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**File #: 260196**

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ORDINANCE NO. 260196

Amending Chapter 28, Code of Ordinances, Floodplain Management, by repealing Sections 28-51, 28-52 and 28-53, and enacting in lieu thereof new sections of like number and subject matter to implement changes required by Federal Emergency Management Agency's (FEMA) Community Rating System.

WHEREAS, per Ordinance No. 230932, City Council adopted the Federal Emergency Management Agency's ("FEMA") Flood Insurance Rate Maps for the City to continue to participate in the National Flood Insurance Program (NFIP); and

WHEREAS, the City participates in FEMA's Community Rating System program ("CRS"), a voluntary incentive program that encourages floodplain management practices that exceed the minimum requirements of NFIP, which helps residents access discounted flood insurance premiums; and

WHEREAS, CRS requires certain changes be made to Chapter 28, Floodplain Management, for Kansas City to remain a Class 8 community or improve a class, a designation that determines the discount on flood insurance premiums; and

WHEREAS, these changes include requiring mechanical and equipment (M&E) 1-foot elevation and removal of the exception for manufactured home elevations in existing parks; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 28, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing sections 28-51, 28-52 and 28-53, relating to flood hazard reduction, and enacting in lieu thereof new sections of like number and subject matter to read as follows:

**Sec. 28-51. General standards.**

(a) No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.

(b) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance (aka 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 City shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources.

(c) Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zones or AE zones on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

(d) All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

- (1) Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) Construction with materials resistant to flood damage;
- (3) Utilization of methods and practices that minimize flood damages;
- (4) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located to be elevated a minimum of one (1) foot above the base flood elevation;
- (5) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
- (6) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are 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 and constructed to minimize or eliminate flood damage;
  - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and

d. All proposals for development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is lesser, include within such proposals base flood elevation data.

(e) Storage, material, and equipment

(1) 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.

(2) 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.

(f) Nonconforming Use. A structure, or the use of a structure or premises that was lawful before the passage or amendment of the chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

(1) If such structure, use, or utility service is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this chapter.

(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 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

(g) 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 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; the accessory structure meets the following floodplain management requirements; and a floodplain development permit has been issued. Wet-floodproofing is only allowed for small low-cost structures.

(h) Hazardous Materials. All hazardous material storage and handling sites shall be located out of the special flood hazard area. Refer to Article XIII for the definition of a Hazardous Material.

(i) Cumulative Improvement. A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed 49 percent of the structure's current market value. If the cumulative value of the improvement exceeds 49 percent of the structure's

current market value, the structure must be brought into compliance with the requirements of this chapter for substantial improvements.

(j) **Critical Facilities.**

- (1) All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the 500-year flood level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the 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 floodplain administrator as set forth in the NFIP regulations.
- (2) All critical facilities shall have access routes that are above the elevation of the 500-year flood.
- (3) No critical facilities shall be constructed in any designated floodway.

(k) **Agricultural Structures.** Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, 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; there is no permanent retail, wholesale, or manufacturing use included in the structure; the structure meets the following floodplain management requirements; and a floodplain development permit has been issued.

**Sec. 28-52. Specific standards.**

In all areas identified as numbered and unnumbered A zones, AE, and AH zones, where base flood elevation data have been provided, as set forth in section 28-51, the following provisions are required:

- (1) **Residential Construction.** New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect. Machinery or equipment, including heating, ventilation, and air conditioning systems, serving the building must be elevated to at least the same level as the lowest floor.

- (2) Non Residential Construction. New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Missouri registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in section 28-33(9). Machinery or equipment, including heating, ventilation, and air conditioning systems, serving the building must be elevated or flood-protected to at least the same level as the lowest floor.
  
- (3) Enclosures Below Lowest Floor. Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used 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 automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. 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; and
  
  - b. The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

**Sec. 28-53. Manufactured homes.**

(a) All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the City's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(b) Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the City's FIRM on sites:

- (1) Outside of manufactured home park or subdivision;

- (2) In a new manufactured home park or subdivision;
- (3) In an expansion to an existing manufactured home park or subdivision; or
- (4) 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 one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect. Machinery or equipment, including heating, ventilation, and air conditioning systems, serving the building must be elevated to at least the same level as the lowest floor.

(c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the City's FIRM, that are not subject to the provisions of section 28-54(b), be elevated so that the lowest floor of the manufactured home is elevated to a minimum of one (1) foot above the base flood elevation and is securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect. Machinery or equipment, including heating, ventilation, and air conditioning systems, serving the building must be elevated to at least the same level as the lowest floor.

Approved as to form:



Authenticated as Passed

  
Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

FEB 26 2026

Date Passed

  
Euard Alegre  
Associate City Attorney