

TITLE IV. LAND USE

CHAPTER 400: PLANNING AND ZONING

COMMISSION

SECTION 400.010: COMPOSITION—TERMS—VACANCY—REMOVAL

There is hereby established within and for the City a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing. (RSMo. §89.320)

SECTION 400.020: COMPENSATION

All citizen members of the Planning and Zoning Commission shall serve without compensation.

SECTION 400.030: OFFICERS

The Planning and Zoning Commission shall elect a Chairman and a Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for re-election.

SECTION 400.040: MEETINGS—RULES—RECORDS

The Planning and Zoning Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records.

SECTION 400.050: EXPENDITURES

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Aldermen.

SECTION 400.060: DUTY OF PUBLIC OFFICIALS TO FURNISH

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

§ 400.070

Huntleigh City Code

§ 400.070

SECTION 400.070: GENERAL POWERS

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Board as outlined in such Chapter.

CHAPTER 405: ZONING REGULATIONS

SECTION 405.010: DEFINITIONS

For the purpose of this Chapter, certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "*building*" includes the word "*structure*", and the word "*shall*" is mandatory and not directory.

ACCESSORY BUILDING: A subordinate building or portion of main building, the use of which is incidental to that of the main building.

BASEMENT: A story partly underground and having at least one-half ($\frac{1}{2}$) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if subdivided and used for dwelling purposes.

BUILDING: A structure as herein defined.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

CELLAR: A story having more than one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurements.

DISTRICT: One (1) or more sections of the City of Huntleigh for which the regulations governing the height, area and use of buildings and premises are the same.

DWELLING, SINGLE-FAMILY: A detached building designed for or occupied exclusively by one (1) family.

FAMILY: One (1) or more persons related by blood or marriage occupying a premises and living as a single housekeeping unit.

FRONTAGE: All the property abutting on one (1) side of a street or place between two (2) intersecting streets or places (crossing or terminating) measured along the line of the street or place or, if the street or place be dead-end street, then all the property abutting on one (1) side between an intersecting street or place and the dead-end of the street or place.

GROUP HOME: Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

HOME OCCUPATION: Any occupation in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in connection with which there is kept no stock in trade nor commodity sold upon the premises, no person employed other than a member of the immediate

family residing in the premises, and no mechanical equipment installed or used except such as is normally used for purely domestic or household purposes; and provided that not over ten percent (10%) of the total actual floor area of any story is used for any professional purposes.

LOT: Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this Chapter.

LOT OF RECORD: A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder of St. Louis County, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Recorder of St. Louis County.

LOT LINES: The lines bounding a lot as defined herein.

LOT, CORNER: A lot situated at the junction of two (2) or more streets or places.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: An interior lot having frontage on two (2) parallel or approximately parallel streets or places.

MOBILE HOME OR HOUSE TRAILER: Any structure used for living or sleeping purposes, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place.

NON-CONFORMING USE: A building or land occupied by a use that does not conform to the regulation of the use district in which it is situated.

PRIVATE CLUB: A building and area used for social purposes only, including the serving of food and refreshments, whose normal use is limited to members of the club and their guests, and which club does not provide a service customarily carried on as a business.

RECREATIONAL VEHICLE: A vehicle whether self-propelled or a trailer which is constructed with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

STABLE, PRIVATE: A stable with capacity for not more than two (2) horses, provided however, that the capacity of a private stable may be increased if the premises whereon such stable is located contains an area of not less than one (1) acre for each horse accommodated.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: A thoroughfare which affords the principal means of access to abutting property.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof and exterior walls.

STRUCTURE: Anything constructed, erected or located thereon, the use of which requires permanent location on the ground or which, though movable, is used for a purpose which usually and customarily involves permanent location on the ground (including, but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, backstops for tennis courts, pergolas and structures for the housing of animals or fowls).

YARD: An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT: A yard extending across the front of the lot between the inner side yard lines and measured between:

11 The front line of the lot and front lines of the building, and

A.2. The front line of the lot and the nearest line of any raised porch or paved terrace.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear of the building.

