

## SECTION

### 14

#### FLOODPLAIN OVERLAY DISTRICT (FP)

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#### **Section 14-1. Statement of Purpose**

**14-1.01** The floodplain regulations set forth in this section, or set forth elsewhere in these regulations, when referred to in this section, are the regulations in the Floodplain Overlay District (FP). The flood hazard areas of Raytown, Missouri 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.

These flood losses are caused by the cumulative effect of obstructions in floodways, causing increases in flood heights and velocities and the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages. The purpose of this district is to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

## **Section 14-2. Applicability, Enforcement, Interpretation and Conflict**

**14-2.01** Land to Which This Section Applies: This section shall apply to all areas of special flood hazards within the incorporated City limits of Raytown.

**14-2.02** Basis for Establishing Areas of Special Flood Hazard: The Board of Aldermen hereby designates the current "Flood Hazard Boundary Maps" of Raytown for lands and amendments as the official maps to be used in determining those areas of special flood hazard in the territory of Raytown, Missouri. Said maps are incorporated herein by reference as part of these zoning regulations.

**14-2.03** Enforcement: The Community Development Director hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this section.

**14-2.04** Rules for Interpretation of District Boundary: The boundary of the Floodplain Overlay District shall be determined by reviewing the Flood Hazard Boundary Maps.@ Where interpretation is needed as to the exact location of the boundaries of the district, the Community Development Director shall make the necessary interpretation based upon data available. The Community Development Director shall maintain the "Flood Hazard Boundary Maps" and other engineering studies relating to flood data. Appeals shall resolve the dispute as provided by law. The owner of the property of which the regulatory flood elevation is in question shall be given a reasonable opportunity to present his case to the Board of Zoning Adjustment and to submit his own technical evidence, if he so desires.

**14-2.05** Methods Used to Analyze Flood Hazards: This ordinance uses a reasonable method of analyzing flood hazards that consists of a series of interrelated steps.

1. Selection of regulatory flood based upon engineering calculations that permit a consideration of such flood factors as: its expected frequency of occurrence, the area inundated and the depth of inundation. The regulatory flood selected for this ordinance is representative of large floods that are reasonably characteristic of what can be expected to occur on the particular streams subject to these regulations. It is in the general order of a flood that could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated as amended, and any future revisions thereto.
2. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overland 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.
4. Delineation of floodway encroachment lines within which no obstruction is permitted that would cause any increase in flood height.
5. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but that still is subject to inundation by the regulatory flood.

**14-2.06** Compliance: No development located within known flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

**14-2.07** Abrogation and Greater Restrictions: It is not intended by these regulations to repeal, abrogate or impair any existent easements, covenants or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.

**14-2.08** Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

**14-2.09 Conflict:** In the event of conflict between any floodplain zoning regulations in this section and any other zoning regulations applicable to the same area, whether the conflict be with respect to the use of land or any other matter, the more stringent limitation or requirement as to flood hazards shall govern and prevail.

### **Section 14-3. Warning and Disclaimer of Liability**

**14-3.01** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Raytown, Missouri or by any officer or employee thereof for any flood damages that result from reliance on these floodplain regulations or any administrative decision lawfully made thereunder.

### **Section 14-4. Floodplain Overlay District**

**14-4.01** The floodplain overlay district shall include only those areas of special flood hazard as designated by the Federal Insurance Administration's "Flood Hazard Boundary Map" and any revisions thereto. The floodplain overlay district created for this section is FP (Floodplain Overlay District).

**14-4.02 Permitted Uses:** Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodplain Overlay District to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. The following are recommended uses for the Floodplain Overlay District.

1. Agricultural uses such as general farming, pasture, nurseries, forestry.
2. Residential uses such as lawns, gardens, parking and play areas.
3. Non-residential uses such as loading areas and parking spaces.

4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

### **Section 14-5. Zoning Permits Required**

**14-5.01** No person, firm or corporation shall erect, construct, enlarge or improve any building or structure or make other developments or cause the same to be done within an area of special flood hazard without first obtaining a separate Building Permit for each building or structure, including new construction, substantial improvements and other developments, including the placement of manufactured homes.

**14-5.02** To obtain a Building Permit, the applicant shall first file an application in writing on a form furnished for that purpose by the Community Development Director. Every such application shall:

1. Identify and describe the work to be covered by the permit for which the application is made.
2. Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitively locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans and specifications for the proposed construction.
5. Be signed by the permitted or his authorized agent who may be required to submit evidence to indicate such authority.
6. Be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement) or, in the case of floodproofed nonresidential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations shall be maintained by the Community Development Director.
7. Give such other information as reasonably may be required by the Community Development Director.

**14-5.03** The Community Development Director shall review all Building Permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal, state or local law.

**14-5.04** The Community Development Director, in reviewing all Building Permit applications within special flood hazard areas, shall obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study, and require within areas designated as Zone A on the official Flood Hazard Boundary Map that performance standards presented in Section 14-6 of this section are met.

**14-5.05** Duties of the Community Development Director include, but not be limited to:

1. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
2. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Notify adjacent communities and the Missouri Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. Verify, record and maintain records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
6. Verify, record and maintain records of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
7. When floodproofing is utilized for a particular structure, the Community Development Director shall be presented

certification from a registered professional engineer or architect.

