

# Article 11: Floodplain Management

## *Section 241: Statutory Authorization, Findings of Fact, and Purposes*

A. Statutory Authorization: The Legislature of the State of Missouri has in Section 64.170 and Section 64.850 RSMo delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the County Commission of Franklin County, Missouri ordains as follows:

### B. Findings of Fact

1. Flood Losses Resulting from Periodic Inundation: The Special Flood Hazard Areas (SFHA) of Franklin County, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
2. General Causes of the Flood Losses. These flood losses are caused by:
  - a. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities;
  - b. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
3. Methods Used To Analyze Flood Hazards. The Flood Insurance Study (FIS) that is the basis of this article uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
  - a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this article is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this article. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated October 18, 2012 as amended, and any future revisions thereto.
  - b. 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.
  - c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
  - d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
  - e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

C. **Statement of Purpose:** It is the purpose of this article to promote the public health, safety, and general welfare; to minimize those losses described in Section 241, Subsection B, 1; 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 article 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.

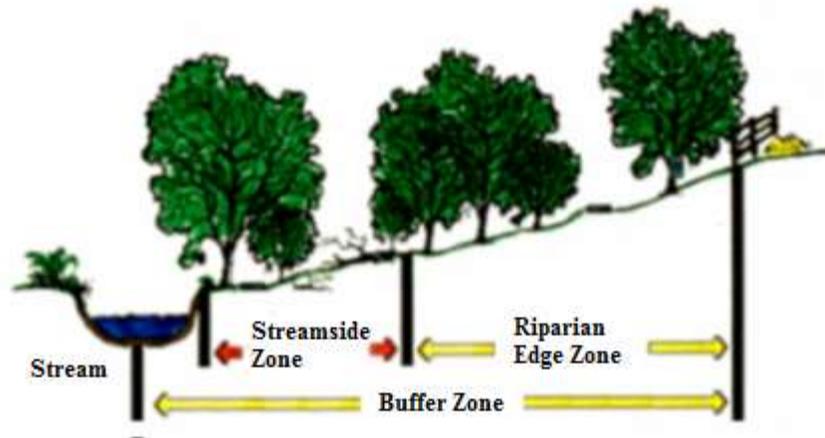
***Section 242: General Provisions***

A. **Stream Buffer Requirements:**

1. A stream buffer is an area of land adjacent to streams where vegetation is strongly influenced by the presence of water. Stream buffers play a key role in increasing water quality in associated streams, rivers and lakes.
2. The stream buffers are broken down into two zones: the Stream Side Zone and the Riparian Edge Zone.
  - a. Stream Side Zone is an area within the stream buffer that consists of the stream and the land 25 feet from each edge of the stream. Allowable Uses should minimize disturbance to and impacts on the stream buffer and include:
    - i. Conservation uses, wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and passive areas of parklands.
    - ii. Crossings for foot, bicycle, golf cart, and other similar uses.
    - iii. Unpaved recreational trails and greenways.
    - iv. Roadway crossings, limited to minimum required to provide access for orderly development.
    - v. Sanitary sewer line crossings.
    - vi. Other utility crossings, as approved by the Director.
    - vii. Flood control structures and stormwater treatment facilities.
    - viii. Storm sewer pipe discharge.
    - ix. Activities associated with the restoration and enhancement of the Stream Corridor.
    - x. Stream gauging and water quality monitoring.

- xi. Pump stations and structures required to transport water from the stream.
- xii. Agricultural uses.
- b. Riparian Edge Zone is the area within the stream buffer that consists of the land from the edge of the Streamside Zone to the boundary of the stream buffer. Allowable Uses should minimize disturbance to and impacts on the stream buffer and include:
  - i. All activities allowed in the Streamside Zone.
  - ii. Paved or unpaved recreational trails. Trails must be constructed near natural grade to minimize clearing, filling and grading.
  - iii. Utility installations are allowed only when it is demonstrated installing the utility outside the Stream Corridor is not feasible.
  - iv. Recreational fields, public parklands and golf course fairways may encroach into the stream corridor up to one-quarter of the overall buffer width.
  - v. Agricultural uses.
  - vi. Existing agricultural uses.
  - vii. Other uses approved by the Director of Planning and Zoning that meet the intent of this Section. Allowable uses in the Stream Corridor are limited to low-impact passive uses that require little or no disturbance, grading, clearing, or filling of the existing native vegetation, and are related to recreation, public enjoyment, and protection of the Stream Corridor. These uses may include small non-habitable structures ancillary to the approved use. Examples of these structures include, but are not limited to, decks, gazebos, picnic tables, play equipment, and small concrete slabs built to accommodate such structures. Allowable uses do not include parking facilities.

