



CITY PLANNING & DEVELOPMENT

Floodplain Development Permit
Information Bulletin No. 120

kcmo.gov/planning

Purpose

[Chapter 28, Floodplain Management](#), requires a floodplain development permit be obtained for all proposed development, including improvements to existing structures, within any area designated as a "Special Flood Hazard Area" by the official floodplain document.

FEMA has published updated "Flood Insurance Rate Maps" for the City with an effective date of January 20, 2017, and December 7, 2023. Note that a requirement of a one foot "free board" above the FEMA base flood elevations has been adopted by the City; see [Chapter 28](#) for details. Special Flood Hazard Areas may be viewed on [Parcel Viewer](#) by selecting the "Layers" tab and activating the "Floodplain" layer; or view the maps on the [FEMA Flood Map Service Center](#). Additional floodplain management information is available through [FEMA](#) and [SEMA](#).

Definitions

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/drilling operations, or storage of equipment or materials.

Substantial Improvement - 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 forty-nine percent (49%) 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.

Application for Floodplain Development

A floodplain development permit application shall be filed with the City Planning & Development Department (CPD) on [CompassKC](#). This is separate from the application for a building permit. It may be filed at the same time or prior to the application for a building permit. The floodplain development permit, when required, must be issued before any development/work in the floodplain begins, or for alterations to an existing building that is in the floodplain, whether or not a building permit is required to be issued by CPD. The floodplain development permit application shall include the following:

1. Completed Floodplain Development Permit Application form (see attached). Upload a completed copy with the [CompassKC](#) application. All items, except for the approval/denial dates and the signature of the authorizing official, on the application must be filled in including a signature of the owner or agent. The application number is obtained after filing.
2. Applicable filing fees - see [Fee Schedule Page](#). An invoice will be created after the application is filed.
3. A pdf set of plans labeled as "Floodplain Exhibit," sealed by a Missouri registered engineer, architect, or land surveyor, with 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 the BFE plus the required one-foot free board shall be shown.
 - c. The location and elevation of the City Benchmark 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. Where applicable, that any proposed development or substantial improvement for a **residential** structure has the lowest floor, including basement, elevated to at least 1' above the BFE.
 - g. Where applicable, that any proposed development or substantial improvement for a **nonresidential** structure has the lowest floor, including basement, elevated or floodproofed to at least 1' above the BFE.
 - 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 info 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 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.
 7. For existing buildings considered to be in the floodplain. When reconstruction, alteration, or improvement is proposed to an existing structure that has not been demonstrated to be elevated or floodproofed in accordance with [Chapter 28](#), it shall be demonstrated by the applicant that the project doesn't meet the definition of a "substantial improvement" per [Chapter 28](#). A substantial improvement letter shall be provided that includes the following:
 - a. The valuation of all work proposed with the current permit application.
 - b. A listing of all improvements that have occurred within the last five years and the valuation.
 - c. Evidence of the current market value of the building (excluding land value). A formal appraisal of the property may be required to demonstrate current market value when deemed appropriate.
 - d. Calculation showing that the total improvement within five years is less than 49%.
 - e. The statement, "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."
 - f. A signature and/or seal by the Missouri registered architect or engineer of record for the proposed project.

Issuance of Floodplain Development Permit

A floodplain development permit will be issued by CPD following review and approval of the completed floodplain development permit application. A set of the approved floodplain development plans will be uploaded to [CompassKC](#). This approval only addresses compliance with the floodplain ordinance. **Any required building or construction permits must be obtained prior to beginning work**; see [IB100 or IB110](#)

Elevation/Floodproofing Certificates and As-Constructed Plans

Upon completion of the work authorized by the flood plain development permit, an “as-constructed” (/ “as-built”) plan, and 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, as applicable, have been approved.

Variances to Floodproofing and Elevating Requirements

The Building and Fire Codes Board of Appeals (BFCBA) 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 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 [IB 126](#) for the application to the BFCBA. Prior to application to the BFCBA, a Floodplain Development Permit application shall be made. The review for the suitability for submittal to the BFCBA will be tracked under the Floodplain Development Permit application.

Requirements for Variance

It is the applicant’s responsibility to include documentation with the variance application, demonstrating all requirements of [Section 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
 - a) *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. There must be a “good and Sufficient Cause” unique to the site to grant a variance, and financial considerations don’t constitute a Hardship (§3 of [FEMA Publication P-933](#)).
 - b) *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. There must be a “Good and Sufficient Cause” to grant a variance, and personal, financial, or aesthetic considerations don’t constitute a Hardship (§3 of [FEMA Publication P-933](#)).
 - c) *A determination that the granting of a variance will not result in increased flood heights, additional treats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and 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 the 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). (§3.3.5-3.3.9 of [FEMA Publication P-933](#)).
 - d) *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. (§3.3.10 of [FEMA Publication P-933](#) and the [Non-residential floodproofing certificate form](#)).

- 2) The submitted information shall be subject to staff review in accordance with Chapter 28 and FEMA requirements. A staff report to the BFCBA 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. ([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
_____ Telephone Number and E-Mail Address		_____ Telephone Number and E-Mail Address

SITE DATA

- Location: _____ 1/4; _____ 1/4; Section _____; Township _____; Range _____
Street Address: _____
- Type of Development: Filling Grading Excavation Minimum Improvement
Routine Maintenance Substantial Improvement New Construction Other
- Description of Development: _____
- Premises: Structure Size _____ ft. By _____ ft. Area of Site _____ Sq. Ft.
Principal Use: _____ Accessory Uses (storage, parking, etc.): _____
- Value of Improvement (fair market): \$ _____ Pre-Improvement/Assessed Value of Structure: \$ _____
- 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.**
- Is the Property Located in a Designated Floodplain FRINGE or a Floodplain (SFHA) without a Designated FLOODWAY? Yes No
- Elevation of the 1% Base Flood (ID source) _____ NGVD/NAVD
- Elevation of the Proposed Development Site _____ NGVD/NAVD
- Community Ordinance Elevation/Floodproofing Requirement _____ NGVD/NAVD
- NFIP Flood Insurance Rate Map Panel(s) Number(s) _____
- Other Permits Required? Corps of Engineer 404 Permit: Yes No Provided
State Department of Natural Resources 401 Permit: Yes No Provided
Environmental Protection Agency NPDES Permit: Yes No Provided

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.