

# **ADMINISTRATIVE PROCEDURES GUIDE**



## ***For Floodplain Development***

The City of University City, Missouri has established this guide to establish the procedures for compliance with the National Flood Insurance Program. All permits shall follow the policies and procedures set forth in this guide to ensure that all structures in University City are reasonably safe from flooding.

**All development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment and materials) located within the Special Flood Hazard Area (SFHA) identified as unnumbered A zones and AE zones on the Flood Insurance Rate Map (FIRM) requires a Floodplain Development Permit. This includes new development, substantial damage/improvement, non-substantial damage/improvement, or minor development (fences, accessory structures, grading, et al) that may not require building permits.**

### **SECTION I**

**Non-Substantial Damage or Improvement** – Damage or Improvement of an existing structure that is less than fifty (50%) percent of the current market value of the structure.

No permit for floodplain development shall be granted for non-substantial damage and/or non-substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.

**To obtain a Floodplain Development Permit, the applicant shall first file a Floodplain Development Application.** Every such application shall:

1. Describe the location 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. Use your property survey to determine the Location, Section, Township and Range. If an actual location is difficult to verify, a professional engineer or professional land surveyor must submit location data with the required documentation.

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 flood 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 department of Public Works.
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

## **SECTION II**

**Substantial Damage and/or Substantial Improvement** Substantial Damage or Improvement (renovation or remodeling) of an existing structure (New or accumulated improvement of more than fifty (50%) percent of the current market value of the structure) within a known flood plain boundary shall not be permissible unless some engineered method of making the existing portions comply with current regulations.

No permit for floodplain development shall be granted for substantial damage and/or substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.

**To obtain a Floodplain Development Permit, the applicant shall first file a Floodplain Development Application.** Every such application shall:

1. Describe the location 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. Describe the location 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. Use your property survey to determine the Location, Section, Township and Range. If an actual location is difficult to verify, a professional engineer or professional land surveyor must submit location data with the required documentation.
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 market value of the structure (Can be found in St. Louis County Real Estate Information) and the fair market value of the improvement (Construction costs).
5. Specify whether development is located in designated flood fringe or floodway.

6. Building plans should include the type of structure and proposed use, the placement and elevation of the lowest floor, the type of foundation system, the existence of an enclosure below the lowest floor (if any), the elevation of the lowest floor (including basement) in relation to the base flood elevation (BFE), the kind of potential use of the structure, the height to which a nonresidential structure is to be floodproofed and anchoring systems to stabilize the structure during flooding.
  - a. Identify the existing base flood elevation and the elevation of the proposed development. An Elevation Certificate from a registered professional engineer or architect is required. The Elevation Certificate must state the base flood elevation (BFE) for that parcel and the flood plain boundaries shall be clearly indicated and show path of travel and relationship to any structure on the parcel. The survey must stipulate what the base flood elevation (BFE) is and the lowest (including basement and cellars) structure floor elevation.
  - b. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria or evidence that the residential structure will be constructed outside the floodplain and/or the basement floor elevation is above base flood elevation (BFE).
  - c. New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood level.
7. All substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
  - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. Utilization of methods and practices that minimize flood damages:
    - 1) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
    - 2) Wet floodproofing without a variance is limited to enclosed areas that are solely for parking, building access, or limited storage. These areas must:
      - be used for parking, building access or limited storage,
      - be designed to allow for the automatic entry and exit of flood waters through the use of openings, and
      - be constructed of flood resistant materials.
8. Give such other information as reasonably may be required by the department of Public Works.
9. Be accompanied by plans and specifications for proposed construction; and

10. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

## SECTION III

### **New Development**

No permit for floodplain development shall be granted for new construction, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.

**Application for a floodplain development permit shall be made to the Floodplain Administrator on the appropriate forms and may include, but not be limited to, the following: 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. Describe the location 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. Describe the location 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. Use your property survey to determine the Location, Section, Township and Range. If an actual location is difficult to verify, a professional engineer or professional land surveyor must submit location data with the required documentation.
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 market value of the structure (Can be found in St. Louis County Real Estate Information) and the fair market value of the improvement (Construction costs).
5. Specify whether development is located in designated flood fringe or floodway.
6. 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.
7. The specifics of the property and the proposed development must be included and contain such information as the existing and proposed topography, including spot elevations, boundaries of the flood way and the floodplain, building elevations for all structures showing the level of the base flood elevation (BFE), proposed obstructions in the floodway, illustration of all proposed development,

anchoring requirements, construction materials and methods, utilities, subdivisions encroachments, elevation of the lowest floor and floodways. This information should bear a professional registered architect, engineer, or land surveyor seal, as appropriate.

8. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
  - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. Construction with materials resistant to flood damage.
  - c. Utilization of methods and practices that minimize flood damages.
  - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
9. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
10. The Elevation Certificate must state the base flood elevation (BFE) for that parcel and the flood plain boundaries shall be clearly indicated and show path of travel and relationship to any structure on the parcel. The survey must stipulate what the base flood elevation (BFE) is and the lowest (including basement and cellars) structure floor elevation.
11. Using the flood boundary and floodway map, locate the property, cross section, and street intersections. The plat maps can be utilized to verify or cross check actual locations. If an actual location is difficult to verify, a professional engineer or professional land surveyor must submit location data with the required documentation.
12. An engineer or a land surveyor must address any inquiry regarding actual elevation of a parcel. Estimated elevations can be determined by reviewing the flood maps or the subdivision plat.
13. Upon finding an area to be in the floodway (the crosshatched area on the flood map), all procedures listed are applicable.
14. In order to make any change to a floodway, a State of Missouri professional engineer must perform a hydrological study. The study must be formulated indicating no change of elevation or direction of flow of water will occur at, below or above the improvement due to the improvement. The Board of Adjustment must approve any such change to the floodway.
15. Should the applicant propose to fill the flood plain (not floodway) in order to locate a proposed structure or usable greenspace higher than the base flood elevation

(BFE) this action could be permitted, provided the appropriate surveying is performed, an elevation certificate is submitted reviewed and approved. Failure to properly submit documents or meet the necessary criteria will result in the denial of the Floodplain Development Permit.

16. In the event the surveyor discovers an error in the flood hazard boundary map, the certified surveys may be submitted to the FEMA (Federal Emergency Management Agency) office for consideration of a map amendment. When technical questions are not addressed by information in the flood information file cabinet, call the region VII FEMA office in Kansas City.

## **SECTION IV**

### **Storage, Material, and Equipment.**

1. 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.
2. 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.

### **Recreational Vehicles.**

All recreational vehicles placed on sites within all unnumbered and numbered A zones, AO, AE, and AH zones on the community's FIRM must comply with the following:

- (1) Be on the site for fewer than one hundred eighty (180) consecutive days, **or**
- (2) Be fully licensed and ready for highway use, **or**
- (3) Meet the permitting, elevation, and anchoring requirements for manufactured homes of this article.

### **Manufactured Homes.**

All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH 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.

1. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:
  - Outside of manufactured home park or subdivision.
  - In a new manufactured home park or subdivision.

- In an expansion to an existing manufactured home park or subdivision; or
- 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 to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of item (1) above, be elevated so that either:

- The lowest floor of the manufactured home is one (1) foot above the base flood level, or
- 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.

## SECTION V

### Approval or Denial of Floodplain Development Permit Application

**Approval** If all documentation satisfies the plan review requirements, the applicant will be notified that the plans are approved, and construction may commence. The Floodplain Development Permit becomes the official authorization from the City allowing the applicant to proceed based upon the information submitted in the application package. An approved set of drawings will be stamped and returned to the applicant, and one set shall remain on file with the Floodplain Administrator.

**Denial** Denial of a Floodplain Development Permit Application will occur if the construction documents fail to comply with applicable regulations. Written notification will be sent to the applicant specifying the reasons supporting the denial.

The Floodplain Administrator and/or designee will conduct the review and must be able to assess the accuracy and completeness of the Floodplain Development Permit application package and evaluate site plans, topographic data and building design plans. Special flood- related considerations during permit review are:

- Maintenance of unobstructed floodways
- Allowable floodway uses
- Watercourse alterations
- Nonresidential structures
- Residential structures

- Subdivisions
- Manufactured homes
- AO Zones (Shallow floodplain)
- Substantial Damage
- "No-Rise" requirements
- Substantial improvements

The documents required to obtain a permit are the following, specific list of information to comply with the requirements of the Municipal Code and the aforementioned considerations:

- Floodplain Development Permit Application
- Plans and blueprints (Signed and sealed)
- Technical documentation
- Any additional permits from other agencies
- Any additional reviews
- Cost analysis for substantial improvements and/or substantial damages
- Elevation certificates
- Floodproofing Certificates

### **Plans and Blueprints:**

Examine the site data: Site plans with base flood elevations (BFE) and locations of improvements, grading and excavation plans, and foundations and building design plans will be reviewed for compliance with the following factors:

- Completeness and clarity
- Existing and proposed topographic information, including spot elevations
- Boundaries of the floodway and floodplain
- Building elevations for all structures showing the level of the base flood elevation (BFE)
- Proposed obstructions in the floodway
- Professional registered architect, engineer, or land surveyor seal, if prepared by same
- Illustration of all proposed development
- Other considerations:
  - Anchoring requirements
  - Construction materials and methods
  - Utilities
  - Subdivisions
  - Encroachments
  - Elevation of the lowest floor
  - Floodways

## **Technical Documentation:**

- Elevation / Floodproofing Certificates as detailed follows:
  - **NFIP Floodproofing Certificate:** Provides a record of the height of floodproofing.
  - Ensure all necessary technical documents are included and properly certified.
- Four (4) conditions that necessitate the filing of certified documentation:
  - **Floodway Encroachment / "No-Rise" Certificate.** If any part of the proposed project is to be located in a designated floodway, the applicant must submit engineering documentation demonstrating that the proposed encroachment would not result in any increase in base flood heights. The "No-Rise" form should be submitted on a State of Missouri Emergency Management Agency Engineering No-Rise Certificate. It may also be a written statement, supported by hydraulic computations, signed, and sealed by a registered professional engineer, who certifies that the development will result in no increase in flood heights.
  - **Watertight Floodproofing.** In the event a nonresidential structure is to be floodproofed according to the NFIP standards, the applicant must submit a statement or floodproofing certificate from a registered professional engineer or architect certifying that the design and methods of construction meet these standards. Note: To receive a flood insurance rate based on 100-year flood protection, the nonresidential structure must be dry floodproofed to an elevation at least one (1) foot above the base flood elevation (BFE) to be rated at the base flood elevation (BFE) rate (i.e., one foot of freeboard).
  - **Enclosures Below the Lowest Floor.** When an applicant designs an enclosure below the lowest floor using an alternative to the minimum standard for openings prescribed in the NFIP requirements, a registered professional architect or engineer must certify the design accounts for the effects of hydrodynamic loads and buoyancy.
  - **Wet Floodproofing.** Wet floodproofing without a variance is limited to enclosed areas that are solely for parking, building access, or limited storage. These areas must:
    - be used for parking, building access or limited storage,
    - be designed to allow for the automatic entry and exit of flood waters through the use of openings, and
    - be constructed of flood resistant materials.

2.

## **Additional Review:**

If the project involves an alteration or relocation of a watercourse, the Floodplain Administrator must notify adjacent communities and the State

NFIP coordinating agency and the FEMA Regional Office.

A proposal to change a floodway delineation or a floodplain boundary must be reviewed and approved by FEMA as well as by the community.

## **STEP 2. Review the Floodplain Development Permit Application Package for Compliance with the Technical Requirements of the Ordinance**

Examine **SITE INFORMATION** in detail. A licensed surveyor or professional engineer should prepare the site plan, and it should convey:

- Location of property lines and proposed development
- Streets
- Watercourses
- Existing and proposed structures
- Topographic information
- Floodway and floodplain boundaries
- References to any special regulations due to location of property.

Assess the **ELEVATION DATA** provided in the application by a licensed surveyor.

- Scrutinize the elevations using the elevation data contained in the Flood Insurance Study (FIS and other available local data).
- The flood-related delineations must be consistent with the FIS data.
- No elevation data provided in unnumbered A zones: The developer, as a cost of doing business must provide elevations for development in unnumbered A zones.
- All elevation information should be accurate as the application package will serve as the record substantiating the issuance of the permit.
- NFIP requirements also stipulate that the lowest flood elevations be recorded.
- Utilize the following Elevation Certificate checklist as a guide to verify accurate and complete information is present on the document. **There are to be no blank spaces on the elevation certificate.**

Review **BUILDING DESIGN PLANS**. Building plans are required and provide the basis for determining which regulations apply to the placement and construction of the proposed building. Building plans should be prepared by an Architect or Engineer registered in the State of Missouri and contain the following:

- Type of structure and proposed use
- The placement and elevation of the lowest floor
- The type of foundation system
- The existence of an enclosure below the lowest floor if any
- The elevation of the lowest floor in relation to the base flood elevation (BFE)
- The kind and potential use of the structure
- The height to which a nonresidential structure is to be floodproofed
- Anchoring systems to stabilize the structure during flooding.

