

## **1003.101 "FP" Flood Plain District Regulations.**

### **1. Purpose and Intent.**

The flood hazard areas of St. Louis County, Missouri are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

This section is therefore necessary to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains; and to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities; to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; to control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; and to control filling, grading, dredging, and other development which may increase erosion or flood damage.

### **2. Scope of Provisions.**

This section contains the regulations for the "FP" Flood Plain District of St. Louis County. Property zoned "FP" is also zoned under another applicable District governed by the St. Louis County Zoning Ordinance. The "FP" District constitutes an "overlay" District, and the other applicable zoning district constitutes the underlying zoning. This section controls in the case of any conflict between the regulations contained in this section and the regulations otherwise applicable to any property by virtue of its "underlying" zoning.

All of the area within the "FP" District is the flood plain, as defined in this Chapter, and is subject to all of the provisions of this section. A portion of the area within this District is designated as the Floodway, as established by the maps applicable to this District. Property within the Floodway is subject to those provisions of this section which so state.

### **3. Permitted Land Uses and Developments.**

The following land uses and developments are permitted in this district:

- (1) Boat docks for other than commercial or industrial use.
- (2) Farming.
- (3) Golf Courses.
- (4) Hunting, fishing, and propagation of wildlife.

- (5) Local public utility facilities of one hundred thousand (100,000) cubic feet in volume or less, provided that any installation shall be:
  - (a) adequately screened with landscaping, fencing or walls, or any combination thereof, or
  - (b) placed underground, or
  - (c) enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning. (O.No. 15738 - Adopted 11/21/91).

- (6) Public parks.
- (7) Scenic areas.
- (8) Swimming pools.
- (9) Wildlife refuge.
- (10) Portions of single family lots when a contiguous area is provided for each lot which is either out of the flood plain or removed from flooding in accordance with subsection 13 of this section or both, provided that such contiguous area must provide the minimum lot area required by the applicable zoning district or special procedure permit or one acre, whichever is less. (O. No. 20478 - Adopted 4/24/01)

#### **4. Conditional Land Use and Development Permits issued by the Commission.**

The following land uses and developments may be permitted under conditions and requirements specified in Section 1003.181 Conditional Use Permits:

- (1) Airports, heliports, and landing strips.
- (2) Drive-in theaters.
- (3) Extraction of raw materials from the earth and processing thereof, but not including manufacture of a product.
- (4) Facilities for the composting of yard wastes. (O.No. 15753 - Adopted 12/5/91).
- (5) Local public utility facilities over one hundred thousand (100,000) cubic feet in volume. (O.No. 15738 - Adopted 11/21/91).
- (6) Outdoor rifle and archery ranges.
- (7) Port and dock facilities.
- (8) Public utility facilities.
- (9) Railroad tracks and associated structures.
- (10) Recreational uses such as athletic fields and picnic grounds.

#### **5. Conditional Land Use and Development, Based on Underlying Zoning, issued by the Commission.**

The following land uses and developments, if permitted or conditional uses in the underlying zoning district applicable to the property, may be authorized in this district under conditions and requirements specified in Section 1003.181 Conditional Use Permits.

- (1) Towed vehicle storage yards.
- (2) Open storage, not including salvage yards or junk yards.
- (3) Sewage treatment plants.
- (4) Miniature golf courses and golf driving ranges.

## **6. Accessory Land Uses and Developments.**

Subject to compliance with the procedures of this section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

- (1) Devices for the generation of energy, such as solar panels, wind generators or similar devices.
- (2) Individual sewage treatment facilities serving an individual non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed 5,000 gallons per day flow.
- (3) Storage and processing of reclaimed asphalt pavement ("RAP") for use in the production of asphalt when an approved asphalt plant is located on the same premises or when an approved asphalt plant is located adjacent to premises used as a quarry authorized under Section 1003.181 Conditional Use Permit Procedure. RAP stockpiles shall be no closer than 400 feet to any adjoining Residence District and shall be no more than twenty-five (25) feet in height or contain more than 75,000 tons of RAP; except, however, that stockpiles more than 1,000 feet from a Residence District shall be no more than thirty-five (35) feet in height nor contain more than a twenty-four month estimated supply of RAP for the adjoining asphalt plant. On or before January 15th of each year, the owner of any property supporting this accessory use shall file with the Director of Planning, subject to audit by the St. Louis County Auditor, separate written reports for RAP less than and RAP more than 1,000 feet from a Residence District, stating (a) estimated tonnage as of January 1st of the preceding year, (b) amount of RAP in tons received during the preceding year, (c) amount of RAP in tons that was processed into asphalt mix during the preceding year, (d) estimated tonnage as of December 31st of the preceding year, and (e) estimated number of months' supply as of January 1st of that year. (O.No. 22893 - Adopted 8/30/06).

Accessory uses in this District do not include residences.

## **7. Performance Standards.**

All uses in the "FP" Flood Plain District shall operate in conformity with the appropriate performance standards contained in Section 1003.163 Zoning Performance Standard Regulations.

## **8. Height Limitations for Structures.**

The total height of any structure shall not exceed that permitted in the underlying Zoning District, except where the use of the property includes structures restricted in height by the requirements of a Conditional Use Permit.

