

Introduced by Councilmember Culpepper
(UDCT-09-23-8882)

BILL NO. 5144

ORDINANCE NO. 5265

**AN ORDINANCE AMENDING SECTION 408.010 OF THE UNIFIED DEVELOPMENT CODE,
OF THE CODE OF ORDINANCES OF THE CITY OF BLUE SPRINGS ADOPT THE NEW
FLOOD INSURANCE STUDY (FIS)**

WHEREAS, The City of Blue Springs adopted a Unified Development Code (UDC) in 1996 by passage of Ordinance No. 2738 on November 18, 1996, and readopted an amended Unified Development Code on August 3, 2015, by passage of Ordinance No. 4558; which has been further amended for maintenance purposes, as well as to respond to changing development patterns and keep up to date with current trends; and

WHEREAS, City staff is committed to bringing forward amendments to the UDC as needed; and

WHEREAS, the Council recognizes the benefits of participation in the National Flood Insurance Program's (NFIP) Community Rating System (CRS); and

WHEREAS, the proposed UDC amendments are necessary to update the effective date of the Flood Insurance Study (FIS) from FEMA in order to continue the participation in NFIP's CRS; and

WHEREAS, the City Council is elected to promote the community's health, safety, and welfare, which duty includes proper planning and ordinances designed to provide for a coordinated development of the City and the reduction of conflicting use to promote the general welfare; and,

WHEREAS, the Development Advisory Commission recommend the approval of amendments to the Unified Development Code; and

WHEREAS, the Planning Commission held a public hearing and, after discussion, recommends to the City Council the language set forth below; and

WHEREAS, after due notice, public hearings were held before the Planning Commission at its October 9, 2023, meeting and City Council at its October 16, meeting; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

NOTE: LANGUAGE TO BE ADDED IS UNDERLINED. LANGUAGE TO BE DELETED IS SHOWN AS ~~STRICKEN~~. Sections and Subsections not set out herein are not amended or changed.

Section 1. That Section 408.010 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

Section 408.010. Floodplain Management — FW-O And FF-O Districts.

A. Statutory Authorization. The Legislature of the State of Missouri has in Section 89.020, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the City Council of the City of Blue Springs, Missouri exercises such responsibility as follows:

1. Findings Of Fact.

- a. Flood Losses Resulting From Periodic Inundation. The special flood hazard areas of the City of Blue Springs, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- b. General Causes Of The Flood Losses. These flood losses are caused by:
 - (1) The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
 - (2) The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- c. Methods Used To Analyze Hazards. The Flood Insurance Study (FIS) that is the basis of this Section uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
 - (1) 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 Section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Section. 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 Jackson County dated ~~January 20, 2017~~ December 7, 2023, as amended, and any future revisions thereto.

D. Districts Established.

1. The mapped floodplain areas within the City are hereby redivided into two (2) Overlay Zoning Districts: (1) the FW-O, Floodway Overlay District, and (2) the FF-O, Floodway Fringe Overlay District. Within these Overlay Districts all uses shall be required to comply with the standards of this Section and the standards of the underlying zoning district. This Section and the districts to be established hereafter shall apply to all lands within the jurisdiction of the City of Blue Springs identified as numbered or unnumbered A Zones and AE, AO and AH Zones on the Flood Insurance Rate Maps (FIRM) for Jackson County Panels 29095C0309G, 29095C0312G, 29095C0314G, 29095C0316G, 29095C0317G, 29095C0318G, 29095C0319G, 29095C0336G, 29095C0338G, 29095C0434G, 29095C0435G,

29095C0451G, and 29095C0453G dated January 20, 2017, as amended, and any future revisions.

2. Selection of the regulatory flood is based upon engineering calculations that permit consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood that is reasonably characteristic of what can be expected to occur on the particular streams subject to this Chapter is in general order of a flood that 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 Flood Insurance Study and illustrative materials for Jackson County, Missouri, dated ~~January 20, 2017~~ December 7, 2023, as amended, and any future revisions thereto.

Section 2. That this Ordinance shall be in full force and effect from and after its passage and approval.

Section 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 16th day of October 2023.

