

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE CHAPTER 404, FLOODPLAIN MANAGEMENT, AND ADOPTING NEW FLOOD INSURANCE RATE MAPS AND THE CORRESPONDING FLOOD INSURANCE STUDY.

WHEREAS, the City of Parkville participates in the federal floodplain management program, regulating development and activities within designated flood hazard areas;

WHEREAS, the City's floodplain regulations are adopted in Parkville Municipal Code Chapter 404, *Floodplain Management*, which was last updated in 2000 via Ordinance 1912;

WHEREAS, the Chapter 404 incorporates separate Flood Insurance Rate Map (FIRM) panels which delineate 100-year floodplains, floodways and other flood hazard areas and the supporting flood insurance study (FIS) by reference;

WHEREAS, in the fall of 2014 the City was notified by the Federal Emergency Management Agency (FEMA) that a new FIS and FIRM panels, and specific amendments to Chapter 404 must be adopted prior to April 2, 2015 in order to continue participation in the federal floodplain management program;

WHEREAS, in addition to the changes required by FEMA, other changes are proposed to address administration and otherwise clarify Chapter 404;

WHEREAS, all proposed amendments have been reviewed by FEMA and verified to meet or exceed the minimum requirements for ongoing participation in the National Flood Insurance Program;

WHEREAS, amendment of Chapter 404 requires a public hearing before the Planning and Zoning Commission in accordance with RSMo 89.050 and Parkville Municipal Code Chapter 483 and accordingly all public hearing notices were posted and published as required;

WHEREAS, at its February 10, 2015 regular meeting, the Planning & Zoning Commission held the required public hearing, concurred with conclusions and recommendations in staff's February 6, 2014 report and following consideration unanimously recommended approval by a vote of 8-0;

WHEREAS, the Board of Aldermen hereby concurs with the Planning Commission's conclusions and accepts their recommendation;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Parkville Municipal Code, Title IV, Chapter 400, Section 404.010, subsection A, is hereby repealed and replaced as follows:

- A. *Statutory Authorization.* The legislature of the State of Missouri has in RSMo 79.110 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the Board of Aldermen of the City of Parkville, Missouri, ordains as follows.

SECTION 2. Parkville Municipal Code, Title IV, Chapter 400, Section 404.010, subsection B, 3, a, is hereby repealed and replaced as follows:

- a. Selection of a base 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 Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams including the Missouri River and other water ways subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Platte County dated April 2, 2015 as amended, and any future revisions thereto.

SECTION 3. Parkville Municipal Code, Title IV, Chapter 400, Section 404.020, subsections A and B, are hereby repealed and replaced as follows:

- A. *Lands To Which Chapter Applies.* This Chapter shall apply to all lands within the jurisdiction of the City of Parkville, Missouri identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Maps (FIRMs) for Platte County on map panels 29165C0295D, 29165C0313D, 29165C0360D, 29165C0370D, 29165C0376D, 29165C0377D, 29165C0378D, 29165C0379D, 29165C0383D, 29165C0386D, 29165C0387D, 29165C0391D, and 29165C0392D dated April 2, 2015 as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section 404.040.
- B. *Floodplain Administrator.* The Assistant City Administrator is hereby designated as the Floodplain Administrator under this Chapter.

SECTION 4. Parkville Municipal Code, Title IV, Chapter 400, Section 404.020, subsection E, is hereby repealed and replaced as follows:

- E. *Interpretation.* In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City of Parkville, and shall not be deemed a limitation or repeal of any other powers granted by the Missouri State Statutes.

SECTION 5. Parkville Municipal Code, Title IV, Chapter 400, Section 404.030, *Administration*, is hereby repealed and replaced as follows:

- A. *Floodplain Development Permit (Required).* A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 404.020, A. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
- B. *Designation Of Floodplain Administrator.* The Assistant City Administrator is hereby

appointed to administer and implement the provisions of this Chapter.

C. *Duties And Responsibilities Of Floodplain Administrator.* Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Missouri State Emergency Management Agency (Mo SEMA) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed; and
9. When floodproofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

D. *Application For Floodplain Development Permit.* To obtain a floodplain development permit, the applicant shall first file a complete floodplain development permit application with the Floodplain Administrator for review and action. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;

4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the Floodplain Administrator;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

SECTION 6. Parkville Municipal Code, Title IV, Chapter 400, Section 404.040, subsection A, 2, is hereby repealed and replaced as follows:

2. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

SECTION 7. Parkville Municipal Code, Title IV, Chapter 400, Section 404.040, subsections A, 5 and 6, are hereby repealed and replaced as follows:

5. *Storage, material, and equipment*
 - a. The storage or processing of materials within the special flood hazard area 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, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
6. *Accessory structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

SECTION 8. Parkville Municipal Code, Title IV, Chapter 400, Section 404.040, subsection B, 1, C, (1), is hereby repealed and replaced as follows:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided; and

SECTION 9. Parkville Municipal Code, Title IV, Chapter 400, Section 404.040, subsection D, 4, is hereby repealed and replaced as follows:

4. In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Section 404.040(A)(2).

SECTION 10. Parkville Municipal Code, Title IV, Chapter 400, Section 404.050, subsections A through D, are hereby repealed and replaced as follows:

- A. *Establishment Of Appeal Board.* The Board of Zoning Adjustment as established by the City of Parkville shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.
- B. *Responsibility Of Appeal Board.* Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Section 404.050(A).