YARD, SIDE: A yard between the buildings and the side line of the lot and extending from the street line to the rear yard. (Ord. No. 12 §1, 3-20-61)

SECTION 405.020: DISTRICTS—DIVISION—DISTRICT MAP—GENERAL PROVISIONS

B. In order to regulate and restrict the location and the use of buildings, structures and the land for residential, private club, schools or other purposes, to regulate and restrict the height, number of stories, size of buildings and other structures, the size of yards and other open spaces and the density of populations, the City of Huntleigh is hereby divided into two (2) districts which shall be known as:

"A" Single-Family Dwelling District

"B" Residence District

C. The boundaries of the districts are shown upon the map which is made a part of this Chapter, which map is designated as the "District Map". The District Map and all the notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Clerk of the City of Huntleigh, Missouri.

D. All territory hereafter annexed to the City of Huntleigh shall be in the "A" Single-Family Dwelling District until changed by ordinance.

E. Whenever any street, alley or other public or private way is vacated by the Board of Aldermen or by adjoining property owners, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

F. Except as hereinafter provided:

- F.1. No buildings shall be erected, converted, reconstructed or structurally altered nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
- F.2. No building shall be erected, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.
- F.3. No building shall be erected, reconstructed or structurally altered so as to intrude upon the area required for the front, side and rear yards as herein established.
- F.4. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.
- F.5. No building shall hereafter be erected or structurally altered unless located on a lot as herein defined and in no case shall there be more than one (1) building on one (1) lot except as hereinafter provided.
- F.6. No mobile home, house trailer or recreational vehicle shall be kept or used in the City of Huntleigh which is occupied as a home or dwelling or which is used as a place of residence or as sleeping quarters or living quarters.
- F.7. No premises within the City of Huntleigh shall be used for the purpose of open storage. (Ord. No. 12 §2, 3-20-61)

SECTION 405.030: REGULATIONS—USE, HEIGHT AND AREA

- A. *Use Regulations—"A" Single-Family Dwelling District.* In the "A" Single-Family Dwelling District, no building or land shall be used and no-building shall be erected, converted or structurally altered unless otherwise provided in this Chapter, except for one (1) or more of the following uses:
 - A.1. Single-family dwellings.
 - A.2. Truck gardening and crop farming, provided however, that the raising of large numbers of livestock or other farming activity that would be objectionable because of odor, noise or other nuisances shall not be permitted.
 - A.3. Accessory buildings and uses customarily incident to the above uses, including servants' quarters, garages, private kennels and private stables, not involving the conduct of a business.
 - A.4. Bulletin boards and signs not exceeding six (6) square feet appertaining to the lease, hire or sale of a building or premises or stating political points of view, provided however, that not more than one (1) such bulletin board or sign shall be permitted upon each lot or premises. Provided further, that no advertising sign of any other character shall be permitted in the "A" Single-Family Dwelling District.

A.5. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

- B. *Height And Area Regulations—"A" Single-Family Dwelling District.* In the "A" Single-Family Dwelling District, the height of buildings, minimum dimensions of yards and minimum lot area per family shall be as follows:
- B.1. *Height.* No building hereafter erected or structurally altered shall exceed three (3) stories with a maximum height of forty-five (45) feet.
 - B.2. *Area.* Each main residence building to be constructed on said lots shall contain a dwelling space of not less than two thousand five hundred (2,500) square feet finished during initial construction. The floor of the first (1st) story of each main residence building of the one and one-half (1½) story, two (2) story and two and one-half (2½) story type to be constructed on said lots shall contain a minimum of two thousand (2,000) square feet of the required two thousand five hundred (2,500) square feet of dwelling space. The floor of the first (1st) story of each main residence building of the one (1) story type to be constructed on said lots shall contain a minimum of two thousand five hundred (2,500) square feet of dwelling space. Attached garages, porches other than those fully enclosed for dwelling purposes throughout each year and finished during initial construction, laundry, workshop, utility and all other spaces not designed for dwelling purposes shall be and are hereby excluded from dwelling space for the purposes of this Chapter.
 - B.3. *Side and rear yards.* No building and/or accessory building hereafter erected or structurally altered shall be located within fifty (50) feet of any side or rear lot line.
 - B.4. *Front yard.* There shall be a front yard not less than seventy-five (75) feet to the front line of the building.
 - B.5. *Lot area per family.* Every single-family dwelling hereafter erected or structurally altered shall provide a lot area of not less than three (3) acres per family, provided however, that this provision shall not be so interpreted as to preclude the provision for domestic servants employed and living on the premises.
- C. *Use Regulations—"B" Residence District.* In the "B" Residence District, no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this Chapter, except for one (1) or more of the following uses:
- C.1. Any use permitted in the "A" Single-Family Dwelling District.
 - C.2. Churches, but only where adequate parking space for autos is provided upon the lot or tract upon which the church is located.
 - C.3. Private clubs, excepting those the chief activity of which is a service customarily carried on as a business.
 - C.4. Public schools, elementary or high, and other educational institutions with curriculum equivalent to a public elementary school or public high school.
 - C.5. Accessory buildings or uses customarily incident to any of the above uses.
 - C.6. Bulletin boards and signs not exceeding six (6) square feet in area appertaining to the lease, hire and sale of a building or premises or stating political points of view, provided however, that

