

## TITLE IV. ZONING CODE

### CHAPTER 400: FLOOD REGULATIONS

#### SECTION 400.010: MAYOR'S RESPONSIBILITIES

- A. The Mayor of the City of Bloomfield hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this Chapter and all other ordinances of the City of Bloomfield now in force or hereafter adopted, related to zoning, subdivision or building codes.
- B. The Mayor of the City of Bloomfield shall be appointed to these additional responsibilities by resolution of the governing body and his appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Mayor, the governing body of the City shall designate an acting enforcement official.
- C. The Governing Body of the City of Bloomfield hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map, and amendments, as the official map to be used in determining those areas of special flood hazard. (Ord. No. 2071 §§1-3)

#### SECTION 400.020: PERMITS REQUIRED

No person, firm, or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.

- 1. Within zone(s) on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.
- 2. *Application.* To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
  - a. Identify and describe the work to be covered by the permit for which the application is made.
  - b. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
  - c. Indicate the use or occupancy for which the proposed work is intended.

- d. Be accompanied by plans and specifications for proposed construction.
- e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- f. Within designated flood prone areas, be accompanied by elevations (in relation to a mean sea level) of the lowest floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Mayor of the City of Bloomfield.
- g. Give such other information as reasonably may be required by the Mayor of the City of Bloomfield. (Ord. No. 2071 §4)

### **SECTION 400.030: APPLICATION TO BE REVIEWED**

The Mayor of the City of Bloomfield shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law. (Ord. No. 2071 §5)

### **SECTION 400.040:PROCEDURE FOR REVIEW**

The Mayor of the City of Bloomfield, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 400.090 of this Chapter) will:

1. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:
  - a. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
  - b. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structure 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 local enforcement official.

- c. *Require for all new construction and substantial improvements.* That fully enclosed areas below the lowest floor 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 floodwaters. Design for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. Require the use of construction materials that are resistant to flood damage.
  3. Require the use of construction methods and practice that will minimize flood damage.
  4. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  5. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  6. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes, and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
    - a. Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and manufactured homes less than fifty (50) feet long requiring only one (1) additional tie per side.
    - b. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring only four (4) additional ties per side.
    - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.

- d. Any additions to manufactured homes be similarly anchored.
7. Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection 400.040 (1).  
(Ord. No. 2071 §6)

#### **SECTION 400.050:SUBDIVISION APPLICATIONS**

The governing body of the City shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

1. All such proposed developments are consistent with the need to minimize flood damage.
2. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. All public utilities and facilities are located so as to minimize or eliminate flood damage.  
(Ord. No. 2071 §7)

#### **SECTION 400.060:WATER AND SEWER, ETC.**

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into flood-waters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.  
(Ord. No. 2071 §8)

#### **SECTION 400.070:FLOOD CARRYING CAPACITY SHALL BE MAINTAINED**

The governing body of the City will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with  
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appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.  
(Ord. No. 2071 §9)

#### **SECTION 400.080:CHAPTER SHALL TAKE PRECEDENCE**

This Chapter shall take precedence over conflicting ordinances or parts of ordinances. The Governing Body of the City of Bloomfield may, from time to time, amend this Chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Chapter are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations. (Ord. No. 2071 §10)

#### **SECTION 400.090:DEFINITIONS**

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

*DEVELOPMENT:* Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*FLOOD:* A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, (2) The unusual rapid accumulation or runoff of surface waters from any source.

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

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

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

*ONE HUNDRED (100) YEAR FLOOD:* The condition of flooding having a one percent (1%) chance of annual occurrence.

*REGULATORY FLOOD ELEVATION:* The water surface elevation of the one hundred (100) year flood.

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

*SUBSTANTIAL IMPROVEMENT:* Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State registers of Historic Places. (Ord. No. 2071 §11)

## CHAPTER 405: SUBDIVISION REGULATIONS

### SECTION 405.010:DEFINITIONS

For the purpose of interpreting this Chapter, certain terms are defined, as follows:

*BOARD OF ALDERMEN:* Board of Aldermen

*EASEMENT:* A grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, utility companies, or private individuals.

*LOT:* A parcel of land occupied or intended for occupancy by a building together with its accessory buildings, including open space for light and air as required by the Zoning Ordinance.

*OPEN SPACE-PUBLIC:* Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites, and other lands.

