

Request for Legislative Action

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5805
Sponsor(s):	Charlie Franklin	Legislature Meeting Date:	10/16/2023

Introduction

Action Items: ['Authorize']

Project/Title:

LA-2023-043 Unified Development Code Amendment, FEMA Updates

Request Summary

Requesting sections 24004.14, 24004.15 and 24004.16 in the Jackson County Unified Development Code (County Code, Chapter 240) be amended to incorporate the 2023 Flood Insurance Study (FIS), the Flood Insurance Rate Maps (FIRM) and index panels 29095 CIND1C, 29095 CIND2C, 29095 and CIND3C, published by the Federal Emergency Management Agency (FEMA), for the Unincorporated areas of Jackson County, Missouri, all such materials and maps have an effective date of December 7, 2023. The County is required, as a participating community of the National Flood Insurance Program (NFIP), per Code of Federal Regulations (CFR) to adopt or show evidence of adaption of floodplain management regulations by the effective date of the FIRM, which is December 7, 2023.

The Jackson County Plan Commission voted 5 to 0 to recommend APPROVAL to the County Legislature.

Contact Information

Department:	Public Works	Submitted Date:	10/5/2023
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division Administrator	Phone:	816-881-4577

Budget Information

Amount authorized by this legislation this fiscal year:	\$ 0
Amount previously authorized this fiscal year:	\$ 0
Total amount authorized after this legislative action:	\$
Is it transferring fund?	No
Single Source Funding:	
Fund:	Department:
Line Item Account:	Amount:
	!Unexpected End of Formula

Request for Legislative Action

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
4942	December 13, 2016
Prior Resolution	
Resolution:	Resolution date:

Purchasing	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

Compliance	
Certificate of Compliance	
Not Applicable	
Minority, Women and Veteran Owned Business Program	
Goals Not Applicable for following reason: not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
Prevailing Wage	
Not Applicable	

Fiscal Information
<ul style="list-style-type: none"> This legislative action does not impact the County financially and does not require Finance/Budget approval.

Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 10/5/2023. Comments:

Approved by Department Approver Brian Gaddie on 10/5/2023 10:37:45 AM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 10/5/2023 11:14:21 AM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 10/5/2023 11:43:34 AM. Comments:

Approved by Budget Office Approver David B. Moyer on 10/5/2023 11:49:09 AM. Comments:

Approved by Executive Office Approver Sylva Stevenson on 10/5/2023 11:59:10 AM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 10/12/2023 12:07:19 PM. Comments:

LA-2023-043

ATTACHMENT 1: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from September 21, 2023

Staff Report

Sections of the Unified Development Code for update

Randy Diehl gave the staff report:

RE: LA-2023-043

Applicant: Jackson County Public Works Department – Development Division
FEMA Updates and Revisions

Request: Requesting sections 24004.14, 24004.15 and 24004.16 in the Jackson County Unified Development Code (County Code, Chapter 240) be amended to incorporate the 2023 Flood Insurance Study (FIS), the Flood Insurance Rate Maps (FIRM) and index panels 2905 CIND1c, 29095 CIND2C, and 29095 CIND3C, published by the Federal Emergency Management Agency (FEMA), for the Unincorporated areas of Jackson County, Missouri, all such materials and maps have an effective date of December 7, 2023.

This is an update to the current FIRM panels, dated January 20, 2017, which the County utilizes to manage development within Special Flood Hazard Areas. FEMA recently completed a re-evaluation of certain flood hazard areas, of which the maps for Jackson County were revised to incorporate those changes.

The County is required, as a participating community of the National Flood Insurance Program (NFIP), per Code of Federal Regulations (CFR) to adopt or show evidence of adaption of floodplain management regulations by the effective date of the FIRM, which is December 7, 2023.

The Planning Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: *Are there any questions for Randy?*

There were none

Mr. Antey: *Is there anyone else who is in favor of this?*

There were none

Mr. Antey: *Is there anyone who is opposed or has questions regarding this?*

There were none

Mr. Lake moved to approve. Mr. Monaco seconded.

Mr. Monaco	Approve
Mr. Lake	Approve
Mr. Farrar	Approve
Mr. Johnson	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION September 21, 2023

RE: LA-2023-043

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FEMA Updates and Revisions

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Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

24004.14 FLOODPLAIN OVERLAY DISTRICTS

a. Findings of Fact.

Flood losses resulting from periodic inundation. The flood hazard areas of the County are subject to inundation that 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.

b. General Causes of Flood Losses.

Flood losses are caused by (1) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities; and (2) the occupancy of flood hazard by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise protected from flood damages.

c. Methods Used to Analyze Flood Hazards.