not more than one (1) such bulletin board or sign shall be permitted upon each lot or premises, excepting corner lots where one (1) such sign shall be permitted facing each street. Provided

further, that no advertising sign of any other character shall be permitted in the "B" Residence District.

D. *Height And Area Regulations—"B" Residence District.* In the "B" Residence District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

D.1. *Height.* No building hereafter erected or structurally altered shall exceed three (3) stories or forty-five (45) feet.

D.2. *Area.* Each main residence building to be constructed on said lots shall contain a dwelling space of not less than two thousand five hundred (2,500) square feet finished during initial construction. The floor of the first (1st) story of each main residence building of the one and one-half (1½) story, two (2) story and two and one-half (2½) story type to be constructed on said lots shall contain a minimum of two thousand (2,000) square feet of the required two thousand five hundred (2,500) square feet of dwelling space. The floor of the first (1st) story of each main residence building of the one (1) story type to be constructed on said lots shall contain a minimum of two thousand five hundred (2,500) square feet of dwelling space. Attached garage, porches, other than those fully enclosed for dwelling purposes throughout each year and finished during initial construction, laundry, work shop, utility and all other spaces not designed for dwelling purposes shall be and are hereby excluded from dwelling space for the purposes of this Chapter.

D.3. *Side and rear yards.* No building and/or accessory building hereafter erected or structurally altered shall be located within fifty (50) feet of any side or rear lot line.

D.4. *Front yard.* There shall be a front yard not less than seventy-five (75) feet to the front line of the building.

D.5. *Lot area for family.* Every single-family dwelling hereafter erected or structurally altered shall provide a lot area of not less than two (2) acres per family, provided however, that this provision shall not be so interpreted as to preclude the provision for domestic servants and/or servants and their families employed by private clubs and living on the premises.

Provided further, that where a lot has less area than herein required and was of record at the time of the passage of this Chapter, said lot may be occupied by a single-family dwelling and the usual accessory buildings and any single-family dwelling existing upon said lot may be structurally altered. (Ord. No. 12 §3, 3-20-61)

SECTION 405.035: ADVERTISEMENTS AND NOTICES

A. *Display Of Advertisements And Notices Prohibited.*

A.1. *Upon public property.* It shall be unlawful for any person to paint, paste, post, affix or maintain any advertising or notice, sign, placard, poster, or device or object of any kind upon any tree, fence, bridge, pole, post or structure in or upon any public street, place or property in the City or to erect or maintain therein or thereon any billboard, fence, sign, structure, device or object of any kind for advertising purposes.

A.2. *Upon private property.* It shall be unlawful for any person to paint, paste, post, affix or maintain any notice, sign, placard, poster, device or object of any kind in or upon any private

property in the City without first obtaining the consent of the owner or lawful occupant of said property or to erect or maintain thereon any billboard, fence, sign, structure, device or object of any kind for advertising purposes.

B. *Exceptions.* This Section shall not apply to the following:

B.1. To public notices, the posting of which is provided for by law or ordinance.

B.2. To real estate "For Sale" or "For Rent" or "For Lease" signs placed or maintained upon property to which the notice refers with the consent of the owner thereof; provided, that such signs shall not exceed six (6) square feet in area. Provided further, that not more than one (1) such sign shall be permitted upon each lot or premises, excepting corner lots where one (1) such sign shall be permitted facing each street.