*STREETS:* A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, land, alley or other way, and for the purpose of this Chapter, "Streets" are divided into the following categories:

1. Major streets and highways are those which are used primarily for fast or heavy through traffic.
2. Secondary streets are those which provide for traffic movement between major streets and highways and local streets including principal entrance streets of residential developments and streets for circulation within such developments.
3. Neighborhood streets are those used primarily to provide direct access to individual lots and for local traffic movements.
4. Alleys are passage ways affording generally secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
5. Cul-de-sacs are neighborhood streets with only one (1) outlet, sometimes called "dead-end" streets.

*SUBDIVISION:* The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. (Ord. No. 2025, CC 1981 §43.010)

## **SECTION 405.020:PLATTING AUTHORITY**

From and after September 24, 1981, the Board of Aldermen shall be the official platting authority, and no plat of a land subdivision lying within the municipality shall be filed or recorded by the appropriate county recorder unless the plat has been endorsed by the Board of Aldermen. The filing or recording of a plat of a subdivision without the approval of the Board of Aldermen as required by this Chapter, is declared to be a misdemeanor, punishable by law. (Ord. No. 2025, CC 1981 §43.020)

## **SECTION 405.030:USE OF SUBDIVISION**

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a subdivision that has not been given final approval by the Board of Aldermen, and recorded in the office of the appropriate county recorder, is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties. (Ord. No. 2025, CC 1981 §43.030)

## **SECTION 405.040:OPENING AND IMPROVING PUBLIC STREETS**

The governing body of the City shall not accept, lay out, open, improve, grade, pave or light any street or lay any utility lines in any street, which had not attained the status of a public street prior to the effective date of this Chapter, unless such street corresponds to the street location shown on an approved subdivision plat or on an official street map adopted by the Board of Aldermen. The governing body may accept, lay out, open and improve any street not so platted after review and comment by the Board of Aldermen on such action. (Ord. No. 2025, CC 1981 §43.040)

## **SECTION 405.050:ERECTION OF BUILDINGS**

No building permit shall be issued and no building shall be erected on any lot in the City unless the street giving access thereto has been accepted as a public street in accordance with this Chapter, or unless such street has been accepted as a public street prior to September, 1981. (Ord. No. 2025, CC 1981 §43.050)

## **SECTION 405.060:PRE-APPLICATION PROCEDURE**

Whenever a subdivision of a tract of land within the City of Bloomfield is proposed, the subdivider is urged to consult early and informally with the Board of Aldermen. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed lay-out and development of the subdivision. No fee

shall be charged for the pre-application review and no formal application shall be required. (Ord. No. 2025, CC 1981 §43.060)

#### **SECTION 405.070:APPLICATION FOR PRELIMINARY PLAT APPROVAL**

Following the pre-application review of a proposed subdivision, the subdivider shall submit to the Chairman of the Board of Aldermen, at least fifteen (15) days prior to the next regular meeting of the Board of Aldermen, the following:

1. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Board of Aldermen on the preliminary plat shall be sent;
2. Five (5) copies of the preliminary plat and other documents, as specified in Section 405.090; and
3. A preliminary plat filing fee shall be required, as set by City ordinance. (Ord. No. 2025, CC 1981 §43.070)

#### **SECTION 405.080:REVIEW OF PRELIMINARY PLAT**

The Board of Aldermen shall check the plat for conformance to the rules and regulations of this Chapter and shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the Secretary of the Board of Aldermen by registered or certified mail to the person designated in the letter requesting preliminary plat review and approval, not less than five (5) days prior to the date of the hearing.

1. Thereafter, the Board of Aldermen shall give tentative approval or disapproval to the preliminary plat. A notation of the action shall be made on two (2) copies of the preliminary plat, including a statement of the reasons for disapproval if the preliminary plat is disapproved. One (1) copy shall be returned to the subdivider or his agent and one (1) copy added to the records of the Board of Aldermen.
2. Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the Board of Aldermen.
3. If action on a preliminary plat is not taken by the Board of Aldermen within sixty (60) days of the date of submittal, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time. (Ord. No. 2025, CC 1981 §43.080)

### **SECTION 405.090:SCALE**

The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch. (Ord. No. 2025, CC 1981 §43.090)

### **SECTION 405.100:SHEET SIZE**

Sheet size shall be twenty by twenty (20 x 20) inches, or shall be the sheet size required by the appropriate county recorder for recording purposes. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.  
(Ord. No. 2025, CC 1981 §43.100)

