

## CPD-DS Floodplain Development Permit

information bulletin no. 120

[www.kcmo.gov/planning](http://www.kcmo.gov/planning)**FLOODPLAIN DEVELOPMENT PERMIT REQUIRED:**

Code of Ordinances Chapter 28, Floodplain Management, requires that a floodplain development permit shall be obtained for all proposed development, including substantial improvements to existing structures, within any area designated as a 'Special Flood Hazard Area' by the official floodplain document.

**"Development"** means 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.

**"Substantial Improvement"** means any combination of reconstruction, alteration, or improvement to a building, taking place over a five-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.

FEMA has published updated 'Flood Insurance Rate Maps' for the City with an effective date of January 20, 2017. **Note that a requirement of a one foot 'free board' above the FEMA base flood elevations has been adopted by the City.** See [Ordinance Chapter 28](#) for details.

Special Flood Hazard Areas may be viewed on the City's GIS [Parcel Viewer](#). Select the 'Layers' tab to activate the 'Floodplain' layer.

**APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT:**

A floodplain development permit application shall be filed with the City Planning and Development Department at the following location. ***Application may be made online via [CompassKC](#).***

City Planning and Development Department -- Development Services Attention: Plans  
Management Branch  
414 E. 12<sup>th</sup> St., 5<sup>th</sup> Floor Kansas City,  
Missouri 64106  
Telephone 816-513-1500 FAX 816-513-1484 Email [cdpermits@kcmo.org](mailto:cdpermits@kcmo.org)

The floodplain development permit application is separate from the application for a building permit. It may be filed at the same time or prior to application for building permit.

The floodplain development permit application shall include the following information:

1. Completed Floodplain Development Permit Application form (see attached). Attach a completed copy to the online [CompassKC](#) application.
2. Applicable filing fees. Fees can be obtained on our [Fee Schedule Page](#).

3. An electronic (pdf) set of plans, sealed by a Missouri registered engineer, architect or land surveyor, indicating the following:
  - a) The existing and proposed contours of the land and the elevation of the lowest floor level of proposed buildings, including the location of the floodplain boundary and the boundary of the floodway, if applicable, and the elevation of the regulatory flood level.
  - b) The elevations and boundary locations for BOTH the FEMA base flood elevation (BFE), and for the BFE plus required one foot free board, shall be shown.
  - c) The location and elevation of the City Bench Mark in the area.
  - d) All elevations shall be based on the North American Vertical Datum 1988 - NAVD 1988 (as provided by most current FEMA map).
  - e) All existing and proposed structures on the property.
  - f) That any proposed development or substantial improvement for a **residential structure** has the lowest floor, including basement, **elevated** to at least one foot above the level identified in the official floodplain document as "base flood elevation."
  - g) That any proposed development or substantial improvement for a **nonresidential structure** has the lowest floor, including basement, **elevated or floodproofed** to at least one foot above the highest level identified in the official floodplain document as "base flood elevation".
  - h) For floodproofed structures, sufficient details to demonstrate how floodproofing is achieved.
  - i) Verification that all utilities, heating, ventilating and air-conditioning equipment will be protected from flood damage by elevation or other approved methods.
  - j) In 'Areas of Shallow Flooding (Zones AO and AH)', adequate drainage paths around any structures on slopes shall be shown to guide floodwaters around and away from the structure.
  - k) The floodplain development permit plans shall include only information relevant to demonstrate compliance to the Floodplain Ordinance (the complete building plan set shall not be used for the floodplain development permit application).
4. If any development is proposed in a floodway, the application shall include hydrologic and hydraulic analyses demonstrating that there is no increase in flood levels in the occurrence of a base flood, sealed by a Missouri registered engineer.
5. Evidence that any permits required by section 10 of the Rivers and Harbors Act of 1899 and/or section 404 of the Clean Water Act have been obtained from the Kansas City District, Corps of Engineers office.
6. Evidence that approval of the appropriate levee district has been obtained, as applicable.

### SUBSTANTIAL IMPROVEMENT

When reconstruction, alteration, or improvement is proposed to an existing structure that has not been demonstrated to be elevated or floodproofed in accordance with Ordinance Chapter 28, it shall be demonstrated by the applicant that the project does not meet the definition of a 'substantial improvement' per Ordinance Chapter 28.

