

AN ORDINANCE RELATING TO CHAPTER 20, THE DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS OF THE CODE OF THE CITY OF LAWRENCE, KANSAS 2009 EDITION AND AMENDMENTS THERETO; AMENDING CHAPTER 20, ARTICLE 12, SECTION 20-1201 PERTAINING TO THE FLOODPLAIN MANAGEMENT REGULATIONS; AND REPEALING THE EXISTING SECTIONS

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

SECTION ONE: Chapter 20, Article 12, Section 20-1201 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-1201 GENERAL

(a) Findings of Fact

- (1) The **Areas of Special Flood Hazard** of Lawrence, 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) **These **Flood** losses are caused by:**
 - (i) the cumulative effect of **Development** in any delineated **Floodplain** causing increases in **Flood** Heights and velocities;
 - (ii) urbanization of upstream areas, resulting in increased Impervious Surface and increased stormwater runoff;
 - (iii) the occupancy of **Flood** hazard areas by uses vulnerable to Floods, hazardous to others, inadequately elevated, or otherwise unprotected from **Flood** damages; and
 - (iv) the modification of the **Floodplain** by grading or filling.
- (3) The **Flood Insurance Study (FIS)** that is the basis of the National **Flood** Insurance Program uses a standard engineering method of analyzing **Flood** hazards, which consists of a series of interrelated steps:
 - (i) Selection of a **Base Flood** that is based upon engineering calculations, which permit a consideration of such **Flood** factors at its expected frequency of occurrence, the area inundated, and the depth of inundation. The **Base Flood** selected for this Article is representative of large Floods, which are characteristic of what can be expected to occur on the particular streams subject to this Article. It is in the general order of a **Flood** which could be expected to have a one percent (1%) chance of occurrence in any one year as delineated in the Federal Insurance Administrator's **FIS**, and illustrative materials dated ~~November 7, 2004~~ **August 5, 2010**, as amended, and any future revisions thereto;

- (ii) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the [Regulatory Flood](#);
- (iii) Computation of a [Floodway](#) required to convey this [Flood](#) without increasing [Flood](#) Heights more than one (1) foot at any point;
- (iv) Delineation of [Floodway Encroachment Lines](#) within which no [Development](#) is permitted that would cause any increase in [Flood](#) Height; and
- (v) Delineation of [Floodway Fringe](#), i.e., that area outside the [Floodway Encroachment Lines](#), but still subject to inundation by the [Base Flood](#).

(b) [Floodplain Overlay District](#) – Property within the City Limits on 03/01/03

- (1) The [Floodplain Overlay District](#) boundaries for properties within the city's corporate limits as of March 1, 2003 shall be consistent with the [Base Flood Elevations](#) and [Floodplain](#) widths identified by the [FIS](#) and [Flood Insurance Rate Map \(FIRM\)](#) for "Douglas County Kansas and Incorporated Areas dated ~~November 7, 2001~~ [August 5, 2010](#)".

(c) [Floodplain Overlay District](#) – Property Annexed into the City after 03/01/03

- (1) The [Base Flood Elevations](#) and [Floodplain](#) widths identified by the [FIS](#) and [Flood Insurance Rate Map \(FIRM\)](#) for "Douglas County, Kansas, and Incorporated Areas dated ~~November 7, 2001~~ [August 5, 2010](#)," may increase over time as a result of additional watershed [Development](#); therefore the City has identified the [Floodplain \(FP\) Overlay District](#) for property annexed into the city's corporate limits after March 1, 2003, as the area that includes:
 - (i) All [Zones A](#) on the current [FIRM](#);
 - (ii) All [Zones AE](#) and [AH](#) on the current [FIRM](#) and all adjacent areas inundated by a [Flood](#) having an elevation of the [FIS Base Flood Elevation](#) plus an additional two feet of [Freeboard](#). If an approved [Hydrologic and Hydraulic Study](#) has been completed, the boundary information provided in that study will be utilized to amend the [Floodplain Overlay District](#) boundaries;
 - (iii) All [Zones AO](#) on the current [FIRM](#) and all adjacent areas inundated by a [Flood](#) having an elevation of the [FIS](#) average depth of [Flooding](#) plus an additional two feet of [Freeboard](#). If an approved [Hydrologic and Hydraulic Study](#) has been completed, the boundary information provided in that study will be utilized to amend the [Floodplain Overlay District](#) boundaries; and
 - (iv) All stream tributaries having a drainage area of 240 acres or more regardless of the limits of the [FIS](#). Upstream of the limits of the [FIS](#), the width of the [Floodplain Overlay District](#) shall be determined by the City using recognized engineering practices.

- (2) The Floodplain Overlay District will be shown and identified on the Official Zoning Map of the City of Lawrence.

(d) Floodway

Floodways are located within the Floodplain Overlay District established in Section 20-1201 and Section 20-1201(e) as designated on the FIRM. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the City hereby adopts a Regulatory Floodway based on the principle that the area identified 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.

- (1) The Regulatory Floodway includes:
 - (i) Floodway areas shown within Zone AE on the current FIRM or as modified by a Letter of Map Revision (LOMR); and
 - (ii) Floodway areas outside Zone AE as defined by an approved Hydrologic and Hydraulic Study.

(e) Statement of Purpose

It is the purpose of this Article to promote the public health, safety, and general welfare; to minimize those losses described in Section 20-1201(a)(2); 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) 512.22 (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 Article 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, to be provided with Flood protection at the time of initial construction;
- (3) Protect individuals from unknowingly buying land that is unsuited for the intended Development purposes due to the potential Flood hazard;
- (4) Protect individuals from unknowingly buying or leasing property that is prone to Flooding;
- (5) With the exception of certain previously platted properties, allow Development in the Floodplain only when the Development will not increase the Base Flood Elevation or Flood velocities; and
- (6) Promote conservation and restoration of natural vegetation in riparian areas.

SECTION TWO: That Chapter 20, Article 12, Section 20-1201 of the Code of the City of Lawrence, 2009 Edition and amendments thereto, is hereby repealed it being the intent that the provisions of this ordinance supersede the repealed code provisions.

SECTION THREE: If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION FOUR: This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed by the Governing Body this ____ day of _____, 2010.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
Director of Legal Services

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of Legal Services.