### **SECTION 405.110:GROUND ELEVATIONS**

The preliminary plat shall show ground elevations, based on the datum plane of the U.S. Coast and Geodetic Survey or a datum plane approved by the City Engineer as follows:

1. For land with slopes less than approximately two percent (2%) show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions;
2. For all slopes more than approximately two percent (2%);
  - a. If the ground slope is irregular show contours with an interval of not more than two (2) feet; and
  - b. If the ground slope is regular show contours with an interval of not more than five (5) feet; and
3. A tie to one (1) or more bench marks shall be shown. (Ord. No. 2025, CC 1981 §43.110)

### **SECTION 405.120:INFORMATION TO BE PROVIDED ON PRELIMINARY PLAT**

The preliminary plat shall contain the following information:

1. Title;
2. Name and address of owner of record and of subdivider;

3. Proposed name of subdivision and its acreage;
4. North point and graphic scale and date;
5. Vicinity map showing location and acreage of subdivision;
6. Exact boundary lines of the tract by bearing and distances;
7. Names of owners of record of adjoining land;
8. Existing streets, utilities, and easements on and adjacent to the tract;
9. Proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than single-family dwellings;
10. Block numbers and lot numbers;
11. Provisions for water supply, sewerage, and drainage;
12. Minimum building front yard setback lines;
13. Such street cross-sections and center-line profiles as may be required by the City Engineer; and
14. Present zoning classification. (Ord. No. 2025, CC 1981 §43.120)

#### **SECTION 405.130:APPLICATION FOR FINAL PLAT APPROVAL**

After the preliminary plat of a proposed subdivision has been given tentative approval by the Board of Aldermen, the subdivider may, within one (1) year from tentative approval, submit to the Board of Aldermen:

1. A letter requesting review and approval of a final plat, giving the name and address of the person to whom the notice of the hearing by the Board of Aldermen on the final plat shall be sent;
2. Five (5) copies of the final plat and other documents, as specified in Section 405.070, plus the original which shall be drawn in permanent ink on permanent reproducible material, equal to the standards required by the appropriate county recorder; and
3. A final plat filing fee and a recording fee as set by ordinance. (Ord. No. 2025, CC 1981 §43.130)

## **SECTION 405.140:REVIEW OF FINAL PLAT**

- A. The Board of Aldermen shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of this Chapter, and shall afford a hearing on the final plat, notice of the time and place of which shall be sent by the Board of Aldermen by registered or certified mail to the person designated in the letter requesting final review and approval, not less than five (5) days prior to the date of the hearing.
- B. Thereafter, the Board of Aldermen shall approve or disapprove the final plat. A notation of the action of the Board of Aldermen shall be made on the original drawing and all copies of the final plat, including a statement of the reasons for disapproval if the final plat is disapproved. If action on a final plat is not taken by the Board of Aldermen within sixty (60) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.  
(Ord. No. 2025, CC 1981 §43.140)

## **SECTION 405.150:RECORDING OF FINAL PLAT**

Upon approval of a final plat, the Board of Aldermen shall have the final plat recorded in the office of the appropriate County Court. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the final plat as provided in Section 405.130.

(Ord. No. 2025, CC 1981 §43.150)

## **SECTION 405.160:FINAL PLAT SPECIFICATIONS**

The final plat shall conform to and meet the specifications of the preliminary plat (Sections 405.090, 405.100, 405.110 and 405.120) with the following additions:

1. Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3)) shall be accurately described on the plat;
2. Municipal, County, and land-lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
3. Exact boundary lines of the tract, determined by an engineering field survey, giving distances to the nearest one-tenth (1/10) foot and angles to the nearest minute, which shall be balanced and closed with an error closure not to exceed one to five thousand (1,000 to 5,000);

4. Name of subdivision, exact location, widths, and names of all streets and alleys within and immediately adjoining the tract;
5. Street center-lines showing angles of deflection, angles of intersection, radii, and lengths of tangents;
6. Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearings;
7. Lots numbered in numerical order and blocks lettered alphabetically;
8. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use;
9. Accurate location, material, and description of existing and proposed monuments and markers; and
10. A statement, either directly on the plat or in an identified attached document, of any private covenants. (Ord. No. 2025, CC 1981 §43.160)

#### **SECTION 405.170:ENGINEER'S OR SURVEYOR'S CERTIFICATION**

An Engineer's or Surveyor's Certification shall be placed directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "Future", and their location, size, type, and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of the City of Bloomfield, Missouri, have been fully complied with". (Ord. No. 2025, CC 1981 §43.170)