Have **ENGINEERING DOCUMENTS** reviewed by the Floodplain Administrator. Four separate engineering documents linked to the applicable NFIP requirements are required:

- Hydrologic and hydraulic calculations concerning proposed floodway encroachments
- Loading calculations and methods of constructions relative to floodproofing
- Alternative designs for meeting the minimum opening requirements for enclosures below the lowest floor
- Design and methods of construction for breakaway walls that exceed SOP loading resistance of twenty pounds per square foot.

### **STEP 3. Coordinate Floodplain Development Permit Reviews with Other Community Officials**

The Floodplain Administrator shall work with any other City of University City departments as necessary in order to provide timely and accurate review data. This will include the Director of Public Works or his designee for review of any sanitary sewer facilities proposed and for the application of the City's storm water detention regulations.

### **STEP 4. Determine Compliance/ Noncompliance Acting on the Floodplain Development Permit Application: Approve/ Deny the Application**

When review of a Floodplain Development Permit Application is complete, there are three options for action:

- Approve the permit application.
- Conditionally approve the permit application, or
- Deny the permit.

The Floodplain Development Permit Application will be marked as to the outcome, provide a copy to the owner, and then filed in the designated file for floodplain activity.

#### **Approve the permit**

- If the proposal is found to be compliant, then the Floodplain Administrator must issue the permit.

*The Floodplain Development Permit becomes the official authorization from the community allowing the applicant to proceed based on the information submitted in the application package.*

#### **Denial of the permit**

- If the proposal fails to comply with the regulations, then a Floodplain

Development Permit application must be denied. It is helpful to the applicant to have the major area(s) of noncompliance pointed out so the appropriate correction(s) can be made.

- Clarification of deficiencies can help reduce the number of unnecessary appeals to administrative and regulatory decisions.
- As stated in the previous section, the decision must be sent to the applicant in writing.

## **SECTION VI**

### **Establishment of an On-Site Inspection Process**

Upon issuance of the Floodplain Development Permit, inspections of the site and construction work are performed on a periodic basis as work progresses.

Inspectors are aware of the floodplain development requirements and have been directed to report any suspicious activity in the floodplain to the Floodplain Administrator. The site shall be inspected prior to issuance of any permit. No inspection shall take place more than 180 days from the last inspection.

- All inspections performed are recorded by the Inspector performing the inspection and computerized records are kept within the Public Works Department. The Inspector will relate any deficiencies to the applicant by issuing a Field Correction Notice at the jobsite. A duplicate will be attached to the inspection record and shall be maintained within the Public Works Department.
- Construction documents will be routinely reviewed prior to inspections to verify lowest floor elevation. A registered land surveyor or engineer must submit sealed documents verifying elevations and actual location of floodplain boundaries as prescribed in the approved set of drawings. Elevations must be verified prior to placement of the lowest floor of the structure.
- At or near the final inspection, several areas of flood development will be reviewed. These areas would include landscaping, berms, retention areas, storm water management, floodway encroachments, etc.

The Floodplain Administrator or his designee shall perform periodic and timely on-site inspections to confirm that the actual construction/development is proceeding in compliance with the approved plans. Site inspections will be performed to minimize and prevent violations.

The property must remain in compliance with floodplain management regulations and the Floodplain Administrator should periodically check to ensure that the property remains so. Subsequent inspections are particularly important when a structure contains enclosures below the lowest floor as these areas can be easily modified and made into habitable spaces in violation of regulations. Inspecting new construction serves to field verify "as-built" conditions. Routine inspections of special flood hazard areas can serve to check for unpermitted development. Inspections are useful in identifying unpermitted substantial improvements.