CITY OF BLUE SPRINGS



Carson Ross, Mayor

ATTEST:



Sheryl Morgan, City Clerk

1st Reading: October 16, 2023
2nd Reading: October 16, 2023

CITY OF BLUE SPRINGS, MISSOURI



**CITY COUNCIL
OCTOBER 16, 2023**

EXHIBITS FOR PUBLIC HEARING

UNIFIED DEVELOPMENT CODE AMENDMENT - FLOODPLAIN

UDCT-09-23-8882

EXHIBIT #1 City Council Information Form dated October 10, 2023 with the following attachments: Staff report with attachments; Application with attachments; Affidavit of Publication in *The Examiner* on September 16, 2023; Title IV, Land Use Section – Blue Springs Code of Ordinances (by reference); 2014 Comprehensive Plan (by reference) and Bill approving amendments


Exhibit 1
CITY COUNCIL
UDC AMEND - FLOODPLAIN
UDCT-09-23-8882
 10/16/2023

**CITY OF BLUE SPRINGS
CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: October 10, 2023

SUBMITTED BY: Mike Mallon

DEPARTMENT: Community Development

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

A public hearing is being held at the request of the City of Blue Springs for consideration of amendments to the Unified Development Code to adopt the new Flood Insurance Study from FEMA (UDCT-09-23-8882). Upon conclusion of the public hearing, a Bill approving the amendments to Section 408.010 of the City of Blue Springs Unified Development Code will be ready for introduction and readings.

BACKGROUND/JUSTIFICATION

The proposed UDC Text Amendments are being proposed as part of a larger City effort to raise the City's CRS rating which in turns lowers floodplain insurance for homeowners and property owners that have property in the floodplain.

The proposed amendments specifically change the effective date of the Flood Insurance Study to December 7, 2023. Staff recommends approval of the UDC changes.

The Development Advisory Commission recommended approval (3 aye, 0 no) of the UDC text amendment.

The Planning Commission recommended approval (7 aye, 0 no) of the UDC text amendment.

FINANCIAL IMPACT

Contractor:	N/A
-------------	-----

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
October 10, 2023	N/A

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	Development Advisory Commission
Date:	September 28, 2023
Action:	Recommended Approval; 3-aye, 0-no
Name of Board or Commission:	Planning Commission
Date:	October 9, 2023
Action:	Recommended Approval; 7-aye, 0-no

ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Staff Report with attachments; Application with attachments; Affidavit of Publication in The Examiner on September 16, 2023; Title IV, Land Use Section – Blue Springs City Code of Ordinances (by reference); and 2014 Comprehensive Plan (by reference)
2. Bill

REVIEWED BY

Requesting Director: Mike Mallon	Budget: N/A
Legal: Sarah E. Carnes	City Administrator: Christine Cates



PLANNING COMMISSION STAFF REPORT

Meeting Date:	October 9, 2023
Case File Number:	UDCT-09-23-8882

Project Name:	UDC Amendments – Floodplain FIS
Type of Application:	UDC Text Amendment
Request:	Proposed UDC Text Amendments to Section 408.010 of the Floodplain Management Section of the Unified Development Code to adopt the new Flood Insurance Study (FIS).

Applicant/Developer:	City of Blue Springs/ City Staff
Attachments:	Proposed UDC Text Amendments
Development Advisory Commission:	September 28, 2023
Planning Commission:	October 9, 2023
City Council:	October 16, 2023
Planner:	Mike Mallon, Director Community Development

BACKGROUND INFORMATION/SUMMARY:

The proposed UDC Text Amendments are being proposed as part of a larger City effort to raise the City's CRS rating which in turns lowers floodplain insurance for homeowners and property owners that have property in the floodplain.

The proposed amendments specifically change the effective date of the Flood Insurance Study to December 7, 2023. Staff recommends approval of the UDC changes.

PREVIOUS ACTIONS/APPROVALS:

- The City of Blue Springs adopted a Unified Development Code (UDC) in 1996 by passage of Ordinance No. 2738 on November 18, 1996.
- An amended Unified Development Code was adopted on August 3, 2015, by passage of Ordinance No. 4558.
- The Unified Development Code has been further amended since 2015 for maintenance purposes, as well as to respond to changing development patterns and keep up to date with current trends.

- The UDC was amended in May 2023 to update the City's Floodplain regulations to help increase the City's rating under the National Flood Insurance Program's (NFIP) Community Rating System.

The Development Advisory Commission recommended approval (3 aye, 0 no) of the UDC Text Amendments on September 28, 2023.