B.3. To notices regarding exhibitions or entertainment for charitable purposes or educational institutions, or which are not open to the public generally. (CC 1955 §§803.1–803.2; Ord. No. 13 §1, 3-20-61)

SECTION 405.040: NON-CONFORMING USES

- A. Any premises or buildings that are lawfully used at the time of the passage of this Chapter may be continued, even though such use does not conform to the provisions hereof, but no non-conforming use shall be extended, enlarged or rebuilt and if such non-conforming uses are discontinued, any future uses of said premises or buildings shall be in conformity with the provisions of this Chapter.
- B. No lot shall be used for the purpose of constructing any structure which would be unsafe, inartistic, grotesque, inconsistent with or a hindrance to a generally pleasing, attractive and rational development of the City or a hazard to persons or property therein.
- C. Nothing in this Chapter shall be taken to prevent the restoration of a building destroyed to the extent of not more than seventy-five percent (75%) of its reasonable value by fire, explosion or other casualty or act of God or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. (Ord. No. 12 §4, 3-20-61)

SECTION 405.050: BOARD OF ADJUSTMENT—CREATION OF BOARD OF ADJUSTMENT —NUMBER OF MEMBERS—APPOINTMENT—TERM OF OFFICE

- A. A Board of Adjustment is hereby established. The word "*Board*", when used in this Section, shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members who shall be residents appointed by the Mayor and approved by the Board of Aldermen. The term of office of the members of the Board of Adjustment shall be for five (5) years, excepting that the five (5) members first (1st) appointed shall serve respectively for terms of one (1) year; two (2) years; three (3) years; four (4) years and five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and the Board of Aldermen upon written charges and after public hearing.

- B. The Board shall elect its own Chairman and Secretary who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter.

- C. *Compensation.* Each member of the Board of Adjustment shall receive as full compensation for the performance of all duties an annual salary of one dollar (\$1.00).
- D. *Meetings.* Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such facts and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a court reporter employed by the Board for the purpose.
- E. *Appeals To The Board.*
- E.1. Appeals to the Board may be taken by any person aggrieved or by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the City of Huntleigh effected by any decision of the City Clerk. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the City Clerk and with the Board a notice of appeal specifying the grounds thereof and by paying the City Clerk, at the time the notice is filed, a filing fee of five hundred dollars (\$500.00) which the City Clerk shall forthwith pay over to the City Treasurer to the credit of the General Revenue Fund of the City of Huntleigh. The City Clerk shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- E.2. An appeal stays all proceedings in furtherance of the action appealed from, unless the City Clerk certified to the Board, after the notice of appeal shall have been filed with him/her, that, by reason of facts stated in the certificate, a stay in his/her opinion would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the City Clerk and on due cause shown.
- E.3. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- F. *Jurisdiction, Powers And Duties.* The Board shall have the following powers and it shall be its duty:
- F.1. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the City Clerk in the enforcement of this Chapter.
- F.2. To interpret the provisions of this Chapter in such a way as to carry out the purpose and intent of the plan as shown upon the map fixing the districts, accompanying and made a part of this Chapter, where the property boundaries actually on the ground vary from the property boundaries shown on the map aforesaid.
- F.3. To permit a variation in the yard requirements of this Chapter where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to the topographic or other conditions.
- F.4. To permit the erection and use of a building or the use of a premises in any location for a

public service corporation or for public utility purposes necessary to the public convenience or welfare.

- F.5. To authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Chapter relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him/her unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Comprehensive Plan as established by this Chapter and at the same time the surrounding property will be properly protected.
- G. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as, in its opinion, ought to be made and to that end shall have all the powers of the City Clerk. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Clerk or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter or to effect any variation in this ordinance. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Circuit Court of the County of St. Louis a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the ground of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and be served upon the relator's attorney, which shall be not less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof, as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- H. Costs shall not be allowed against the Board unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceedings under this Section shall have preference over all other civil actions and proceedings. (Ord. No. 12 §5, 3-20-61)

SECTION 405.060: CERTIFICATES OF OCCUPANCY

- A. *Generally.* No vacant land shall be occupied or used, except for truck gardening or agricultural uses, and no building and/or accessory building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the City Clerk.

