

(OCA150004)

Published in The Wichita Eagle September 18, 2009

ORDINANCE NO. 48-415

AN ORDINANCE AMENDING THE "WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS, DECEMBER 4, 2008 EDITION," AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.05.010 AS AMENDED BY ORDINANCE NO. 48-180

WHEREAS, under the authority of K.S.A. 12-741, et seq., the City of Wichita and Sedgwick County desire to amend The Wichita-Sedgwick County Subdivision Regulations to amend provisions regarding stormwater and definitions.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA;

SECTION 1. Section 28.05.020 of the Code of the City of Wichita shall read as follows:

Section 7-103 (A) of "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition" as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended to read as follows:

- (A) Special Flood Hazard Areas mapped on Flood Insurance Rate Maps produced by the Federal Emergency Management Agency (FEMA) are under the provisions of Chapter 27.06 of the City of Wichita Code or Chapter 13 of the Sedgwick County Code, which establishes requirements for the lowest floor elevation of residential structures as established by the Federal Flood Insurance Study. For each development in such Special Flood Hazard Areas, a Development Permit must be obtained from the local code enforcement agency. In addition, service facilities shall be elevated or floodproofed above the Base Flood Elevation in compliance with Chapter 27.06 of the City of Wichita Code. Land in Special Flood Hazard Areas may be subdivided or developed into platted lots or unplatted tracts or parcels subject to the provisions of the applicable code.

SECTION 2. Section 28.05.025 of the Code of the City of Wichita shall read as follows:

Section 7-103 (E) of "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition" as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended to read as follows:

- (E) All plats should be designated in North American Vertical Datum of 1988 (NAVD 88) to conform to the National Flood Insurance Program Studies.

SECTION 3. Section 28.05.030 of the Code of the City of Wichita shall read as follows:

Section 7-106 of "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition" as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended to read as follows:

7-106. Erosion Stormwater and Soil Control: Mitigation Plans to Control Pollution. The City or County Engineer will require mitigation plans to control pollution of storm water, in accordance with the applicable Stormwater Pollution Prevention ordinance or federal or state regulations, as part of the development plan for the subdivision. Any mitigation plans for the control of pollution of stormwater required by federal, state or local law, statute, regulation, ordinance, or resolution; or by any local National Pollution Discharge Elimination System permit, must be included as part of the development plan for the subdivision. On land subject to excessive soil movement by the

forces of wind and/or water and that may cause environmental health hazards, appropriate preventive measures shall be a part of the development plan for the subdivision.

SECTION 4. Section 28.05.035 of the Code of the City of Wichita shall read as follows:

Section 7-204 (N) of "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition" as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended to read as follows:

(N) For lots abutting local platted floodways, or in areas of inadequate drainage, the platting of a minimum building opening elevation shall be required. For lots in or abutting the mapped floodplain, the platting of the lowest floor elevation shall be required. The minimum building opening elevation shall be expressed in North American Vertical Datum of 1988 (NAVD 88). The elevation requirement shall be indicated on the face of the plat as well as referenced in the plat's text.

SECTION 5. Section 28.05.040 of the Code of the City of Wichita shall read as follows:

Section 8-102 of "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition" as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended as follows:

In the list of Improvements, replace "Roadways, Alley, Curbs and Gutters, Sidewalks and Street Drainage Facilities" with "Roadways, Alley, Curbs and Gutters, Sidewalks" and also replace "Storm Sewer Systems/Storm Water Management" with "Storm Sewer Systems/Storm Water Management Facilities/Street Drainage Facilities".

In Column A, replace "Storm Water Engineer" with "City Engineer**".

After the chart, add the following, "***The City's Storm Water Engineer shall have oversight over all stormwater quality matters, requirements of the NPDES program, stormwater management plans, subdivision grading/drainage plans and watershed planning."

SECTION 6. Section 28.05.045 of the Code of the City of Wichita shall read as follows:

Section 8-103 (F) of "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition" as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended to read as follows:

(F) Storm Drainage System.

For urban subdivisions, a storm drainage system that is both separate and independent of the sanitary sewer system and meets all of the specifications and requirements of the appropriate engineer shall be required. Plans for mitigating stormwater pollution may be required by the engineer. The engineer shall use structural and nonstructural methods that prevent the degradation of stormwater quality to create a long-term, positive impact on the quality of stormwater runoff. Storm sewers shall be connected to the existing storm drainage system of the City where the subdivision is located, the system of the nearest city or to the nearest major water channel. If such connections are not available, other adequate means for the discharge of the storm drainage system shall be provided by the subdivider.

SECTION 7. Section 28.05.050 of the Code of the City of Wichita shall read as follows:

Section 8-103 (K) of "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition" as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended to read as follows:

(K) Best Stormwater Management Practices.

The subdivider shall take measures during construction to minimize soil erosion and sedimentation by wind or water, and to mitigate stormwater pollution as required by the City Engineer, Stormwater Engineer, County Engineer, and/or Chapter 16.32 of the City Code.

SECTION 8. Section 28.05.055 of the Code of the City of Wichita shall read as follows:

Section 9-103 (G) of “The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended to read as follows:

(G) All plans shall be based on North American Vertical Datum of 1988 (NAVD 88) for vertical control.

SECTION 9. Section 28.05.060 of the Code of the City of Wichita shall read as follows:

Section 11-102 of “The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita as amended by Ordinance No. 48-180 is hereby amended by replacing the definitions for Abut, Alley, Benchmark, City, Comprehensive Development Plan, County, Lot line, Manufactured Home Park, Owner, Screening, Setback line, Street, and Topography with the following:

ABUT: Touching, adjoining or contiguous; as distinguished from lying near to or adjacent.

ALLEY: A public right-of-way along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and the lots. An alley is not intended for general traffic circulation.

BENCHMARK: Surveying mark made in some object that is permanently fixed in the ground, showing the height of that point in relation to North American Vertical Datum of 1988 (NAVD 88).

CITY: The City is defined as the City of Wichita, Kansas, unless the context clearly indicates that another city is being referenced.

COMPREHENSIVE DEVELOPMENT PLAN: Preparing for Change: The Wichita-Sedgwick County Comprehensive Plan, as adopted by the Sedgwick County Board of Commissioners and the Wichita City Council in June 1993, the 2005 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change, as adopted by the Sedgwick County Board of Commissioners and Wichita City Council in May 2005, and as amended from time to time.

COUNTY: The County is defined as unincorporated Sedgwick County, Kansas, unless the context clearly indicates that another meaning is intended.

LOT LINE: A line bounding a lot.

MANUFACTURED HOME PARK: A parcel of land that has been planned and improved in some manner, and used or intended to be used by occupied manufactured homes not placed on permanent foundations. The term “manufactured home park” does not include sales lots where unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection or sale; nor does it include a tract of land where a manufactured home as a second dwelling unit has been permitted on a temporary basis as a conditional use in accordance with the Wichita-Sedgwick County Unified Zoning Code.

OWNER: The property owner of record.

SCREENING: Decorative fencing, walls, vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fence, wall, vegetation or berms.

SETBACK LINE: The line that is the distance that is required by the Wichita-Sedgwick County Unified Zoning Code between a principal structure or accessory structure and the property line of the lot on which the structure is located. Also known as building setback line or yard line.

STREET: A public thoroughfare of such width to conform to these Regulations.

TOPOGRAPHY: The configuration of a surface area showing North American Vertical Datum of 1988 (NAVD 88).

SECTION 10. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

PASSED AND ADOPTED by the governing body at Wichita, Kansas, this 15th day of September, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law