#### **SECTION 405.180:OWNER'S CERTIFICATION**

An owner's certification shall be placed on the final plat as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies this plat was made from an actual survey, that all State, City, and County taxes or other assessments now due on this land have been paid".  
(Ord. No. 2025, CC 1981 §43.180)

**SECTION 405.190: CERTIFICATION OF CITY CLERK**

- A. The City Clerk, or other responsible official shall certify that the streets, drainage, utilities, and other improvements indicated on the plat have been completed to proper specifications and per design standards. Where the required improvements have not been completed, the City Attorney shall certify that the approved bond, or security, has been posted to insure their completion.
- B. Where septic tanks are to be used in lieu of public sewerage, the County Health Officer or local health authority shall certify that adequate septic tanks have been installed to specifications and that lot areas shown on the plat are adequate to accommodate individual septic tanks. (Ord. No. 2025, CC 1981 §43.190)

**SECTION 405.200: CERTIFICATE OF DEDICATION**

A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating should be attached to the final plat. This certificate should be approved as to form by the City Attorney. (Ord. No. 2025, CC 1981 §43.200)

**SECTION 405.210: COPY OF OFFICIAL ACTION BY GOVERNING BODY**

A copy of the ordinance or resolution adopted by the governing body accepting streets, improvements, easements, and any other property dedicated by the owner for public use, as indicated on the final plat, shall be attached to the final plat before recording. (Ord. No. 2025, CC 1981 §43.210)

**SECTION 405.220: FINAL PLAT APPROVAL BY THE BOARD OF ALDERMEN**

The Board of Aldermen shall include a certificate of approval of the final plat directly on the plat, as follows:

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of the City of Bloomfield, Missouri, this Final Plat was given final approval by the \_\_\_\_\_ Board of Aldermen effective \_\_\_\_\_, 19 \_\_\_\_."

\_\_\_\_\_ Date \_\_\_\_\_ Mayor

\_\_\_\_\_  
Board of Aldermen

(Ord. No. 2025, CC 1981 §43.220)

### **SECTION 405.230:SUITABILITY OF LAND**

Land subject to flooding, improper drainage, erosion or that is, for topographical or other reasons, unsuitable for residential use shall not be platted for residential use, nor for any other use that will increase the danger of health, safety, or property destruction, unless the hazards can be and are corrected.

(Ord. No. 2025, CC 1981 §43.230)

### **SECTION 405.240:NAME OF SUBDIVISION**

The name of the subdivision must have the approval of the Board of Aldermen. The name shall not duplicate or closely approximate the name of an existing subdivision.

(Ord. No. 2025, CC 1981 §43.240)

### **SECTION 405.250:ACCESS**

Access to every subdivision shall be provided over a public street. (CC 1981 §43.250)

### **SECTION 405.260:CONFORMANCE TO ADOPTED MAJOR THOROUGHFARE AND OTHER PLANS**

All streets and other features of any Major Thoroughfare Plan of the City of Bloomfield, Missouri, shall be platted by the subdivider in the location and to the dimensions indicated on the Major Thoroughfare Plan adopted by the Board of Aldermen.

1. When features of other plans adopted by the Board of Aldermen, (such as schools or other public building sites, parks, or other land for public uses) are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
2. Whenever a plat proposes the dedication of land to public uses that the Board of Aldermen finds not required or suitable for such public use, the Board of Aldermen shall refuse to approve the plat, and shall notify the governing body of the reasons for such action. (CC 1981 §43.260)

### **SECTION 405.270:LARGE-SCALE DEVELOPMENTS**

The requirements of this Chapter may be modified in the case of a large-scale community or neighborhood units, such as a housing project or shopping center which is

not subdivided into customary lots, blocks, and streets, if the development is approved by the Board of Aldermen and if it is in conformity with the purpose and intent of this Chapter. (CC 1981 §43.270)

#### **SECTION 405.280:CONTINUATION OF EXISTING STREETS**

Existing streets shall be continued at the same or greater width, but in no case less than the required width. (Ord. No. 2025, CC 1981 §43.280)

#### **SECTION 405.290:STREET NAMES**

Street names shall require the approval of the Board of Aldermen. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets. (Ord. No. 2025, CC 1981 §43.290)

#### **SECTION 405.300:STREET JOGS**

Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted. (Ord. No. 2025, CC 1981 §43.300)