B. *Certificate Of Occupancy For A Building.*

- B.1. The application for a certificate of occupancy for a new building or the structural alteration of an existing building shall be applied for from the City Clerk before any excavation or construction shall be begun.
- B.2. The City Clerk shall issue a tentative certificate of occupancy, provided the proposed location, erection or structural alteration complies with the provisions of this Chapter, in duplicate, one (1) copy to be placed on file in the office of the City Clerk and the other copy to be posted in a conspicuous place on the building during the construction or alteration, stating that the proposed location, construction and/or structural alteration is in conformity with the provisions of this Chapter.
- B.3. Such a tentative certificate shall be issued for a period of not exceeding one (1) year but may be extended for a similar period if construction or structural alteration is not completed within one (1) year from date of issuance and shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the land and/or building or any other matter covered by this Chapter and such tentative certificates shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. A fee of twenty-five dollars (\$25.00) shall be charged for each tentative certificate of occupancy issued in duplicate and a further charge of one dollar (\$1.00) shall be made for each additional copy.
- B.4. The City Clerk shall issue the final certificate of occupancy for a new building or the structural alterations of an existing building within seven (7) days after the completion of the structure and after application for same has been filed in writing with him/her. The final certificate of occupancy shall state that the building complies with all the provisions of this Chapter.
- B.5. No building or premises shall be occupied or used until the final certificate shall have been issued, unless occupancy is specifically permitted under a tentative certificate during the alteration or construction of an existing building.
- B.6. A fee of one hundred fifty dollars (\$150.00) shall be charged for each final certificate of occupancy for a new building or for the structural alteration of an existing building and a fee of one hundred dollars (\$100.00) shall be charged for the final certificate of occupancy for each accessory building hereafter erected or structurally altered and a further charge of one dollar (\$1.00) shall be made for each additional copy thereof.
- B.7. No final certificate of occupancy shall be issued until the applicant therefor shall have certified to the City Clerk that all damages as referred to in this Section have been repaired or paid for.

C. *Certificate Of Occupancy For Land.*

- C.1. Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within seven (7) days after the application has been made, provided such use is in conformity with the provisions of these regulations.
- C.2. Certificate of occupancy shall state that the proposed use of the land complies with all of the health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the City Clerk and copies shall be furnished,

on request, to any person having a proprietary or tenant interest in the land affected. A fee of one hundred dollars (\$100.00) shall be charged for each certificate of occupancy for land and a further charge of one dollar (\$1.00) shall be made for each additional copy thereof.

- D. *Plats And Other Requirements To Accompany Applications For Tentative Certificates Of Occupancy An Occupancy For Land.* All applications for a tentative certificate of occupancy and all applications for a certificate of occupancy for land shall be accompanied by a drawing or plat, in duplicate, showing the lot plan; the location of the building on the lot; accurate dimensions of buildings and lot; architectural plans and specifications; and such other information as may be necessary to provide for the enforcement of these regulations. Said plat shall be signed and sealed by a registered architect and/or engineer. Said applications as referred to in this Section shall contain a statement that the applicant agrees to assume full personal responsibility and liability for all damage to publicly and privately owned real and personal property within the City of Huntleigh, Missouri, resulting from the acts or omissions of the applicant, his/her agents, servants and employees, the applicant's contractors and their subcontractors, agents, servants and employees and all persons engaged in carrying out the purposes for which a certificate of occupancy shall issue as the result of the application therefor. (Ord. No. 12 §6, 3-20-61)

SECTION 405.070: INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements between parties, the provisions of this Chapter shall govern. (Ord. No. 12 §7, 3-20-61)

SECTION 405.080: VALIDITY

Should any Section, clause or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid. (Ord. No. 12 §9, 3-20-61)

SECTION 405.090: ENFORCEMENT, VIOLATION AND PENALTY

- A. *Enforcement.* It shall be the duty of the City Clerk to enforce this Chapter. Appeal from the decision of the City Clerk may be made to the Board of Adjustment as provided by Section 405.050 of this Chapter.
- B. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy

of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause

any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made pursuant to the authority of Sections 89.010 to 89.140, RSMo.

