

Attachment 12

**City of Farmington
Flood Plain Development Ordinances**

Chapter 415: Floodplain Management

Cross References — Building codes, ch. 500; civil disaster and emergencies, ch. 225; planning, ch. 400; streets, sidewalks and other public places, ch. 510; subdivision regulations generally, ch. 410; topography, natural vegetation and flooding in subdivisions, §410.070(7); storm drainage improvement in subdivisions, §410.080(5); utilities, Title VII.

Section 415.010 Statutory Authorization, Findings of Fact and Purposes.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002; Ord. No. 11-2I 74 §2, 6-14-2011]

- A. *Statutory Authorization.* The Legislature of the State of Missouri has in Chapter 89, RSMo., as amended, delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the City of Farmington, Missouri, ordains as follows.
- B. *Findings Of Fact.*
 1. *Flood losses resulting from periodic inundation.* The flood hazard areas of Farmington, 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.
 2. *General cause of these flood losses.* These flood losses are caused by:
 - a. The cumulative effect of obstructions in floodways causing increases in flood heights and velocities.
 - b. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.
 3. *Methods used to analyze flood hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
 - a. 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 Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. 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 St. Francois County dated June 16, 2011, as amended, and any future revisions thereto.
 - b. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - c. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 - e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the regulatory flood.
- C. *Statement Of Purpose.* It is the purpose of this Chapter to promote the public health, safety, and general welfare and to minimize those losses described in Subsection (B)(1) by applying the provisions of this Chapter to:
 1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the City to purchase flood insurance in the National Flood Insurance Program.

Section 415.020 Definitions.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002; Ord. No. 11-2H1 §1, 2-17-2004]

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

ACTUARIAL OR RISK PREMIUM RATES

Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

APPEAL

A request for a review of the Planning and Zoning Administrator's interpretation of any provision of this Chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO or AH Zone on the City's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD

The flood having a one percent (1%) chance of being equalled or exceeded in any given year.

DEVELOPMENT

Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or material.

EXISTING CONSTRUCTION

For the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of the City on which the Flood Insurance Study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the City.

FLOOD INSURANCE STUDY

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODWAY OR REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY FRINGE

That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of flood occurrence in any one (1) year).

FREEBOARD

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in States without approved programs.

MANUFACTURED HOME

A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel or contiguous parcels of land which has been divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by

a community and includes any subsequent improvements to such structures.

OVERLAY DISTRICT

A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

RECREATIONAL VEHICLE

A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

START OF CONSTRUCTION (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348))

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety Code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE

A grant of relief to a person from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter where specific enforcement would result in unnecessary hardship.

Section 415.030

General Provisions.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002; Ord. No. 11-2H1 §2, 2-17-2004; Ord. No. 11-2I 72 §1, 6-6-2011; Ord. No. 11-2I 74 §§1, 3, 6-14-2011]

- A. *Lands To Which Chapter Applies.* This Chapter shall apply to all lands within the jurisdiction of the City of Farmington, Missouri identified as numbered and unnumbered A Zones and AE zones on the Flood Insurance Rate Map (FIRM) for St. Francois County, Missouri on map panels 29187Co255D, 29187Co260D, 29187Co265D, 29187Co266D, 29187Co267D, 29187Co268D, 29187Co269D, 29187Co355D, and 29187Co360D dated June 16, 2011 as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Sections **415.060**, **415.070**, and **415.080**.
- B. *The Enforcement Officer.* The Planning and Zoning Administrator of the City is hereby designated as the City's duly designated Enforcement Officer under this Chapter.
- C. *Rules For Interpretation Of District Boundaries.* The boundaries of the Floodway and Floodway Fringe Overlay Districts shall be determined by scaling distances on the Official Zoning Map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his/her case to the Board and to submit his/her own technical evidence, if he/she so desires.
- D. *Compliance.* No development located within known flood hazard areas of this City shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.
- E. *Abrogation And Greater Restrictions.* It is not intended by this Chapter to repeal, abrogate or impair any existent easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.
- F. *Interpretation.* In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- G. *Warning And Disclaimer Of Liability.* The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This Chapter shall not create liability on the part of the City of Farmington or any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.
- H. *Severability.* If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby. Where a request for a permit to develop or a variance is denied by the Planning and Zoning Administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment.

Section 415.040 Development Permit.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002]

- A. *Permit Required.* No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section **415.020**.
- B. *Administration.*
1. The Planning and Zoning Administrator is hereby appointed to administer and implement the provisions of this Chapter.
 2. Duties of the Planning and Zoning Administrator shall include, but not limited to:
 - a. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Chapter have been satisfied.
 - b. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - c. Notify adjacent communities and the Missouri State Emergency Management Agency prior to any alteration or relocation of a watercourse and shall submit evidence of such notification to the Federal Emergency Management Agency.
 - d. Assure the maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - e. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved residential structures.
 - f. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.
 - g. When floodproofing is utilized for a non-residential structure, the Planning and Zoning Administrator shall be presented certification from a registered professional engineer or architect.
- C. *Application For Permit.* To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
1. Identify and describe the work to be covered by the permit.
 2. Describe the land on which the proposed work is to be done by lot, block, tract, house and street address or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indicate the use or occupancy for which the proposed work is intended.
 4. Be accompanied by plans and specifications for proposed construction.
 5. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.
 6. Give such other information as reasonably may be required by the Planning and Zoning Administrator.