## SECTION VI

### Establishment of Enforcement Actions and Penalties

If an infraction is found during an inspection of ongoing construction, the Floodplain Administrator will notify the violator in writing to correct the problem by stating any deficiencies and a method of correction to comply with applicable regulations. If the violation is of a serious nature or continues after the follow-up inspection, the City of

University City will issue a Stop Work Order and begin procedures to revoke the permit. Should the violation persist, formal legal action is pursued.

Any violation of the provisions of this article 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 a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined in accordance with the University City Municipal Code, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the city or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

#### Administrative Methods

If the infraction is found during an inspection of ongoing construction, the Floodplain Administrator can take initial steps to correct the problem by pointing out any deficiencies to the developer and following up with another timely visit to ensure compliance.

If the violation is serious or if the problem continues after follow-up inspection, the city will issue a stop work order. The stop work order will be hand delivered in the field and followed with a letter via certified mail. The letter will state the violation, reference the ordinance, and allow 30 days to initiate corrective actions.

Failure to initiate corrective actions or continuously pursue such actions will result in matters being referred to legal counsel for formal legal action. Such actions may be:

1. **Injunction.** Most often in the form of a temporary restraining order, injunctive relief is the court directed order to the defendant to cease any further noncompliant conduct. The activity is usually shown to be of danger to the public and that immediate irreparable harm can occur. Once the illegal activity is stopped, the community can proceed to request a mandatory injunction to abate the violations as a public nuisance.
2. **Fines.** Fines are penalties established through the University City Municipal Code.

## SECTION VII

### Establishment of Variance and Appeals Processes

#### General Information

1. A variance is a waiver of one or more of the specified standards required in ordinances. It represents a community's approval to set aside floodplain regulations that were adopted to reduce loss of life and property damages due to flood. While the impact of a single variance on a flood hazard may not be significant, the cumulative impact of several variances may be severe. Therefore, variances should be discouraged when possible. Variance applications are heard in front of the Board of Adjustment.
2. When the community grants a variance, the Floodplain Administrator should properly document the justification for the variance, which will include detailed minutes of the meeting where specific justifications are delineated. This documentation is required by FEMA when the community is audited.
3. The primary criteria for granting a variance is predicated on the clear establishment of an unnecessary hardship created for the property owner. The following is a list of demonstrated unnecessary hardships:
  - Loss of all beneficial or productive use
  - Deprivation of reasonable return on property
  - Deprivation of all or any reasonable use
  - Rendering property valueless
  - Inability to develop property in compliance with the regulations
  - Reasonable use cannot be made consistent with regulations.

Following is a list of insufficient reasons:

- Less than a drastic depreciation of property
- Convenience of property owner
- Additional costs to build in conformance with codes
- Circumstances of owner not the land
- To obtain better financial return
- Property similar to others in neighborhood
- Hardship created by owner's own actions.

#### Variances and Appeals

All variances and appeals must be carried out in accordance with the rules and guidelines set forth in the University City Municipal Code. Should a variance be approved, the City will send a letter to the applicant, in accordance with the Flood Hazards Ordinance, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Should a variance be denied, the aggrieved party may appeal the decision to the Circuit Court of St. Louis County within 30 days of the decision.

1. The Board of Adjustment shall serve as the Appeal Board for purposes of this Chapter. The Board of Adjustment shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.
2. Responsibility of Board of Adjustment.
  - a. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations are denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment.
  - b. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
3. In passing upon such applications for variances, the board of adjustment shall consider all technical data and evaluation, all relevant factors, standards specified in other Sections of this article, and the following criteria:
  - The danger of life and property due to flood damage.
  - The danger that materials may be swept onto other lands to the injury of others.
  - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - The importance of the services provided by the proposed facility to the community.
  - The necessity to the facility of a waterfront location, where applicable.
  - The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  - The compatibility of the proposed use with existing and anticipated development.
  - The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  - The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
  - 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.

4. Conditions For Approving Floodplain Management Variances.

- Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (0.5) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b) through (f) have been fully considered. As the lot size increases beyond the one-half (0.5) acre, the technical justification required for issuing the variance increases.
- Variances may be issued for the reconstruction, 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 determination provided the proposed activity will not preclude the structure's continued historic designation.
- Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- A community shall notify the applicant in writing over the signature of a community official that (1) 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) for one hundred dollars (\$100.00) of insurance coverage, and (2) 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 article.

5. Further Appeals: 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.

6. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