- C. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
- D. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

CHAPTER 410: SUBMISSION OF PLATS OF

SUBDIVISIONS

SECTION 410.010: SUBMISSION OF PLATS WITHIN OR ADDITIONS TO THE CITY

- A. Whenever any addition to the City of Huntleigh or any subdivision of the property within said City shall be laid out, the owner thereof shall cause an accurate plat thereof to be made setting forth and describing, first, all parcels of ground within such addition or subdivision reserved for public purposes, describing them by boundaries, course and extent, whether intended for avenues, streets, lanes, alleys or other public use; second, all lots for sale by numbers and their precise length and width.
- B. All plats of such subdivision or additions shall be submitted to the Board of Aldermen of the City of Huntleigh, together with a proposed ordinance approving the same, and if the Board of Aldermen shall approve such plat, they shall do so by enacting such proposed ordinance approving the same, and such approval shall be endorsed upon the said plat under the hand of the City Clerk and the Seal of the City of Huntleigh shall be affixed thereto.
- C. Every such plat shall be drawn to scale, said scale to be noted on the plat, having the same written on its face as its title and shall show the position of the land relative to the blocked sections or United States Surveys within which it is situated in such a manner that the precise location of the land purported to be determined can be determined upon inspection of the plat.
- D. Any proprietor, owner, trustee, agent or other person, firm or corporation either selling or offering for sale any parcel of ground within the City of Huntleigh in violation of the foregoing terms and provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not in excess of one hundred dollars (\$100.00) for each such offense. (Ord. No. 29 §§ 1-4, 1966)

CHAPTER 415: FLOOD HAZARD PREVENTION

ARTICLE I. FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION 415.010: FINDINGS OF FACT—STATUTORY AUTHORIZATION

- A. The legislature of the State of Missouri has in Chapter 89 (Section 89.020) of the State Statutes delegated the responsibility to local government units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the Board of Aldermen of the City of Huntleigh ordains flood regulations as set out herein.
- B. The special flood hazard areas of the City of Huntleigh, Missouri, are subject to periodic inundation which results in loss of life, 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.
- C. *General Causes Of The Flood Losses.* These flood losses are caused by the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- D. *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.
 - D.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 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 dated August 2, 1995, as amended, and any future revisions thereto.
 - D.2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - D.3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - D.4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
 - D.5. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but still subject to inundation by the base flood.

SECTION 415.020: STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 415.010(B); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE II. DEFINITIONS

SECTION 415.030: DEFINITIONS

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.

100-YEAR FLOOD: See "*BASE FLOOD*".

ACCESSORY STRUCTURE: Means the same as "*APPURTENANT STRUCTURE*".

ACTUARIAL OR RISK PREMIUM RATES: Those rates established by the Administrator pursuant to individual community studies and investigation which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and accepted actuarial principles. "*Risk premium rates*" include provisions for operating costs and allowances.

ADMINISTRATOR: The Federal Insurance Administrator.

AGENCY: The Federal Emergency Management Agency (FEMA).

APPEAL: A request for a review of the City Clerk's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE: A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SHALLOW FLOODING: A designated AO or AH Zone on a community'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.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING: See "*STRUCTURE*".

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL: The official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

COMMUNITY: Any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

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

ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY: A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION: For the purposes 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*".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An Official Map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATION: A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM): An Official Map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM): An Official Map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

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.

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 or runoff of surface waters from any source.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see "FLOODING").

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on Federal, State and local floodplain maps.

FLOODWAY FRINGE: The area outside the floodway encroachment lines but still subject to inundation by the regulatory 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.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for 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.

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

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.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE OR FAIR MARKET VALUE: An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

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.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of the floodplain management regulations adopted by the community.

NFIP: The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY: Also known as "eligible community", means a community in which the Administrator has authorized the sale of flood insurance.

PERSON: Includes any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State and local governments and agencies.

PRINCIPALLY ABOVE GROUND: At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

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.

REMEDY A VIOLATION: To bring the structure or other development into compliance with Federal, State or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance.

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 National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA: See "AREA OF SPECIAL FLOOD HAZARD".

SPECIAL HAZARD AREA: An area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided that 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 either 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; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or 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.

STATE COORDINATING AGENCY: That agency of the State Government or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "*Structure*", for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair but does not include building materials or supplies intended for use in such construction, alteration or repair unless such materials or supplies are within an enclosed building on the premises.