A letter shall be provided that includes the following:

- the valuation of all work proposed with the current permit application
- a listing of all improvements that have occurred within the last 5 years and the valuation

- evidence of the current market value of the building (excluding land value)
- calculation showing that the total improvement within 5 years is less than 50%

The letter shall include the following statement, and shall be signed and/or sealed by the Missouri registered architect or engineer of record for the proposed project:

*The above is a complete listing of all improvements proposed under the current permit application(s) and to the best of my knowledge includes all improvements performed in the last five years for the subject structure or property. In my professional opinion the figures provided are accurate representations of the valuation of these improvements in accordance with FEMA definitions and requirements.*

The requirement for a five-year inventory may be waived for projects of minor scope. A formal appraisal of the property may be required to demonstrate current market value when deemed appropriate.

#### ISSUANCE OF FLOODPLAIN DEVELOPMENT PERMIT:

A floodplain development permit will be issued by the City Planning and Development Department/Development Services following review and approval of the complete floodplain development permit application. One set of the approved floodplain development plans will be returned to the applicant stamped & approved. NOTE THAT THIS APPROVAL ONLY ADDRESSES COMPLIANCE TO THE FLOODPLAIN ORDINANCE -- any required building or construction permits must be obtained prior to beginning work.

#### ELEVATION/FLOODPROOFING CERTIFICATES AND AS-CONSTRUCTED PLANS:

Upon completion of the work authorized by the floodplain development permit, an 'as-constructed' plan, and a completed Elevation Certificate and/or Floodproofing Certificate (as applicable), shall be submitted for approval. These documents shall be prepared and sealed by a Missouri registered engineer, architect or land surveyor.

These forms are available on FEMA's website:

[Elevation Certificate](#)

[Floodproofing Certificate](#)

If the as-constructed plans and Elevation and/or Floodproofing Certificates are in conformance with the approved plans and Floodplain Development Permit, the documents will be approved and copies will be provided to the applicant. If the as-constructed plans and Elevation and/or Floodproofing Certificates are not in conformance with the approved plans or Floodplain Development Permit, the applicant shall be given written notice of the deficiencies. Such deficiencies shall be corrected within 30 days.

A certificate of occupancy or final approval of a building permit will not be issued until the as-constructed plans and the Elevation and/or Floodproofing Certificates have been approved.

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## VARIANCES TO FLOODPROOFING AND ELEVATING REQUIREMENTS:

The Building and Fire Codes Board of Appeals is authorized to grant variances to the floodplain management requirements when it can be demonstrated that the conditions and criteria for variance, as enumerated in KCMO Code of Ordinances, Chapter 28, Article 5, have been met. ALL REQUESTS FOR VARIANCE SHALL BE IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

See [Information Bulletin 126](#) for application to the Building & Fire Code Board of Appeals (BFCBA). Prior to application to the BFCBA, a Floodplain Development Permit application shall be made – the review for suitability for submittal to the BFCBA will be tracked under the Floodplain Development Permit application.

### Requirements for Variance:

A. It is the applicant's responsibility to include documentation with the variance application, demonstrating that all requirements of KCMO Code of Ordinances Sec 28-75, FEMA Publication P-933, and 44 CFR 60.6(3)(i)-(iii) and (4) are met, including:

1. *Variances shall only be issued by a community upon*

(i) *A showing of good and sufficient cause.*

The applicant shall provide a detailed analysis as to the good and sufficient cause for granting the variance. Note that here must be a "Good and Sufficient Cause" unique to the site in order to grant a variance, and that financial considerations do not constitute a Hardship (see also [Section 3 of FEMA Publication P-933](#)

(ii) *A determination that failure to grant the variance would result in exceptional hardship to the applicant.*

The applicant shall provide a detailed analysis as to how failure to grant the variance would result in exceptional Hardship. Note that here must be a "Good and Sufficient Cause" in order to grant a variance, and personal, financial, or aesthetic considerations do not constitute a Hardship (see also [Section 3 of FEMA Publication P-933.](#))

*A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*

The applicant shall provide a detailed analysis as to how granting of a variance will not result in increased flood heights, additional threats to public safety (including emergency response personnel responding to a flood event), extraordinary public expense (including impacts to the National Flood Insurance Program), create nuisances, cause fraud on or victimization of the public (for future owners of the parcel), or conflict with existing local laws or ordinances (including but not limited to the City's FEMA Community Rating Service (CRS) credits for implementing higher standards). See [Sections 3.3.5 – 3.3.9 of FEMA Publication P- 933.](#)

