



Jackson County Missouri

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri
64106
(816)881-3242

Legislation Text

File #: 3833, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE amending section 24004., Jackson County Code, 1984, relating to Federal Emergency Management Agency (FEMA) maps used for the development of land in unincorporated Jackson County.

ORDINANCE #3833, October 9, 2006

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, chapter 240, Jackson County Code, 1984, known as " the Unified Development Code of Jackson County," or "the Code," sets out a scheme for the orderly development of land in unincorporated Jackson County, consistent with the intent and purposes of the County's Master Plan; and,

WHEREAS, the Director of Public Works has recommended that the Code be amended to incorporate the recently revised 2006 Flood Insurance Rate Maps for the unincorporated area of Jackson County, Missouri, published by the Federal Emergency Management Agency dated September 29, 2006, and index panels 29095 CIND1A and 29095 CIND2A dated September 29, 2006; and,

WHEREAS, the Plan Commission conducted a public hearing on the recommended amendment on September 21, 2006, during which it heard testimony, and after which it voted 8-0 to recommend approval of the amendment to the Legislature; and,

WHEREAS, the proposed amendment is in the best interests of the health, welfare, and safety of the citizens of Jackson County; therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 24004., Jackson County, 1984, is amended to read as follows, with any affected subsections to be renumbered accordingly:

24004.14 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 Boundary and Floodway Maps and the] Flood Insurance Rate Maps for the unincorporated area of Jackson County, Missouri published by the [United States Department of Housing and Urban Development, Federal Insurance Administration dated September 29, 1978 as amended] Federal Emergency Management Agency dated September 29, 2006; index panels 29095 CIND1A and 29095 CIND2A dated September 29, 2006.
- 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.

24004.15 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 main stream, 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 Boundary and Floodway Maps and the] Flood Insurance Rate Maps for the unincorporated area of Jackson County, Missouri published by the [United States Department of Housing and Urban Development, Federal Insurance Administration, dated September 9, 1978 as amended] Federal Emergency Management Agency dated September 29, 2006; index panels 29095 CIND1A and 29095 CIND2A dated September 29, 2006.

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 (1) foot above the regulatory flood protection elevation for the particular area and shall extend at that elevation at least fifteen (15) feet beyond the limits of any structure erected on the fill.

2) 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.

2) 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.

2) Residences. All residences permitted in the FF District, whether site built or manufactured, shall be permanently anchored to permanent foundation.

2) 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.

2) 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.

2) 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.

2) 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.

2) 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.

- 2) 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.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:

Senior Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3833 introduced on October 9, 2006, was duly passed on October 30, 2006 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for her signature.

Date

Mary Jo Spino, Clerk of
Legislature

I hereby approve the attached Ordinance # 3833.

Date

Katheryn J. Shields,
County Executive