Section 415.050 Establishment of Flood Zone Districts.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002]

The mapped floodplain areas within the jurisdiction of this Chapter are hereby divided into the two (2) districts: a Floodway Overlay District (FW) and a Floodway Fringe Overlay District (FF) identified in the Flood Insurance Study (and accompanying map(s)). Within these districts all uses not meeting the standards of this Chapter and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones (including AE, AO and AH Zones) as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.

Section 415.060 Standards for the Floodway Overlay District and the Floodway Fringe Overlay District.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002]

- A. No permit for development shall be granted for new construction, substantial improvements or other improvements including the placement of manufactured homes within all numbered and unnumbered A Zones (including 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 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this Chapter. If Flood Insurance Study data is not available, the City shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
 5. Until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference: Section 415.010(B)(3) of this Chapter.
 6. *Storage, material and equipment.*
 - a. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - b. Storage of other material may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
 7. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be 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, elevated and constructed to minimize or eliminate flood damage,
 - c. Adequate drainage is provided as to reduce exposure to flood hazards, and
 - d. Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

Section 415.070 Floodway Fringe Overlay District — including AU and AH Zones.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002; Ord. No. 11-2H1 §3, 2-17-2004]

A. *Permitted Uses.* Any use permitted in Section **415.080** shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section **415.060** are met.

B. *Standards For The Floodway Fringe Overlay District.*

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation.
2. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below such a level 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 registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Section **415.040(B)(2)(g)**.
3. Require for all new construction and substantial improvements that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. 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.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Within AH Zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
5. *Manufactured homes.*
 - a. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Manufactured homes must be anchored in accordance with local Building Codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (1) Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring only one (1) additional tie per side.
 - (2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring only four (4) additional ties per side.
 - (3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - (4) Any additions to the manufactured home be similarly anchored.
 - b. Require that all manufactured homes to be placed within Zones A1-30, AH and AE on the above City's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in

above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with provisions of Section **415.070(B)(5)(a)**.

6. Located within the areas of special flood hazard established in Section **415.030(A)** are areas designed as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones.
 - a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the City's FIRM.
 - b. All new construction and substantial improvements of non-residential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the higher adjacent grade at least as high as two (2) feet above the depth number specified in feet on the City's FIRM.
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level 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. Such certification shall be provided to the official as set forth in Section **415.040(B)(2)(g)**.
 - c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
7. *Recreational vehicles*. Recreational vehicles placed on sites within all unnumbered and numbered A Zones shall comply with one (1) of the following:
 - a. Shall be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Shall be fully licensed and ready for highway use; or
 - c. Shall meet the permitting, elevation and anchoring requirements of this Chapter for manufactured homes.
A recreational vehicle shall be considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

Section 415.080 Floodway Overlay District.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002]

- A. *Permitted Uses*. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments, must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachment shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Section **415.060** and **415.070**. The following are recommended uses for the Floodway District.
 1. Agricultural uses such as general farming, pasture, nurseries, forestry.
 2. Residential uses such as lawns, gardens, parking and play areas.
 3. Non-residential areas such as loading areas, parking, airport landing strips.
 4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

5. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through federal, state or other sources or Section 415.060(C)(7) of this Chapter in meeting the standards of this Section.

Section 415.090 Variance Procedures.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002]

- A. The Board of Adjustment as established by the City Council of the City of Farmington shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Planning and Zoning Administrator in the enforcement and administration of this Chapter.
- C. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of St. Francois County as provided in Section 89.110, RSMo.
- D. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other Sections of this Chapter.
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the City;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- E. *Conditions For Variance.*
 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2 — 6) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
 2. Variances may be issued by a community for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in this Section and adding in its place variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any designated roadway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. 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.
6. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 415.100 Non-Conforming Use.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002]

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Chapter, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:
 1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Chapter. The Utility Department shall notify the Planning and Zoning Administrator in writing of instances of non-conforming uses where utility services have been discontinued for a period of twelve (12) months.
 2. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.
- B. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this Chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Section 415.110 Penalties for Violation.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002]

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of the conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute an ordinance violation. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate ordinance violation. Nothing herein contained shall prevent the City of Farmington or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 415.120 Amendments.

[Ord. No. 11-28D-4 §1, 1-18-1993; Ord. No. 11-2H §1, 8-19-2002]

The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general

circulation in the city. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this Chapter are in compliance with the National Flood Insurance Program regulations.