STAFF ANALYSIS

Text amendments ensure that the generally applicable laws in this Development Code reflect the broad public interest and long-range planning goals of the community, as reflected in the Comprehensive Plan. The City may determine that it is necessary from time to time to revise and update this Development Code to implement the Comprehensive Plan.

Section 403.020 of the UDC states a Text Amendment shall be reviewed according to the following criteria:

Review Criteria. All review bodies shall use the following criteria for review, recommendations and decisions on text amendments:

1. Whether the change is in accordance with the Comprehensive Plan, Design and Construction Manual, or any official plans or programs developed under the guidance of the Comprehensive Plan;

2. Whether such change is consistent with the purposes of this Development Code, and the intent or objectives of any Chapter or Subsection containing the change;

3. The areas that are most likely to be directly affected by the amendment and in what way they will be affected;

4. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas and zoning districts affected; and

5. The recommendations of professional staff.

Staff finds that the proposed UDC amendments meet the above criteria and therefore recommends approval of the UDC Text Amendments.

PROPOSED UDC TEXT AMENDMENTS

Language to be added to the UDC is UNDERLINED.

Language to be deleted from the UDC is shown as ~~STRICKEN~~.

Section 408.010. Floodplain Management — FW-O And FF-O Districts.

A. Statutory Authorization. The Legislature of the State of Missouri has in Section 89.020,

RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the City Council of the City of Blue Springs, Missouri exercises such responsibility as follows:

1. Findings Of Fact.

- a. Flood Losses Resulting From Periodic Inundation. The special flood hazard areas of the City of Blue Springs, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- b. General Causes Of The Flood Losses. These flood losses are caused by:
 - (1) The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
 - (2) The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- c. Methods Used To Analyze Hazards. The Flood Insurance Study (FIS) that is the basis of this Section uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
 - (1) 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 Section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Section. 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 Jackson County dated January 20, 2017 December 7, 2023, as amended, and any future revisions thereto.

D. Districts Established.

1. The mapped floodplain areas within the City are hereby redivided into two (2) Overlay Zoning Districts: (1) the FW-O, Floodway Overlay District, and (2) the FF-O, Floodway Fringe Overlay District. Within these Overlay Districts all uses shall be required to comply with the standards of this Section and the standards of the underlying zoning district. This Section and the districts to be established hereafter shall apply to all lands within the jurisdiction of the City of Blue Springs identified as numbered or unnumbered A Zones and AE, AO and AH Zones on the Flood Insurance Rate Maps (FIRM) for Jackson County Panels 29095C0309G, 29095C0312G, 29095C0314G, 29095C0316G, 29095C0317G, 29095C0318G, 29095C0319G, 29095C0336G, 29095C0338G, 29095C0434G, 29095C0435G, 29095C0451G, and 29095C0453G dated January 20, 2017, as amended, and any future revisions.

2. Selection of the regulatory flood is based upon engineering calculations that permit consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood that is reasonably characteristic of what can be expected to occur on the particular streams subject to this Chapter is in general order of a flood that 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 Flood Insurance Study and illustrative materials for Jackson County, Missouri, dated ~~January 20, 2017~~ December 7, 2023, as amended, and any future revisions thereto.

RETURN TO
 Director of Community Development
 City Hall Annex - 903 Main
 Blue Springs, Missouri 64015
 816-228-0207
 FAX 816-228-0225
 Return no later than
Friday - Noon - Cutoff
comdevlegal@bluespringsgov.com
www.bluespringsgov.com

OFFICE USE ONLY - Updated Feb. 13, 2020
FILING FEE: \$500.00 (Non-Refundable)
 CASE NO. UDCT- 09-23-8882
 CK# n/a
 P.C. HEARING 10/9/23
 DATE ADVERTISED 9/16/23
 COUNCIL MTG. 10/10/23
 Revenue Account: 100.00000.430 100.000
 Planner: MIKE MALLON



UNIFIED DEVELOPMENT CODE TEXT AMENDMENT APPLICATION FORM

Application is hereby made to the Planning Commission and the City Council of the City of Blue Springs Missouri for a text amendment to the city's Unified Development Code.