2. *Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*

The applicant shall provide a detailed analysis that the variance is the minimum necessary, considering the flood hazard, to afford relief to the Substantial Improvement and floodproofing requirements detailed in the local Flood Hazard Ordinance and 44 CFR 60.3. This shall include an analysis of the base flood elevation in relation to attributes of the proposed substantial improvement, so that a finding may be made by the city that the variance is the "minimum"

necessary to afford relief due to the unique circumstances of this lot and the proposed development specifically, that are not also endemic to neighboring properties. In addition, all other applicable floodproofing measures must be applied to the maximum extent feasible under the provisions of the variance as it pertains to the good and sufficient cause and hardship. See [section 3.3.10 of FEMA Publication P-933](#) and the [Non-residential flood proofing certificate form](#).

**B.** The submitted information shall be subject to staff review in accordance with Ordinance and FEMA requirements. A staff report to the Board will be provided, including a written finding and a recommendation based on a detailed analysis of the merits of the variance request, which may include a recommendation for denial, and where applicable, recommendations to properly condition approval of the variance detailing the specific compliance requirements to afford the minimum relief necessary in relation to the hardship, should the variance meet the criteria for approval. This may include, but not be limited to, application of specific flood damage prevention and floodproofing measures to the development, copy of the certificate of floodproofing, etc. See [FEMA Publication P-933](#).

# FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Application No.: \_\_\_\_\_ Date: \_\_\_\_\_

TO THE ADMINISTRATOR: The undersigned hereby makes application for a permit to develop in the Special Flood Hazard Area (SFHA) or "floodplain." The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be in accordance with the requirements of the Floodplain Management Ordinance and with all other applicable county/city ordinances, federal programs, and the laws and regulations of the State of Missouri.

Owner or Agent	Date	Contact Person for this application
Address	Address	
E-mail Address and Telephone Number	E-mail Address and Telephone Number	

**SITE DATA**

1. Location: \_\_\_\_\_ 1/4; \_\_\_\_\_ 1/4; Section \_\_\_\_\_; Township \_\_\_\_\_; Range \_\_\_\_\_  
Street Address: \_\_\_\_\_
2. Type of Development: Filling  Grading  Excavation  Minimum Improvement   
Routine Maintenance  Substantial Improvement  New Construction  Other
3. Description of Development: \_\_\_\_\_
4. Premises: Structure Size \_\_\_\_\_ ft. By \_\_\_\_\_ ft. Area of Site \_\_\_\_\_ Sq. Ft.  
Principal Use: \_\_\_\_\_ Accessory Uses (storage, parking, etc.): \_\_\_\_\_
5. Value of Improvement (fair market): \$ \_\_\_\_\_ Pre-Improvement/Assessed Value of Structure: \$ \_\_\_\_\_
6. Is the Property Located in a Designated FLOODWAY? Yes  No   
**IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE (1%) FLOOD ELEVATIONS.**
7. Is the Property Located in a Designated Floodplain FRINGE or a Floodplain (SFHA) without a Designated FLOODWAY? Yes  No
8. Elevation of the 1% Base Flood (ID source) \_\_\_\_\_ NGVD/NAVD
9. Elevation of the Proposed Development Site \_\_\_\_\_ NGVD/NAVD
10. Community Ordinance Elevation/Floodproofing Requirement \_\_\_\_\_ NGVD/NAVD
11. NFIP Flood Insurance Rate Map Panel(s) Number(s) \_\_\_\_\_
12. Other Permits Required?
 

Corps of Engineer 404 Permit:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Provided <input type="checkbox"/>
State Department of Natural Resources 401 Permit:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Provided <input type="checkbox"/>
Environmental Protection Agency NPDES Permit:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Provided <input type="checkbox"/>

All Provisions of Ordinance Number \_\_\_\_\_, the "Floodplain Management Ordinance", shall be in Compliance.

**PERMIT APPROVAL/DENIAL**

Plans and Specifications Approved/Denied this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_

Signature of Property Owner or Agent	Authorizing Official
Print Name and Title	Print Name and Title

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED \_\_\_\_\_ FOOT/FEET ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED \_\_\_\_\_ FOOT/FEET ABOVE THE BASE FLOOD ELEVATION.

THIS PERMIT IS USED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.