The Flood Insurance Study (FIS) that is the basis of this section uses standard engineering methods of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a regulatory 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 section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administration's Flood Insurance Study (FIS), and illustrative Flood Insurance Rate Maps (FIRM) of Jackson County, Missouri, dated [January 20, 2017] December 7, 2023, as amended, and any future revisions thereto.
2. Calculation of water surface profiles based upon hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

24004.15 FLOODWAY OVERLAY DISTRICT (FW)

- a. **Purpose.** The areas designated in the Floodway Overlay District (FW) consist of land in drainageway channels where the construction of buildings would create obstructions to drainage or hazard to life or property. The FW District includes land in the floodway as defined by FEMA. It is intended that areas located in the FW District primarily will be used for private or public open space in accordance with the standards in Section 24006.5 of these regulations.
- b. **Permitted Uses.** In District FW, any use allowed in the underlying zoning district is permitted if none of these uses, when acting alone or in combination with other uses, will increase the regulatory flood elevation or in any way affect the free flow of floodwater. This effect of any allowed use must be documented by appropriate engineering studies if required by the Director.
- c. **Identification of Boundaries.** The boundary limits of the FW District shall be identified and determined by the Flood Insurance Rate Maps (FIRM) for the unincorporated area of Jackson County, Missouri published by the Federal Emergency Management Agency dated [January 20, 2017; index panels 29095 CIND1B, 29095 CIND2B and CIND3B dated January 20, 2017] December 7, 2023; and index panels 29095 CIND1C, 29095 CIND2C and CIND3C dated December 7, 2023.
- d. **Minimum Standards.** No filling or dumping shall be allowed which will increase flood hazard heights beyond existing limits or adversely affect the hydraulic efficiency or capacity of the floodway unless that filling or dumping is compensated by excavation in, or contiguous to, the filled area and does not adversely affect the hydraulic characteristics of the floodway. The term filling as used in this section shall mean the placement of structures, whether temporary or permanent, materials or other matter in which would obstruct the floodway or decrease its capacity.

24004.16 FLOODWAY FRINGE OVERLAY DISTRICT (FF)

- a. Purpose.** The areas designated in the Floodway Fringe Overlay District (FF) consist of land outside the floodway but located where there is a one percent or greater chance of inundation in any given year. It is intended that areas located in the FF District primarily will be used for private or public open space in accordance with the standards in Section 24006.5 of these regulations.
- b. Permitted Uses.** In the FF District, any use allowed in the underlying zoning district is permitted if none of these uses will adversely affect the capacity of channels or floodways of any tributary to the mainstream, drainage ditch or any other drainage facility or system.
- c. Identification of Boundaries.** The boundary limits of FF District shall be identified and determined by the Flood Insurance Rate Maps (FIRM) for the unincorporated area of Jackson County, Missouri published by the Federal Emergency Management Agency dated [January 20, 2017; index panels 29095 CIND1B and 29095 CIND2C dated January 20, 2017.] December 7, 2023; and index panels 29095 CIND1C, 29095 CIND2C and CIND3C dated December 7, 2023.
- d. Minimum Standards.**

 - 1. Construction of Structures.** All residential and non-residential structures shall be constructed on fill so that the first floor and basement floor are one (1) foot above the regulatory flood protection elevation.
 - 2. Fill.** The fill shall at no point be lower than one foot (1') above the regulatory flood protection elevation for the particular area and shall extend at that elevation at least fifteen feet (15') beyond the limits of any structure erected on the fill.
 - 3. Certification of Elevation.** When elevation is used as a measure of flood protection, Certification as to the elevation of the lowest floor of a structure after its completion shall be provided to the Director by a qualified individual as defined by FEMA.
 - 4. Nonresidential Structures.** Nonresidential structures may be floodproofed to or above the regulatory flood elevation. When floodproofing is utilized for nonresidential structures, the Director shall be presented certification of the floodproofing measures from a qualified individual as defined by FEMA.
 - 5. Residences.** All residences permitted in the FF District, whether site built or manufactured, shall be permanently anchored to permanent foundation.

6. **Utility and Sanitary Facilities.** All utility and sanitary facilities shall be elevated or floodproofed up to regulatory flood protection elevation so that those facilities below the regulatory flood protection elevation are water tight with walls substantially impermeable to water.
7. **Structural Components.** The structural components of the utility and sanitary facilities shall have the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.
8. **Certification.** Utilities and pipelines will be permitted on submission to the Director a letter certifying that all facilities will be below grade and that they will in no way affect the free flow of floodwater.
9. **Changes in Topography.** No changes in topography, such as by filling or excavation, will be allowed if these changes will result in a concentration of the natural flow of water so as to cause or increase drainage problems. The grading of any area shall be done in a manner to maintain proper drainage.
10. **Water Supply Systems.** All water supply systems must be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
11. **On-Site Waste Disposal Systems.** All on-site waste disposal systems must be located or designed so as to eliminate contamination during or subsequent to flooding.