APPLICANT: CITY OF BLUE SPRINGS - COM DEV DATE: 9/7/23
 (Please Print)
 ADDRESS: 903 W. MAIN ST PHONE: _____
 CITY/STATE/ZIP: BSMO 64145 FAX: _____

TEXT AMENDMENT REQUESTED

Chapter _____ Section _____ Title _____

PROPOSED CHANGE IN TEXT:

ADOPT FEMA FLOODPLAIN MAPS

PURPOSE FOR WHICH AMENDMENT IS SOUGHT:

UPDATE EFFECTIVE DATE SECTION 408.010.A.1.C
TO DECEMBER 7, 2023

[Signature]
 Signature

THE EXAMINER

AFFIDAVIT OF PUBLICATION

Notice ID: mn2Rbjm54jn2L1k0fb4
Adopt the new Flood Insurance Study

AFFIDAVIT OF PUBLICATION: #1452770

STATE OF MISSOURI, COUNTY OF JACKSON, SS:

Faythe King

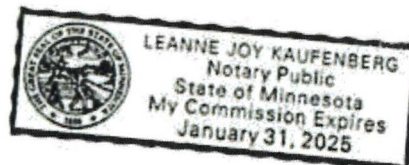
I, Faythe King, of lawful age, being duly sworn upon oath, deposes and says that I am the Authorized Agent of Examiner, a publication that is a "legal newspaper" as that phrase is defined for the city of Independence, for the County of Jackson, in the state of Missouri, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

16 Sep 2023


Authorized Agent


Notary, State of MN, County of Redwood
Commission expires January 31, 2025

Printer's Fee: \$68.20



PUBLIC NOTICE Unified Development Code Text Amendment UDCT-09-23-8882

AN ORDINANCE AMENDING SECTION 408.010 OF THE UNIFIED DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF THE CITY OF BLUE SPRINGS TO ADOPT THE NEW FLOOD INSURANCE STUDY

Notice is hereby given that a public hearing will be held by the Planning Commission of the City of Blue Springs on **Monday, October 9, 2023 at 6:30 p.m.** in the Council Chamber of the Howard L. Brown Public Safety Facility at 1100 SW Smith Street for the purpose of hearing interested parties and citizens on a request by the applicant, City of Blue Springs, for the approval of the Unified Development Code Text Amendments as referenced above. Interested parties may view the application materials on file by contacting the Community Development Department via email at ComDev-Legal@bluespringsgov.com or at City Hall at 903 W. Main Street, Blue Springs, MO.

CITY OF BLUE SPRINGS
Planning Commission

The City Council of the City of Blue Springs will also hold a public hearing on the above noted Unified Development Code Text Amendment / UDCT-09-23-8882 on **Monday, October 16, 2023, at 6:00 p.m.** in the Council Chamber of the Howard L. Brown Public Safety Facility to consider the application and the recommendation of the Planning Commission.

CITY OF BLUE SPRINGS
City Council

PUBLISH: Saturday, September 16, 2023

E-MAIL TO THE EXAMINER :
legals@examiner.net

09/13/2023

Published in the Examiner, Sep 16, 2023

1452770

UDCT-09-23-8883
UDC Text Amendments - Floodplain FIS
Exhibit #3

PUBLIC NOTICE

Unified Development Code Text Amendment UDCT-09-23-8882

AN ORDINANCE AMENDING SECTION 408.010 OF THE UNIFIED DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF THE CITY OF BLUE SPRINGS TO ADOPT THE NEW FLOOD INSURANCE STUDY

Notice is hereby given that a public hearing will be held by the Planning Commission of the City of Blue Springs on **Monday, October 9, 2023 at 6:30 p.m.** in the Council Chamber of the Howard L. Brown Public Safety Facility at 1100 SW Smith Street for the purpose of hearing interested parties and citizens on a request by the applicant, City of Blue Springs, for the approval of the Unified Development Code Text Amendments as referenced above. Interested parties may view the application materials on file by contacting the Community Development Department via email at ComDevLegal@bluespringsgov.com or at City Hall at 903 W. Main Street, Blue Springs, MO.

CITY OF BLUE SPRINGS
Planning Commission

The City Council of the City of Blue Springs will also hold a public hearing on the above noted Unified Development Code Text Amendment / UDCT-09-23-8882 on **Monday, October 16, 2023, at 6:00 p.m.** in the Council Chamber of the Howard L. Brown Public Safety Facility to consider the application and the recommendation of the Planning Commission.

CITY OF BLUE SPRINGS
City Council

PUBLISH: Saturday, September 16, 2023
E-MAIL TO THE EXAMINER: legals@examiner.net
09/13/2023