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 City Clerk 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: 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. Flood insurance requirements remain in place of any varied use or structure and cannot be varied by the community.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

ARTICLE III. GENERAL PROVISIONS

SECTION 415.040: LANDS TO WHICH THIS CHAPTER APPLIES

This Chapter shall apply to all areas within the jurisdiction of the City of Huntleigh, Missouri, identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated August 2, 1995, 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 Article V.

SECTION 415.050: PENALTIES FOR NON-COMPLIANCE

- A. No development located in the special flood hazard areas of this community shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.
- B. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of 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) or imprisoned for not more than ninety (90) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- C. Nothing herein contained shall prevent the City of Huntleigh or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 415.060: ABROGATION AND GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 415.070: INTERPRETATION

In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the Governing Body; and
3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

SECTION 415.080: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods may occur on rare occasions or the flood heights 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 the floodway and floodway fringe or land uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Huntleigh or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

SECTION 415.090: SEVERABILITY

If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid in a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

ARTICLE IV. ADMINISTRATION**SECTION 415.100: ESTABLISHMENT OF A DEVELOPMENT PERMIT**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Article III, Section 415.040. No person, firm or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Article II. Application for a development permit shall be made on forms furnished by the City Clerk and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any non-residential structure is to be floodproofed.
3. Certification from a registered professional engineer or architect that the non-residential floodproofed structure will meet the floodproofing criteria in Article V, Section 415.170.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 415.110: APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- .1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- .2. Identify and describe the work to be covered by the floodplain development permit;
- .3. Indicate the use or occupancy for which the proposed work is intended;
- .4. Indicate the assessed value of the structure and the fair market value of the improvement;
- .5. Specify whether development is located in designated floodway fringe or floodway;
- .6. Identify the existing base flood elevation and the elevation of the proposed development;
- .7. Give such other information as reasonably may be required by the City Clerk;
- .8. Be accompanied by plans and specifications for proposed construction; and
- .9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.

SECTION 415.120: DESIGNATION OF THE LOCAL ADMINISTRATOR

The City Clerk is hereby appointed to administer and implement the provisions of this Chapter by granting or denying development permit applications in accordance with its provisions.

SECTION 415.130: DUTIES AND RESPONSIBILITIES OF THE CITY CLERK

Duties of the City Clerk shall include, but not be limited to:

- .1. Review all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Chapter have been satisfied.
- .2. Review all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law.
- .3. When base flood elevation data has not been provided in accordance with Article III, Section 415.040, then the City Clerk shall obtain, review and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source in order to administer the provisions of Article V.

4. Verify, record and maintain records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

- .5. Verify, record and maintain records of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.
- .6. When floodproofing techniques are utilized for a particular non-residential structure, the City Clerk shall obtain certification from a registered professional engineer or architect.
- .7. Notify adjacent communities and the State Emergency Management Agency (SEMA) prior to any alteration or relocation of a watercourse and shall submit evidence of such notification to the Federal Emergency Management Agency.
- .8. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.
- .9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field condition), the City Clerk shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- .10. Issue floodplain development permits for all approved applications.
- .11. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

SECTION 415.140: VARIANCE PROCEDURES

- A. The Board of Adjustment as established by the City of Huntleigh 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 requirements, decision or determination made by the City Clerk in the enforcement or 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. Louis County, Missouri, as provided in Section 89.110, RSMo.
- D. In passing upon such applications, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:
 - D.1. The danger that materials may be swept onto other lands to the injury of others;
 - D.2. The danger to life and property due to flooding or erosion damage;
 - D.3. The susceptibility of a proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - D.4. The importance of the services provided by the proposed facility to the community;

D.5. The necessity to the facility of a waterfront location, where applicable;

§ 415.140

- D.6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - D.7. The compatibility of the proposed use with existing and anticipated development;
 - D.8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - D.9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - D.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
 - D.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 Variances.*
- E.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, provided Subdivisions (2) through (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.
 - E.2. Variances may be issued for the reconstruction or rehabilitation or restoration of structures listed on the National Register of Historic Places, the State inventory of historic places or local inventory of historic places upon a determination that the proposed activity 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.
 - E.3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - E.4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - E.5. Variances shall only be issued upon:
 - E.5.a. A showing of good and sufficient cause;
 - E.5.b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - E.5.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.
 - E.6. A community shall notify the applicant in writing over the signature of a community official that:

E.6.a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) or one hundred dollars (\$100.00) of insurance coverage; and

E.6.b. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this Chapter.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 415.150: 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 and AE 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 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 community 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 Zone or AE Zone on the 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 (1) foot at any point within the community.
- D. In all areas of special flood hazards (Zones A, AE, A1-30), the following provisions are required in all new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other development:
 - D.1. All new construction, including manufactured homes and substantial improvements, shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - D.2. Shall be constructed with materials resistant to flood damage.
 - D.3. Shall be constructed by methods and practices that minimize flood damage.
 - D.4. Shall be constructed with electrical, heating, ventilation, plumbing and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - D.5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- D.6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters.
- D.7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D.8. *Storage, material and equipment.* 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.
- D.9. 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.
- D.10. 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 elevations 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, Article III, Section 415.040 of this Chapter.

SECTION 415.160: STANDARDS FOR SUBDIVISION PROPOSALS

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

- .1. All such proposals shall be consistent with the need to minimize flood damage.
- .2. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
- .3. Adequate drainage provided to reduce exposure to flood hazards.
- .4. All 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 base flood elevation data.

SECTION 415.170: SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Article III, Section 415.040, the following provisions are required:

- .1. *Residential construction.* New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated one (1) foot above the base flood elevation.

- .2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure including manufactured homes shall either have the lowest floor, including basement, elevated one (1) foot above the base flood elevation or,

together with attendant utility and sanitary facilities, 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 Article IV, Section 415.130.

- .3. *Requirements for all new construction and substantial improvements.* Fully enclosed areas below the lowest floor 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:
 - .3.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
 - .3.b. The bottom of all openings 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 floodwaters.
- .4. In all areas of special flood hazard, once floodway data is obtained as set forth in Section 415.040, the following provisions are required:
 - .4.a. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point; and
 - .4.b. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- .5. *Manufactured homes.*
 - .5.a. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones on the community'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. Manufactured homes must be anchored in accordance with State and local Building Codes and 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:
 - .5.a.(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 one (1) additional tie per side;

- .5.a.(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 four (4) additional ties per side;
- .5.a.(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- .5.a.(4) Any additions to the manufactured home be similarly anchored.
- .5.b. Require manufactured homes that are placed or substantially improved within unnumbered A Zones and AE Zones on the community's FIRM on sites:
 - .5.b.(1) Outside of manufactured home park or subdivision;
 - .5.b.(2) In a new manufactured home park or subdivision;
 - .5.b.(3) In an expansion to an existing manufactured home park or subdivision; or
 - .5.b.(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 level and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- .5.c. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A Zones and AE Zones on the community's FIRM, that are not subject to the provisions of Subparagraph (b) of this Subsection, be elevated so that either:
 - .5.c.(1) The lowest floor of the manufactured home is one (1) foot above the base flood level; or
 - .5.c.(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- .6. *Recreational vehicles.* Recreational vehicles placed on sites within special flood hazard areas on the community's FIRM shall either:
 - .6.a. Be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use*; or
 - .6.b. Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Chapter.

*A recreational vehicle is 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 415.180: AREAS OF SHALLOW FLOODING (AO AND AH ZONES)

Located within the areas of special flood hazard established in Article III, Section 415.040 are areas designated as shallow flooding. 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:

1. *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 one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- b. All new construction and substantial improvements of non-residential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or
 - (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.
- c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- d. The anchoring requirements for manufactured homes as established in Section 415.170, Subsection (5)(a) shall be required.

2. *Within AH Zones.*

- a. The specific standards for all areas of special flood hazard where base flood elevation data has been provided shall be required as set forth in Section 415.170.
- b. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

ARTICLE VI. NON-CONFORMING USE**SECTION 415.190: NON-CONFORMING USE**

- 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:

A.1. If such use is discontinued for thirty-six (36) consecutive months, any future use of the building premises shall conform to this Chapter. The Utility Department shall notify the City Clerk in

writing of instances of non-conforming uses where utility services have been discontinued for a period of thirty-six (36) months.

- A.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 unless 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.

ARTICLE VII. AMENDMENTS

SECTION 415.200: AMENDMENTS

- A. The regulations, restrictions, boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or appealed 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 of Huntleigh.
- B. 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 as published in Title 44 of the Code of Federal Regulations.