



## code chat: remodeling the floodplain ordinance

by Gary Marker, R.A.  
Division Manager of Plans Review

### Background

In order to ensure compliance with Federal regulations regarding protection of property in flood zones, the Federal Emergency Management Agency performed a Community Assistance Visit in Kansas City, Missouri in February of 2006. This service included a physical inspection of the floodplain areas of the city, as well as examination of the ordinances and procedures employed by the City to regulate development in the regulatory floodplain.

KCMO Code of Ordinances, Chapter 28, was originally adopted in 1967 to regulate development in the floodplain and was based upon the Federal guidelines in effect at that time. However, as a result of the above mentioned Community Assistance Visit, it has been determined that the current ordinance, forms and procedures fail to meet the requirements of FEMA and, therefore, a revised ordinance, based heavily on the FEMA Model Floodplain Management Ordinance, along with associated updated standard forms and procedures, has been adopted. The revised Floodplain Ordinance became effective on November 18, 2007, however, projects designed under the previous ordinance will be accepted until March 1, 2008.

### Significant Changes to Ordinance Provisions

Significant changes from the previous ordinance include:

- Regulation of the storage or processing of materials within the floodplain.
- Exceptions for agricultural or accessory structures.
- More stringent requirements for “critical facilities” and hazardous material storage and handling sites.
- New provisions addressing changes of occupancy or discontinuation of use.
- Buildings in the floodplain will now be required to be elevated or flood-proofed to an elevation at least one foot above the base flood elevation.
- New structural provisions for under-floor spaces and manufactured homes.
- More restrictive requirements for any encroachments proposed within the floodway.
- New requirements addressing recreational vehicles placed on sites within the floodplain.
- The proposed ordinance specifically enumerates the criteria and conditions for approval of special exceptions.

### Significant Changes to Procedures

Floodplain plans review procedures will remain generally unchanged with the following exceptions.

1. Plans and calculations submitted for floodplain plan review will now be accompanied by a Floodplain Development Permit/Application form. This form becomes the approved development permit when signed by the Building Official.
2. In lieu of a Floodplain Certificate that was issued for encroachments under the previous ordinance, all encroachments will now be issued either an elevation certificate or a Flood-proofing Certificate, as applicable. These certificates are required to be completed by, and bear the signature and seal of, a Missouri registered engineer, architect or land surveyor. Upon issuance of the Floodplain Development Permit, the completed Elevation Certificate form is then signed by the Building Official and becomes the public record for the project, along with the accompanying drawings and calculations.

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Adoption and enforcement of this revised ordinance will bring the City's floodplain program into compliance with FEMA requirements and allow residents of KCMO not only continued access to flood insurance but potentially lower flood insurance rates as well. For questions regarding this subject or any other code requirements, feel free to call the City Planning & Development – Development Services Code Question Hotline at (816) 513-1511, where a helpful associate stands ready to provide assistance in applying code interpretations to individual situations. Or you may obtain e-mail answers to code questions from [gary\\_marker@kcmo.org](mailto:gary_marker@kcmo.org).