## Stream Buffer Zones



3. Stream Buffer Setback Requirements
    - a. A stream buffer for a regular stream shall be designated as the area within 100 feet of the top of the stream bank. For the purposes of this section, a regular stream shall be defined as those streams that are identified as perennial streams on the Missouri Interactive Maps listed on the Center for Applied Research Environmental Systems website through the University of Missouri ([www.cares.missouri.edu](http://www.cares.missouri.edu)).
    - b. A stream buffer for a regular stream shall be designated as the area within 50 feet of the top of the stream bank. For the purposes of this section, a regular stream shall be defined as those streams that are identified as intermittent streams on the Missouri Interactive Maps listed on the Center for Applied Research Environmental Systems website through the University of Missouri ([www.cares.missouri.edu](http://www.cares.missouri.edu)).
    - c. For those streams or channels not appearing on the Missouri Interactive Maps the required buffer shall be the area within 30 feet of the top of the stream bank.
  4. Stream buffers for regular and intermittent streams shall be designated as open space in subdivision in which open space is required. Stream buffers for other streams may also be designated as open space. If streams lie in a subdivision in which open space is not required, stream buffers may be a part of the subdivision lots. All stream buffers shall be labeled on the final subdivision plat.
- B. Lands to Which Article Applies: This article shall apply to all lands within the jurisdiction of the unincorporated area of Franklin County, Missouri, identified as numbered and unnumbered A zones, AE, AO, and AH zones, on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated as amended, and any future revisions thereto. In all areas covered by this article, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Franklin County Commission or its duly designated representative under such safeguards and restrictions as the Franklin County Commission 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 Section 244.

- C. Compliance: No development located within the SFHA of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this article and all applicable regulations.
- D. Abrogation and Greater Restrictions: It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other ordinances inconsistent with this article are hereby repealed to the extent of the inconsistency only.
- E. Interpretation: In their interpretation and application, the provisions of this article shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- F. Warning and Disclaimer of Liability: The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This article shall not create a liability on the part of Franklin County, Missouri, any officer or employee thereof, for any flood damages that may result from reliance on this article or any administrative decision lawfully made thereunder.
- G. Severability: If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this article shall not be affected thereby.

***Section 243: Administration***

- A. Floodplain Development Permit: A floodplain development permit shall be required for all proposed construction or other development, including the placement of mobile homes (single or double), in the areas described in General Provisions C. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
- B. Designation of Floodplain Administrator: The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this article.
- C. Duties and Responsibilities of Floodplain Administrator:
  - 1. Oversee the administration and the implementation of the provisions of this article, by granting or denying development permit applications in accordance with its provision, where applicable, and
  - 2. Coordinate the activities of the Building Department, the Highway Department, and the Planning and Zoning Department, serving as a single-point of contact with outside public agencies. The Franklin County Planning and Zoning Department will provide standardized forms for use by the other departments. Each of the departments below will maintain their

records separately, but in a manner which can be easily and quickly retrieved upon any unannounced visit by the local, state, or federal administrators and are considered to be open records, available for public review.

D. Duties and Responsibilities of Franklin County Departments

1. Duties of the **Franklin County Planning and Zoning Department** shall include, but not be limited to:

- a. Review all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of the section have been satisfied.
- b. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agency from which prior approval is required by Federal, State, or local law;
- c. Review all subdivision proposals and other proposed new development, including mobile home park subdivisions or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- d. Issue floodplain development permits for all approved applications;
- e. Notify adjacent communities and the State of Missouri, State Emergency Management Agency (SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- f. Ensure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished;
- g. Verify and maintain a record of the actual elevation (elevation certificate) (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed,;
- h. Verify and maintain a record of the actual elevation (elevation certificate) (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures,;
- i. When floodproofing techniques are utilized for a particular non-residential structure, , Franklin County Planning and Zoning Department shall require certification from a registered professional engineer or architect;
- j. When floodproofing is utilized for a particular structure, the Franklin County Planning and Zoning Department shall obtain certification from a registered professional engineer or architect,;
- k. Ensure that the Franklin County Planning and Zoning Commission is adequately

informed of any proposed developments taking place in a designated floodplain in order to effect any applicable decisions or recommendations during the course of their review.