## **9. Lot Area and Yard Requirements.**

The minimum lot area and yard requirements for land uses in the "FP" Flood Plain District shall be as set out below:

- (1) Minimum Lot Area Requirement.
  - (a) The following Permitted Land Uses shall be situated on tracts of land providing not less than the following areas:

Use	Minimum Area
Farming	20 acres
Golf Courses	5 acres

(b) Permitted and Conditional Land Uses shall be situated on tracts of not less than the minimum lot area required by the provisions of the underlying zoning district regulations.

(2) General Yard Requirements:

(a) Front Yard:

No structure shall be allowed within twenty-five (25) feet of any roadway right-of-way line.

(b) Flood Plain:

No residential building or structure attached thereto shall be allowed within twenty-five (25) feet of any area designated "FP" Flood Plain District, or within any stream buffer or setback area, whichever is greater. (O. No. 23553 - Adopted 3/31/08).

(3) Specific Yard Requirements and Exceptions.

(a) Notwithstanding any other provision of this Chapter, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.

(b) Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback.

(c) Permitted directional signs, three (3) feet or less in height, are allowed within the minimum front yard setback.

(d) Any structure, other than a public utility tower authorized by a Conditional Use Permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

**10. Off-Street Parking and Loading Requirements.**

Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Section 1003.165 Off-Street Parking and Loading Requirements.

**11. Sign Regulations.**

Sign regulations are set forth in Section 1003.168 Sign Regulations.

**12. Use and Development of Floodway.**

All development or use of the Floodway is prohibited involving any encroachment, including fill, new construction or material improvement of any existing structure unless certification by a registered professional engineer is provided to and approved by the Department of Highways and Traffic that the development will not result in any increase in flood levels during occurrence of the base flood discharge. If and only if this subsection is complied with, use or development of the floodway may be carried out subject to the restrictions of the remainder of this section.

**13. Use and Development Under Underlying District Regulations.**

Property in this District may be used and developed in accordance with the regulations of the underlying zoning upon compliance with the following procedure:

- (1) The property is placed in such conditions as to effectively and without increasing the flooding problems of other properties, remove the property from flooding based on the flood elevation study approved by the United States Federal Emergency Management Agency ("FEMA") and used as basic data for determining the boundaries of the Flood Hazard Boundary Map, being the "FP" Flood Plain District as governed by this section. Effective removal of the property from flooding requires provision of adequate freeboard as determined by the Department of Highways and Traffic in light of the reasonably anticipated ultimate development of the watershed. If the standards required by this subsection are satisfactorily met in respect to any lot or tract of land in the "FP" Flood Plain District, the property may then be used for such uses and under such regulations as are contained in the district regulations of the district designated after the "FP" code designation as the underlying district for the particular property.
- (2)
  - (a) The property owner or user shall submit to the Department of Highways and Traffic a plan for flood protection. The plan shall be approved if its implementation would adequately protect against the amount of water that would flow past the property in cubic feet per second during the base flood, as determined by the flood elevation study approved by FEMA and used as basic data for determining the boundaries of the Flood Insurance Rate Map and the Flood Hazard Boundary Map, and if the plan further demonstrates that its implementation will not increase the flooding problems of other properties. With respect to any stream except the Mississippi River, Missouri River, and Meramec River, the flooding problems of other properties will be deemed increased if implementation of the plan would decrease the water storage or conveyance capacity of the stream. (O. No. 20478 - Adopted 4/24/01).
  - (b) The plan must include a report by a Registered Professional Engineer of demonstrated competence in hydrology as to the adequacy of the proposed plan for flood protection relative to the elevation of the flood plain and the flow as determined in the flood elevation study approved by FEMA, the effect of the proposed improvement on the flood problems of other properties, and such other hydrologic problems as may result from the improvements. Where the plan only delineates the flood plain elevation on the ground and no change or construction is proposed involving land below the flood plain elevation, the plan may be submitted under the seal of a registered land surveyor.
  - (c) The Department of Highways and Traffic may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan for flood protection.

#### **14. Use and Development in the "FP" Flood Plain District.**

No use or development in this District shall increase the flooding problems of other properties. Prior to any use or development of property pursuant to the permitted or conditional uses designated in this District, if such use or development involves man-made change to real property below the flood elevation, including construction or erection of any building or structure, or any filling, grading, paving, mining, dredging, excavation or drilling, the following procedure shall be complied with:

- (1) The property owner or user shall submit to the Department of Highways and Traffic a development plan. The plan shall be approved if it demonstrates that its implementation will not increase the flooding problems of other properties. With respect to any stream for which a floodway has not been designated, the flooding problems of other properties will be deemed increased if implementation of the plan would decrease the water storage or conveyance capacity of the stream.

- (2) The plan shall include a report by a Registered Professional Engineer of demonstrated competence in hydrology as to the adequacy of the proposed plan to avoid flooding problems of other properties and such other hydrologic problems as may result from the improvements. Where the plan only delineates the flood plain elevation on the ground and no change or construction is proposed involving land below the flood plain elevation, the plan may be submitted under the seal of a registered land surveyor.
- (3) The Department of Highways and Traffic may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan.

**15. Effect of Plan Approval.**

- (1) The approval by the Department of Highways and Traffic of such plans for flood protection does not constitute a representation, guarantee, or warranty of any kind by St. Louis County, the Department of Highways and Traffic, the St. Louis County Planning Commission or by any officer or employee of either as to the practicality or safety of any protective measure and shall create no liability upon or cause of action against such public body, officers, or employees for any damage that may result pursuant thereto.
- (2) Approval of the plan by the Department of Highways and Traffic does not relieve an owner or user from fulfilling the requirements set forth in any other County ordinance regarding construction or development within the flood plain.