#### **SECTION 405.310:CUL-DE-SACS**

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end streets, shall not be greater in length than five hundred (500) feet. They shall be provided at the closed end with a turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet. (Ord. No. 2025, CC 1981 §43.310)

#### **SECTION 405.320:ALLEYS**

Alleys may be required at the rear of all lots used for multi-family, commercial, or industrial developments, but shall not be provided in one (1) and two (2) family residential developments unless the subdivider provides evidence satisfactory to the Board of Aldermen of the need for alleys. (Ord. No. 2025, CC 1981 §43.320)

#### **SECTION 405.330:EASEMENTS**

- A. Easements having a minimum width of ten (10) feet shall be provided along each side of rear lots lines and shall be provided, as required, for utility lines and underground mains and cables.
- B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm-water or drainage right-of-way of adequate width. Parallel streets may be required by the Board of Aldermen in connection therewith. (Ord. No. 2025, CC 1981 §43.330)

#### **SECTION 405.340:STREET RIGHT-OF-WAY WIDTHS**

The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- 1. Major streets, sixty (60) feet;
- 2. Secondary streets, thirty-two (32) feet;
- 3. Neighborhood streets, twenty-six (26) to thirty-two (32) feet; and
- 4. Alleys, twenty (20) feet. (Ord. No. 2025, CC 1981 §43.340)

#### **SECTION 405.350:STREET-PAVEMENT WIDTHS**

Street-pavement widths shall be as follows:

- 1. Secondary streets, twenty (20) feet;
- 2. Neighborhood streets, sixteen (16) to twenty (20) feet. (Ord. No. 2025, CC 1981 §43.350)

#### **SECTION 405.360:STREET GRADES**

Maximum and minimum street grades shall be twelve percent (12%) and one-half of one percent (.5%) respectively. (Ord. No. 2025, CC 1981 §43.360)

#### **SECTION 405.370:HORIZONTAL CURVATURE**

The minimum radii of centerline curvature shall be one hundred fifty (150) feet. (Ord. No. 2025, CC 1981 §43.370)

### **SECTION 405.380:TANGENTS**

Between reverse curves, there shall be a tangent having a length not less than one hundred (100) feet.

(Ord. No. 2025, CC 1981 §43.380)

### **SECTION 405.390:STREET INTERSECTIONS**

Street intersections shall be at right angles when possible. No street intersections shall be at an angle of less than sixty degrees (60°), unless required by unusual circumstances.

(Ord. No. 2025, CC 1981 §43.390)

### **SECTION 405.400:CURB-LINE RADIUS**

The curb-line radius at street intersections shall be at least fifteen (15) feet. Where the angle of street intersections is less than ninety degrees (90°), a longer radius may be required.

(Ord. No. 2025, CC 1981 §43.400)

### **SECTION 405.410:BLOCK LENGTHS AND WIDTHS**

Block lengths and widths shall be as follows:

1. Blocks shall be no greater than nine hundred (900) feet, nor less than three hundred (300) feet in length, except in unusual circumstances, and
2. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impracticable.

(Ord. No. 2025, CC 1981 §43.410)

### **SECTION 405.420:LOT SIZES**

Residential lots shall meet the lot width and lot area requirements of the Zoning Ordinance. In the absence of a Zoning Ordinance, residential lots shall not be less than seventy-five (75) feet wide at the building line.

1. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations not practicable.

2. Where individual septic tanks are used, the Health Officer shall prescribe minimum lot sizes to conform to health standards, which may be greater than the standards contained herein.
3. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable for use intended.
4. Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets. (Ord. No. 2025, CC 1981 §43.420)

#### **SECTION 405.430: LOT LINES**

All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topographic or other features. (Ord. No. 2025, CC 1981 §43.430)

#### **SECTION 405.440: LOTS ABUTTING PUBLIC STREETS**

Each lot shall abut upon a dedicated public street. (Ord. No. 2025, CC 1981 §43.450)

#### **SECTION 405.450: DOUBLE AND REVERSE FRONTAGE LOTS**

Double frontage and reverse frontage lots should be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planted screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other in compatible use. (Ord. No. 2025, CC 1981 §43.460)