The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

- C. *Further Appeals.* Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the Platte County Circuit Court as provided in RSMo 89.110.
- D. *Floodplain Management Variance Criteria.* In passing upon such applications for variances, the Board of Zoning Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:
 1. The danger to life and property due to flood damage;
 2. The danger that materials may be swept onto other lands to the injury of others;
 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 flood damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and
11. 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; streets; and bridges.

SECTION 11. Parkville Municipal Code, Title IV, Chapter 400, Section 404.050, subsection F, is hereby repealed and replaced as follows:

- F. *Conditions For Approving Variances For Accessory Structures.* Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Section 404.050(D) and (E) of this Chapter.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in flood-prone areas only.
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below highest adjacent grade, must be built with flood-resistant materials in accordance with Section 404.040(A)(4)(b) of this Chapter.
3. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with Section 404.040(A)(4)(a) of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above highest adjacent grade or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 404.040(A)(4)(d) of this Chapter.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with the NFIP regulations.

6. Equipment, machinery, or other contents must be protected from any flood damage.
7. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
8. A community shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for every one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below highest adjacent grade increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
9. Wet-floodproofing construction techniques must be reviewed and approved by the Floodplain Administrator and a professional engineer or architect registered in the State of Missouri prior to the issuance of any floodplain development permit for construction.

SECTION 12. Parkville Municipal Code, Title IV, Chapter 400, Section 404.070, *Amendments*, is hereby repealed and replaced as follows:

The regulations, restrictions, and boundaries set forth in this Chapter 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 of interest and citizens shall have an opportunity to be heard. All notices shall be in accordance with the requirements of Chapter 483, *Changes and Amendments*, Section 483.030, *Public Hearing*. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

SECTION 13. Parkville Municipal Code, Title IV, Chapter 400, Section 404.0870, *Definitions*, is hereby amended to repeal and replace the definitions for “appurtenant structure,” “development,” “existing structure,” “floodproofing,” “participating community (also known as an eligible community),” “principally above ground,” “start of construction,” “substantial damage,” and “substantial improvement,” and to add a definition for “substantially improved existing manufactured home parks or subdivisions,” all as follows:

APPURTENANT STRUCTURE

A structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

DEVELOPMENT

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.

EXISTING CONSTRUCTION

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "*Existing construction*" may also be referred to as "*existing structures*."

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

PARTICIPATING COMMUNITY (ALSO KNOWN AS AN ELIGIBLE COMMUNITY)

Also known as an "*eligible community*," means a community in which the Administrator has authorized the sale of flood insurance.

PRINCIPALLY ABOVE GROUND

That at least fifty one percent (51%) of the actual cash value of the structure, less land value, is above ground.

START OF CONSTRUCTION

Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The **actual start** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the **actual start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure," or
3. Any improvement to a building.

SUBSTANTIAL IMPROVEMENT

Any combination of reconstruction, alteration, or improvement to a building, taking place

during a 10 year period, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work done.

The term does not apply to:

1. any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
2. any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." or
3. any building that has been damaged from any source or is categorized as repetitive loss.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS

Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

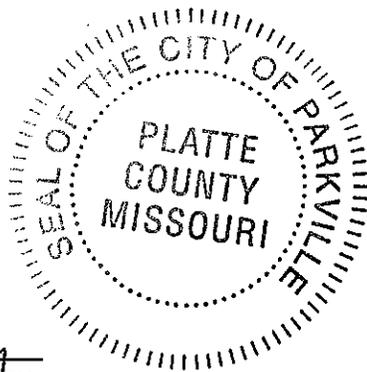
SECTION 14. The Flood Insurance Study for Platte County dated April 2, 2015 as listed in Section 2 of this ordinance and the specific Flood Insurance Rate Map panels for Platte County dated April 2, 2015 as listed in Section 3 of this ordinance, are hereby adopted by reference, and shall be kept on file at Parkville City Hall for public use, inspection and examination.

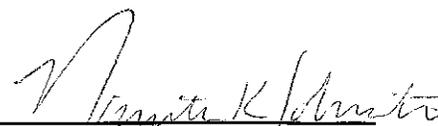
SECTION 15. This ordinance shall become effective April 2, 2015.

PASSED and APPROVED by the Board of Aldermen of the City of Parkville, Missouri this 17th day of February 2015.

ATTESTED:


City Clerk Melissa McChesney




Mayor Nanette K. Johnston