1. Immediately after a flood, conduct a damage assessment survey to determine the extent of damage for emergency reporting and substantial damage inventory.
  - m. Coordinate with the Building Department to ensure that the permit requirements of these regulations have been satisfied.
  2. Duties of the **Franklin County Highway Department** shall include, but not be limited to:
    - a. Ensure the design of all new or substantially improved county roads and bridges meet the provisions of this regulation, to include certification by a registered professional engineer that no-rise in the base flood will occur;
    - b. Ensure that all rivers, streams, and creeks from which sand and gravel are extracted and from which the County obtains material for its roads is from a facility which has proper floodplain development permits from the County and appropriate state and federal agencies prior to purchase. All extraction facilities since 1984 must have a valid no-rise certificate filed with the County;
- E. 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 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 Zoning Enforcement Officer, Franklin County Planning and Zoning Department;
  8. Be accompanied by plans and specifications for proposed construction, including a plot plan for the subject property;
  9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority; and
  10. Be accompanied by any local, State and Federal permits, if applicable.

**Section 244: Provisions for Flood Hazard Reduction**

**A. General Standards**

1. No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of mobile homes, within the SFHA unless the conditions of this section satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent (1%) annual chance flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this article. If Flood Insurance Study data are not available, the Franklin County shall require, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within the SFHA on the FIRM unless it is determined by an engineering flood study or an engineering certification based on reliable data acceptable to the Floodplain Administrator that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the wet surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of mobile homes (single or double), 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; and
  - f. Subdivision proposals and other proposed new development, including mobile home park subdivisions or subdivisions, located within the SFHA are required to assure that:
    - a. All such proposals are consistent with the need to minimize flood damage;
    - b. All public utilities and facilities, such as sewer, gas, electrical, and water

- systems are located and constructed to minimize or eliminate flood damage;
- c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
  - d. All proposals for development, including proposals for mobile home park subdivisions and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
  - e. Proposed development that alters the floodplain shall require an engineering study to determine floodway. Documentation of the changes as determined by the engineering study to the floodplain/floodway boundaries shall be submitted to FEMA as the appropriate LOMC prior to this signing of the final plat or prior to the final release of guarantee for the development.
  - f. Floodplain development permits shall be required on all development including structures in an altered floodplain/floodway until FEMA has approved a LOMR-F removing the development/structure from the floodplain/floodway.
5. Storage, material, and equipment
    - a. The storage or processing of materials within the SFHA that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited unless such materials are stored and secured above the base flood elevation.
    - b. 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 with the time available after a flood warning.
  6. Agricultural Structures: Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this article; and a floodplain development permit has been issued.
  7. Accessory Structures: Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this article; and a floodplain development permit has been issued.
  8. Critical Facilities
    - a. All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water

and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the two-tenths (0.2%) annual chance flood (500-year flood) level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the 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 Floodplain Administrator as set forth in Administration, Section D.

- b. All critical facilities shall have access routes that are above the elevation of the two tenths (0.2%) annual chance flood (500-year flood) level.
- c. No critical facilities shall be constructed in any designated floodway.

9. Hazardous Materials: All hazardous material storage and handling sites shall be located out of the SFHA.

10. Nonconforming Use

- a. A structure, or the use of a structure or premises that was lawful before the passage or amendment of the article, but which is not in conformity with the provisions of this article, may be continued subject to the following conditions:
  - i. If such structure, use, or utility service is discontinued for three hundred and sixty five (365) consecutive days, any future use of the building shall conform to this article.
  - ii. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

11. Cumulative Improvement: A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed 50 percent of the structure's current market value. If the cumulative value of the improvement exceeds 50 percent of the structure's current market value, the structure must be brought into compliance with Provisions of Flood Hazard Reduction, Section B(1) which requires elevation of residential structures to or above the base flood elevation or the elevation/floodproofing of non-residential structures to or above the base flood elevation.

B. Specific Standards

- 1. In all areas identified as SFHA, where base flood elevation data have been provided, as set forth in Provisions of Flood Hazard Reduction, Section A(2), the following provision are

required:

- a. Residential Construction:  
New construction or substantial-improvement of any residential structures, including mobile homes (single or double), shall have the lowest floor, including basement, elevated two (2) feet above base flood elevation.
- b. Non-Residential Construction:  
New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including mobile homes (single or double), shall have the lowest floor, including basement, elevated two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation 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 Floodplain Administrator or responsible department as set forth in Administration, Section (D).
- c. Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria.
  - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
  - ii. The bottom of all opening shall be no higher than one 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 flood waters.