#### **SECTION 405.460: REQUIRED IMPROVEMENTS**

- A. Prior to the approval of the final plat, an agreement shall be reached between the subdivider or his agent and the City Government with regard to the installation of any street improvements or utility construction called for on the subdivision plat. In certain cases, where the City Government deems necessary, the subdivider shall be required to have installed by appropriate City agency at his expense, or, with approval of the agency concerned, to install the following street improvements and utilities:
  1. Streets, including street grading and street ditching;
  2. Sanitary sewer lines and manholes, storm-drainage facilities, sidewalks (when determined by the Board of Aldermen to be essential for the safety of pedestrians) and monuments and markers; and

3. Water mains within the subdivision with connections to each lot.
- B. All required street improvements, utilities and monuments shall be built to standards specified by the agency responsible for each. All utilities to be installed in the streets shall be placed and compacted prior to paving.
  - C. If the required sanitary sewer line cannot be connected to a trunkline sewer at the time of the development of the subdivision, septic tanks shall be installed by and at the expense of the subdivider or lot purchaser for interim use, in conformity with the requirements of the County Health Department or local health authority.
  - D. In lieu of the completion of such work and installations previous to the final approval of a plat, the Board of Aldermen shall accept a surety bond providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the Board of Aldermen and expressed in the bond. (Ord. No. 2025, CC 1981 §43.470)

#### **SECTION 405.470:AMENDMENTS**

This Chapter may be amended from time to time by the City Government. However, no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Board of Aldermen for review and recommendation. The Board of Aldermen shall have thirty (30) days within which to submit its report. If the Board of Aldermen fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendments.

Before enacting an amendment to this Chapter, the City Government shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City. (Ord. No. 2025, CC 1981 §43.480)

## **CHAPTER 410: FLOODPLAIN MANAGEMENT**

### **ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES**

#### **SECTION 410.010:STATUTORY AUTHORIZATION**

The legislature of the State of Missouri has in Section 89.020, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore the Board of Aldermen of Bloomfield, Missouri ordains as follows. (Ord. No. 3134 Art. 1 §A, 11-25-02)

#### **SECTION 410.020:FINDINGS OF FACT**

- I. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of Bloomfield, 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.
- II. *General Causes Of The Flood Losses.* These flood losses are caused by:
  - II.A. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
  - II.B. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated or otherwise unprotected from flood damages. (Ord. No. 3134 Art. 1 §B, 11-25-02)

#### **SECTION 410.030:STATEMENT OF PURPOSE**

It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Section 410.020(A); 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 (CRF) 59.22(a)(3); and to meet the requirements of 44 CRF 60.3(b) by applying the provisions of this Chapter to:

- .A. 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;

- .B. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- .C. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard. (Ord. No. 3134 Art. 1 §C, 11-25-02)

## **ARTICLE II. GENERAL PROVISIONS**

### **SECTION 410.040:LANDS TO WHICH CHAPTER APPLIES**

This Chapter shall apply to all lands within the jurisdiction of the City of Bloomfield identified as unnumbered A Zones on the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) dated August 5, 1986, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonable impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and as promotion and maintenance of the general welfare, health of the inhabitants of the community and as specifically noted in Article IV. (Ord. No. 3134 Art. 2 §A, 11-25-02)

### **SECTION 410.050:FLOODPLAIN ADMINISTRATOR**

The Water Superintendent is hereby designated as the Floodplain Administrator under this Chapter. (Ord. No. 3134 Art. 2 §B, 11-25-02)

### **SECTION 410.060:COMPLIANCE**

No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations. (Ord. No. 3134 Art. 2 §C, 11-25-02)

### **SECTION 410.070:ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only. (Ord. No. 3134 Art. 2 §D, 11-25-02)

## **SECTION 410.080:INTERPRETATION**

In their interpretation and application the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. (Ord. No. 3134 Art. 2 §E, 11-25-02)

## **SECTION 410.090:WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside unnumbered A Zones or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Bloomfield, any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. No. 3134 Art. 2 §F, 11-25-02)

## **SECTION 410.100:SEVERABILITY**

If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby. (Ord. No. 3134 Art. 2 §G, 11-25-02)

## **ARTICLE III. ADMINISTRATION**

### **SECTION 410.110:FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 410.040. 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. (Ord. No. 3134 Art. 3 §A, 11-25-02)

## **SECTION 410.120:DESIGNATION OF FLOODPLAIN ADMINISTRATOR**

The Water Superintendent is hereby appointed to administer and implement the provisions of this Chapter. (Ord. No. 3134 Art. 3 §B, 11-25-02)

## **SECTION 410.130:DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR**

Duties of the Floodplain Administrator shall include, but not be limited to:

- .A. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter 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 agencies from which prior approval is required by Federal, State or local law;
- .C. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- .D. Issue floodplain development permits for all approved applications;
- .E. Notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- .F. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished; and
- .G. Where base flood elevation from other sources is utilized within unnumbered A Zones:
  - .G.1. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
  - .G.2. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;

- .G.3. When floodproofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect. (Ord. No. 3134 Art. 3 §C, 11-25-02)

#### **SECTION 410.140: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:

- .A. 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 building or work;
- .B. Identify and describe the work to be covered by the floodplain development permit;
- .C. Indicate the use or occupancy for which the proposed work is intended;
- .D. Indicate the assessed value of the structure and the fair market value of the improvement;
- .E. Identify the existing base flood elevation and the elevation of the proposed development;
- .F. Give such other information as reasonably may be required by the Floodplain Administrator;
- .G. Be accompanied by plans and specifications for proposed construction; and
- .H. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority. (Ord. No. 3134 Art. 3 §D, 11-25-02)

#### **ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION**

##### **SECTION 410.150:GENERAL STANDARDS**

- I. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any unnumbered A Zone unless the conditions of this Section are satisfied.

- II. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other resources.
  
- III. All new construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
  - III.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;
  
  - III.B. Construction with materials resistant to flood damage;
  
  - III.C. Utilization of methods and practices that minimize flood damages;
  
  - III.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;
  
  - III.E. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  
  - III.F. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - III.F.1. All such proposals are consistent with the need to minimize flood damage;
  
    - III.F.2. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  
    - III.F.3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
  
    - III.F.4. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, included within such proposals base flood elevations data.

IV. *Storage, Material And Equipment.*

IV.A. 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.

IV.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 within the time available after a flood warning.

V. *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 four hundred (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 Chapter; and a floodplain development permit has been issued. (Ord. No. 3134 Art. 4 §A, 11-25-02)

**SECTION 410.160:SPECIFIC STANDARDS**

I. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in Section 410.150(B), the following provisions are required:

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

I.B. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 410.130(7)(c).

I.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 floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

I.C.1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and

I.C.2. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

II. In all areas of special flood hazard, once floodway data is obtained, as set forth in Section 410.150(B), the following provisions are required:

II.A. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point; and

II.B. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. (Ord. No. 3134 Art. 4 §B, 11-25-02)

## **SECTION 410.170:MANUFACTURED HOMES**

I. All manufactured homes to be placed within special flood hazard areas 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.

II. Require manufactured homes that are placed or substantially improved within unnumbered A Zones on the community's FIRM on sites:

II.A. Outside of manufactured home park or subdivision;

II.B. In a new manufactured home park or subdivision;

II.C. In an expansion to an existing manufactured home park or subdivision; or

II.D. 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 or one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

III. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A Zones on the community's FIRM, that are not subject to the provisions of Subsection (B) of this Section, be elevated so that either:

III.A. The lowest floor of the manufactured home is at or one (1) foot above the base flood level; or

III.B. 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. (Ord. No. 3134 Art. 4 §C, 11-25-02)

#### **SECTION 410.180:RECREATIONAL VEHICLES**

Require that recreational vehicles placed on sites within unnumbered A Zones on the community's FHBM or FIRM either:

.A. Be on the site for fewer than one hundred eighty (180) consecutive days, or

.B. Be fully licensed and ready for highway use\*, or

.C. Meet the permitting, elevation and the anchoring requirements for manufactured homes of this Chapter.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions. (Ord. No. 3134 Art. 4 §D, 11-25-02)

## **ARTICLE V. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

### **SECTION 410.190:ESTABLISHMENT OF APPEAL BOARD**

The Board of Aldermen as established by the City of Bloomfield shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter. (Ord. No. 3134 Art. 5 §A, 11-25-02)

### **SECTION 410.200:RESPONSIBILITY OF APPEAL BOARD**

- I. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board as defined in Section 410.190.
- II. The Board of Aldermen 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. (Ord. No. 3134 Art. 5 §B, 11-25-02)

### **SECTION 410.210:FURTHER APPEALS**

Any person aggrieved by the decision of the Board of Aldermen or any taxpayer may appeal such decision to the Circuit Court of Stoddard County as provided in Section 89.110, RSMo. (Ord. No. 3134 Art. 5 §C, 11-25-02)