## **Section 14-6. Development Standards**

**14-6.01 Residential Construction:** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least three (3) feet above the base flood elevation. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Community Development Director.

**14-6.02 Nonresidential Construction:** New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least three (3) feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level is watertight with walls substantially impermeable to the passage of water and with structure components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Community Development Director.

### **14-6.03 Manufactured Homes and Recreational Vehicles:**

1. In addition to the above standards, those presented elsewhere in these zoning regulations, and any applicable state regulations, all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state laws, these zoning regulations, local building codes and Federal Emergency Management Agency (FEMA) guidelines. In the event that over-the-top frame ties-to-ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - (a) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations; and manufactured homes less than fifty (50) feet long require one (1) additional tie per side.
  - (b) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points; manufactured homes less than

fifty (50) feet long will require four (4) additional ties per side.

- (c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds as determined by a registered professional engineer.
  - (d) Any additions to manufactured homes shall be similarly anchored.
2. The Community Development Director shall assure that all manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:
- (a) Outside of a manufactured home park or subdivision,
  - (b) In a new manufactured home park or subdivision,
  - (c) In an expansion to an existing manufactured home park or subdivision, or
  - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood
- be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or more than three (3) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14-6.03(1).
3. The Community Development Director shall assure that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Section 14-6.03(2) be elevated so that either:
- (a) The lowest floor of the manufactured home is at or more than three (3) feet above the base flood elevation, or
  - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty

six (36) inches in height above grade and securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14-6.03(1).

4. The Community Development Director shall require that recreational vehicles placed on sites within the identified floodplain on the community's FIRM either (a) be on the site for fewer than one hundred eighty (180) consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements and the elevation and anchoring requirements for manufactured homes of these regulations. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

**14-6.04** General Standards: In all areas of special flood hazards, the following provisions are required:

1. Fully enclosed areas for all new construction and substantial improvements that are below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to equalize hydrostatic flood forces automatically on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. The use of construction materials that are resistant to flood damage.

3. The use of construction methods and practices that will minimize flood damage.
4. New structures shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
5. New structures shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. All proposed developments are consistent with the need to minimize flood damage, and such proposals include regulatory flood elevation data.
7. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
8. All public utilities and facilities are located so as to minimize or eliminate flood damage.
9. The Board of Aldermen shall insure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency (FEMA). Moreover, the City will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.
10. Storage of Material and Equipment
  - a. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
  - b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable

from the area within the time available after flood warning.

11. Subdivision proposals and other proposed new development, including manufactured home parks or subdivision, shall be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals that regulatory flood elevation.

#### **Section 14-7. New Water and Sewer Systems**

**14-7.01** New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into, floodwaters. Moreover, on-site waste-disposal systems shall be designed to avoid impairment or contamination during flooding. A registered professional engineer shall certify that the standards of this section are satisfied. Such certification shall be provided to the Community Development Director.

#### **Section 14-8. Nonconforming Uses and Structures**

**14-8.01** All nonconforming uses and structures within the Floodplain Overlay District (FP) shall be subject to the following requirements:

1. A structure or use of a structure or premise that was lawful before the passage of these floodplain regulations but that is not in conformity with the provisions of said regulations may be continued subject to the following conditions:
  - (a) No such use or substantial improvement of that use shall be expanded, changed, enlarged or altered in any way which increases its nonconformity.
  - (b) If such use is discontinued for six (6) consecutive months or more, any future use of the building premises shall conform to the provisions established in this section. The Department of Public Works shall notify the Community Development Director in writing of instances of nonconforming uses where utility

services have been discontinued for a period of six (6) months.

- (c) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of its fair market valuation before the damage occurred unless it is reconstructed in conformity with the provisions established in this section. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the costs of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### **Section 14-9. Changes and Amendments**

**14-9.01** The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Raytown, Missouri. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. These regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations.

#### **Section 14-10. Variances**

**14-10.01** Variances and Variance Procedures: The Board of Zoning Adjustment shall hear and decide all variances from the requirements of this section and shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Community Development Director in the enforcement or administration of this section.

- 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood

level, providing the items in this section have been fully considered.

**14-10.02** Variances for Historic Places: Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

**14-10.03** Additional Conditions for Variances: The Board of Zoning Adjustment, in passing upon variance applications in the Floodplain Overlay District (FP), shall consider all technical evaluations, all relevant factors, standards specified in this section and the following:

1. The danger that materials may be swept onto other land to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
7. The safety of access to the property in times of flood for ordinary and emergency vehicles.
8. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at this site.
9. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

10. The relationship of the proposed use to the comprehensive plan and floodplain-management program for that area.
11. The compatibility of the proposed use with existing and proposed development.

#### **14-10.04 Additional Variance Procedures**

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall only be issued upon: 1) a showing of good and sufficient cause, 2) a determination that failure to grant the variance would result in practical difficulties or exceptional hardship to the applicant and 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public or conflict with existing local laws, regulations or ordinances.
3. Upon consideration of the factors listed above and the purposes of this section, the Board of Zoning Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
4. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

#### **Section 14-11. Penalties for Violation**

**14-11.01** Violation of the provisions of this ordinance for failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or sentenced to not more than thirty (30) days in jail, and in addition, shall pay all costs and expenses involved in the case. Each day such violation

continues shall be considered a separate offense. Nothing herein contained shall prevent the Board of Aldermen or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.