C. Mobile Homes (Single and Double)

1. All mobile home (single or double)s to be placed within the SFHA, on Franklin County's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, mobile homes (single or double) 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.
2. Mobile homes (single or double) that are placed or substantially improved within the SFHA on Franklin County's FIRM at any of the following on sites:
  - a. Outside of mobile home park subdivision or subdivision;
  - b. In a new mobile home park subdivision or subdivision;

- c. In an expansion to and existing mobile home park subdivision or subdivision; or
- d. In an existing mobile home park subdivision or subdivision on which a mobile home (single or double) has incurred substantial-damage as the result of a flood.

shall be elevated on a permanent foundation such that the lowest floor of the mobile home (single or double) is elevated to or at two (2) feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- 3. All mobile homes (single or double) to be placed or substantially improved on sites in an existing mobile home park subdivision or subdivision within the SFHA on the Franklin County's FIRM, that are not subject to the provisions of General Provisions, Section (C) of this article, shall be elevated so that either:
  - a. The lowest floor of the mobile home (single or double) is two (2) feet above the base flood level; or
  - b. The mobile home (single or double) 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.

D. Areas of Shallow Flooding (AO and AH Zones)

- 1. Located within the SFHA as described in General Provisions, Section (C) are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:
  - a. AO Zones
    - i. All new construction and substantial-improvements of residential structures, including mobile homes (single or double), shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on Franklin County's FIRM (at least one foot if no depth number is specified).
    - ii. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including mobile homes (single or double), shall have the lowest floor including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on Franklin County's FIRM (at least one foot if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that 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.
    - iii. Adequate drainage paths shall be required around structures on slopes, in order to guide flood waters around and away from proposed structures.

b. AH Zones

- i. The specific standards for all the SFHA where base flood elevation has been provided shall be required as set forth in Provisions for Flood Hazard Reduction, Section B.
- ii. Adequate drainage paths shall be required around structures on slopes, in order to guide flood waters around and away from proposed structures.

E. Floodway

Located within areas of special flood hazard established in General Provisions, Section (C), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. Franklin County shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. Franklin County shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted 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.
3. If Provisions for Flood Hazard Reductions, Section E(2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of this article.
4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Provisions for Flood Hazard Reduction, Section A(2).

F. Recreational Vehicles

Require that recreational vehicles placed on sites within the SFHA on Franklin County's FIRM either:

1. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use<sup>1</sup>; or
2. Meet the permitting, elevating, and the anchoring requirements for mobile homes (single or double) of this article.

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<sup>1</sup>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 245: Floodplain Management Appeals***

- A. Establishment of Appeal Board: The Board of Zoning Adjustment, as established by the Franklin County Commission, shall hear and decide appeals and requests for variances from the floodplain management requirements of this article.
  
- B. Responsibility of Appeal Board: Where an application for a floodplain development permit is denied by the Floodplain Administrator the applicant may apply for such floodplain development permit directly to the Appeal Board, as defined in Section 245, Subsection A. The Board of Zoning Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Enforcement Officer in the enforcement or administration sections of this article.
  
- C. Further Appeals: Any person aggrieved by the decision of the Board of Zoning Adjustment or any taxpayer may appeal such decision according to Missouri law.
  
- D. Floodplain Management Variance Criteria: In passing upon such applications for variances, the Board of Zoning Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this article, and the following criteria:
  - 1. The danger to life and property due to flood damage;
  - 2. The danger that materials may be swept onto other lands to the injury of others;
  - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 4. The importance of the services provided by the proposed facility to the community;
  - 5. The necessity to the facility of a waterfront location, where applicable;
  - 6. The availability of alternative locations, not subject to flood damage, for the proposed use;
  - 7. The compatibility of the proposed use with existing and anticipated development;
  - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - 10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
  - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

***Section 246: Penalties for Violation***

- A. In accordance with and by virtue of the provisions of Chapter 64.895 RSMo, any owner, lessee, lessor, or tenant of land located within any unincorporated area covered or affected by the provisions of this regulations, who violates any of the provisions hereof shall be guilty of a Class A misdemeanor and prosecuted under the Franklin County Municipal Court. Upon conviction of same, any said party shall be punished by virtue of Chapters 557.021, 560.016, and 560.021 RSMo regulating fines and imprisonment of anyone convicted of a Class A misdemeanor under the Franklin County Municipal Court.
- B. Any act constituting a violation of the provisions of these regulations or a failure to comply with its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional use permits, shall also subject the offender(s) to the penalties set forth in Subsection A.
- C. These regulations may also be enforced by any appropriate civil action, including injunctions.
- D. Each day a violation continues shall be deemed a separate offense.
- E. Any one, all, or any combination of the foregoing may be used to enforce the provisions of these regulations.

***Section 247: Amendments***

The regulations, restrictions, and boundaries set forth in this article may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of 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 Franklin County. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this article are in compliance with the National Flood Insurance Program (NFIP) regulations.

***Sections 248 thru 260: Reserved***