

## Legislation Text

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**File #:** 2016-0711, **Version:** 1

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PUBLIC HEARING - Appl. #PL2016-200 - Unified Development Ordinance (UDO) AMENDMENT #59 - Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant.

Issue/Request:

In order to meet Federal Emergency Management Association (FEMA) requirements, it was necessary to make substantial revisions to the City's current Floodplain Overlay District ordinance. Adopting language specifically required by FEMA is necessary for the City to continue participating in the National Flood Insurance Program (NFIP). Failure to be part of the NFIP would prohibit property owners from obtaining flood insurance on their property when required by lenders. Currently, there are 129 active flood insurance policies on properties in Lee's Summit, and those properties' values total approximately \$15M to \$20M. In past practice, when properties are uninsurable, lenders have called in the loans on homes.

A model ordinance was provided by the Missouri State Emergency Management Association (SEMA) in order to assist municipalities in drafting local ordinances in compliance with the new requirements. The model SEMA ordinance was largely formatted to match the City's UDO.

Key Changes Include:

1) The new Ordinance adopts new Flood Insurance Rate Maps (FIRM) published by FEMA as part of the reviews and changes based on periodic changes or additional hydraulic modeling. Adopting the new maps change the boundaries of the Special Flood Hazard Areas.

- The preliminary flood maps are based on 2006 flown aerial LiDAR contour mapping on 2-foot intervals which is generally much more accurate than the 10-foot interval USGS data used for the previous map versions.
- 450 acres removed from floodplain (no longer requires flood insurance)
- 450 acres added to floodplain (these newly included properties may require flood insurance)

2) Section for Administration of Flood Plain Ordinance added to clearly define roles, responsibilities and process

Flood Plain Administrator clearly identified; in past, was not specifically stated, but implied by actions required of City Engineer  
Application process and what required on permits defined

3) Reorganized Standards sections

General Requirements in all cases  
Specific requirement based on type of work

4) Definitions replaced to match model ordinance

All but a few definitions were modified slightly; and there were many new definitions, so the entire section was replaced for simplicity

5) Added Statutory Authorization section as required by FEMA (cites specific state statutes)

6) Added statements of purpose

7) Added requirement that notices of insurance rates will be affected for non-compliance

8) Clarifies the appeals/variance process

Describes Process

Identifies BZA as body that can grant a variance

Spells out conditions that must be met to approve a variance

Identifies Circuit Court as the body to review appeals of BZA rulings

9) Clarifies penalties for violation as needed to comply with FEMA

Clearly defines that each day out of compliance is a violation

Adds statement that City may pursue civil litigation to mitigate / abate violations if not done so by property owner

Proposed City Council Motion:

I move to direct staff to present an ordinance approving Appl. #PL2016-200 - Unified Development Ordinance (UDO) AMENDMENT #59 - Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant.

Recommendation: Staff recommends approval of UDO Amendment #59.

Committee Recommendation: On the motion of Mr. DeMoro, seconded by Mr. Funk the Planning Commission members voted unanimously by voice vote on November 22, 2016, to recommend **APPROVAL** of Application PL2016-200, Unified Development Ordinance (UDO) Amendment 59: Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant; subject to staff's [undated] report.