### **SECTION 410.220:FLOODPLAIN MANAGEMENT VARIANCE CRITERIA**

In passing upon such applications for variances, the Board of Aldermen shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:

- .A. The danger to life and property due to flood damage;
- .B. The danger that materials may be swept onto other lands to the injury of others;
- .C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- .D. The importance of the services provided by the proposed facility to the community;

- .E. The necessity to the facility of a waterfront location, where applicable;
- .F. The availability of alternative locations, not subject to flood damage, for the proposed use;
- .G. The compatibility of the proposed use with existing and anticipated development;
- .H. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- .I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- .J. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
- .K. 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. (Ord. No. 3134 Art. 5 §D, 11-25-02)

**SECTION 410.230: CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES**

- I. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- II. 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.
- III. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- IV. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- V. Variances shall only be issued upon:
  - V.A. A showing of good and sufficient cause,
  - V.B. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - V.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.
- VI. A community shall notify the applicant in writing over the signature of a community official that:
  - VI.A. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
  - VI.B. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter. (Ord. No. 3134 Art. 5 §E, 11-25-02)

## **SECTION 410.240:CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES**

- I. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Sections 410.220 and 410.230 of this Chapter.
- II. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-proofed.
  - II.A. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
  - II.B. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Section 410.150(C)(2) of this Chapter.
- III. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with Section 410.150(C)(1) of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy and hydrodynamic and debris impact forces.
- IV. Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 410.150(C)(4) of this Chapter.
- V. The accessory structures must meet all national Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 410.160(A)(3) of this Chapter.
- VI. The accessory structures must comply with the floodplain management floodway encroachment provisions of Section 410.160(B)(2) of this Chapter. No variances may be issued for accessory structures within any designated floodway if any increase in flood levels would result during the 100-year flood.
- VII. Equipment, machinery or other contents must be protected from any flood damage.
- VIII. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

IX. A community shall notify the applicant in writing over the signature of a community official that:

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

IX.B. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

X. Wet-floodproofing constructing techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. No. 3134 Art. 5 §F, 11-25-02)

## **ARTICLE VI. PENALTIES FOR VIOLATION**

### **SECTION 410.250: PENALTIES FOR VIOLATION**

- I. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- II. Nothing herein contained shall prevent the City of Bloomfield or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 3134 Art. 6, 11-25-02)

## **ARTICLE VII. AMENDMENTS**

### **SECTION 410.260: AMENDMENTS**

The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties 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 the City of Bloomfield. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations. (Ord. No. 3134 Art. 7, 11-25-02)

## **ARTICLE VII. DEFINITIONS**

### **SECTION 410.270:DEFINITIONS**

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

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

*ACCESSORY STRUCTURE:* The same as "*APPURTENANT STRUCTURE*".

*ACTUARIAL RATES:* See "*RISK PREMIUM RATES*".

*ADMINISTRATOR:* The Federal Insurance Administrator.

*AGENCY:* The Federal Emergency Management Agency (FEMA).

*AGRICULTURAL COMMODITIES:* Agricultural products and livestock.

*AGRICULTURAL STRUCTURE:* Any structure used exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities.

*APPEAL:* A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

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

*AREA OF SPECIAL FLOOD HAZARD:* The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

*BASE FLOOD:* The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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

*BUILDING:* See "*STRUCTURE*".

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

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

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

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

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

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

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

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

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

.A. The overflow of inland, and/or

.B. The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

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

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

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

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

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

*HISTORIC STRUCTURE:* Any structure that is:

- .A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- .B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- .C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- .D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - .D.1. By an approved State program as determined by the Secretary of the Interior,  
or
  - .D.2. Directly by the Secretary of the Interior in States without approved programs.

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

*MANUFACTURED HOME:* A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*manufactured home*" does not include a "*recreational vehicle*".

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

*MAP:* The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

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

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

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

*NEW MANUFACTURED HOME PARK OR SUBDIVISION:* A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which

the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

*NFIP*: The National Flood Insurance Program (NFIP).

*PARTICIPATING COMMUNITY (ALSO KNOWN AS AN ELIGIBLE COMMUNITY)*: A community in which the Administrator has authorized the sale of flood insurance.

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

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

*RECREATIONAL VEHICLE*: A vehicle which is:

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

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

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

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

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

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

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

*SUBSTANTIAL DAMAGE:* Damage of any original sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

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

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

*VARIANCE:* A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

*VIOLATION:* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided. (Ord. No. 3134 Art. 8, 11-25-02)