

ORDINANCE NO. 20-3392

AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE CITY OF ABILENE, KANSAS TO ADD A NEW SECTION 20-14 CONCERNING THE DESIGNATION AND REGULATION OF CRITICAL DRAINAGE AREAS WITHIN THE CITY OF ABILENE, KANSAS.

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

SECTION 1. Article 20 of the Zoning Regulations for the City of Abilene, Kansas is hereby amended by adding a new Section 20-14, to read as follows:

SECTION 20-14 CRITICAL DRAINAGE AREAS

12-1401. Definitions. As used in this article, the following terms shall be defined as follows:

- (1) *Critical drainage area* is an area designated on the official zoning map of the city that is subject to periodic flooding due to stormwater ponding or sheet flow.
- (2) *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.
- (3) *Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the 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:
 - (i) 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
 - (ii) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (4) *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 fifty (50) percent of the market value of the structure before the damage occurred.
- (5) *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 under a historic preservation program that has been certified either:
 - (i) By an approved state program as determined by the secretary of the interior; or

(ii) Directly by the secretary of the interior.

12-1402. Critical drainage areas. Critical drainage areas may be designated by the board of city commissioners following a report and recommendation from the planning commission. The city engineer shall identify areas that should be considered for designation as critical drainage areas. No development or substantial improvement may be undertaken within a critical drainage area without first obtaining a permit from the zoning administrator. The zoning administrator shall not approve any development which does not provide adequate drainage improvements so as not to inordinately expose the development as well as surrounding land to increased stormwater flooding. The drainage improvements shall be designed in accordance with criteria established by the city engineer. The city engineer shall review proposed drainage improvement plans and advise the zoning administrator if such plans comply with established criteria. The completion of said improvements shall be the responsibility of the applicant. This regulation shall not apply to any platted lot zoned single-family residential, regardless of size, nor any platted lot containing less than ten thousand (10,000) square feet of land area, regardless of the zoning classification.

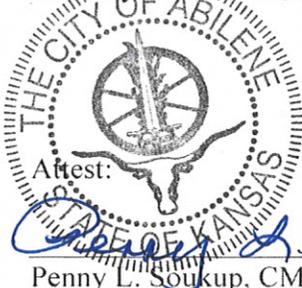
SECTION 2. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 20-3392 Summary

On October 26, 2020, the City Commission passed Ordinance No. 20-3392.

The ordinance amends the zoning regulations for the City of Abilene, Kansas by adding a new section 20-14 authorizing the designation of critical drainage areas within the City of Abilene, Kansas, and authorizing the regulation of certain improvements within such designated critical drainage areas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 26th day of October, 2020.




Brandon Rein, Vice Mayor


Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this 26th day of October 2020.


Aaron O. Martin, City Attorney