AN ORDINANCE AMENDING SECTIONS 405.330
AND 405.340 OF THE ORDINANCES OF ST.
CHARLES COUNTY MISSOURI, THE UNIFIED
DEVELOPMENT ORDINANCE, TO ALLOW
CURRENT MARKET VALUE USED IN THE 50%
CAPITAL IMPROVEMENT RULE ON FLOOD
PLAIN DEVELOPMENT AREAS TO BE
DETERMINED BY A STATE-LICENSED REAL
ESTATE APPRAISER.

WHEREAS,

Art. II, Section 2.513 of the St. Charles County Charter
provides that the Council may establish and collect fees
for licenses, permits, inspections and services
performed by County officers and employees; and

WHEREAS,

Art. II, Section 2.514 of the St. Charles County Charter
further authorizes the County Council to "license, tax,
and regulate all businesses, occupations, professions,
vocations, activities or things whatsoever set forth and
enumerated by the Constitution or by Applicable Law"
within the unincorporated areas of the County and also
within incorporated areas of the County with the
consent of their governing bodies; and

WHEREAS,

Article II, Section 2.529 of the St. Charles County
Charter provides that the Council may exercise
legislative power pertaining to public health and
welfare, police and traffic, building construction, and
planning and zoning, in the part of the County outside
incorporated cities, towns, and villages, and on such
other subjects as may be authorized by the Constitution or by applicable law; and

WHEREAS, St. Charles County has adopted the zoning regulations in Chapter 405 OSCCMo; and

WHEREAS, Section 405.535.B.2, OSCCMo, provides that by its own motion and by ordinance the County Council may amend the text of Chapter 405 OSCCMo; and

WHEREAS, the County Council finds that it is in the public interest to amend the regulations of Chapter 405, Sections 405.330 and 405.340 OSCCMo, as provided herein respectively, to allow current market value used in the 50% Capital Improvement rule on flood plain development areas to be determined by a state-licensed real estate appraiser at the option of the land owner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 405.330 OSCCMO, is hereby amended as follows (added text in bold type, deleted text in bracketed and striken type).

Section 405.330. Application For A Floodplain Development Permit.

A. To obtain a floodplain development permit, the applicant must apply for such a floodplain development permit with the County Division of Planning and Zoning. A floodplain development permit must be signed by the applicant on the form furnished. For the purpose of investigating an application for a floodplain development
permit and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit. Every such floodplain development permit 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 current market value of the structure. For the purposes of this section, the current market value of the structure shall be determined by the St. Charles County Assessor, adjusted to approximate market value, or a state-licensed appraiser, at the option of the landowner.
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, including without limitation, the crawl space or basement, heating, cooling or other mechanical components, and garage, of all structures or areas to be filled on the property.
7. Give such other information as reasonably may be required by the Director of the Division of Planning and Zoning.
8. Be accompanied by plans and specifications for proposed construction, fill area, or grading.
9. Be signed by the property owner or his/her authorized agent who may be required to submit evidence to indicate such authority.
10. Be issued by the Director of the Division of Planning and Zoning or his or her designee.
11. Be accompanied by a fee as set by ordinance. The fee is not applicable for any reissue of a Floodplain Development Permit for a structure within a consecutive twelve (12) month period. If a Letter of Map Revision (LOMR) is required, the applicant shall submit publication fees for community notification.
12. Be valid for the same period as the Building Permit. In the event there is no Building Permit, the Floodplain Development Permit will be in effect for two (2) years from the date of issuance.

Section 2. Section 405.340 OSCCMO, is hereby amended as follows (added text in **bold type**, deleted text in [bracketed and stricken type]).

Section 405.340 Cumulative Improvement/Substantial Damage.

A. A structure may be improved (remodeled, repaired or enlarged) without conforming to current requirements for elevation, as long as the cumulative value of all work done within a consecutive five (5) year period does not exceed
fifty percent (50%) of the structure's—current [assessor's]—market value of the structure. Permits for incremental improvements, additions and repairs shall be tracked by the Division of Planning and Zoning beginning January 1, 2005.

B. If the cumulative value of the improvements exceeds fifty percent (50%) of the structure's current [assessor's]-market value of the structure, the structure must be brought into compliance with Subsection (C) of Section 405.350 of this Article, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density Floodway Overlay District, which requires elevation of residential structures to one (1) foot above the base flood elevation or the elevation/dry-floodproofing of non-residential structures to or above the base flood elevation.

C. In any case, however, the structure's owner may apply to the Director of Planning and Zoning for a determination that the structure is a "repetitive loss structure" as defined at Section III-D-3-a-(1) of the National Flood Insurance program's authorized forms for flood insurance, 44 C.F.R. Part 61, Appendices A(1), (2) and (3). The structure's owner shall make that application on a form provided by the Director and the Director shall make that determination in writing, based on information supplied by the structure's owner as well as information and records relating to the structure retained by the Division of Planning and Zoning, and shall serve that determination upon the structure's owner.
Section 3. Except as provided in Section 4, below, this ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 4. This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places, its publication in full on the web site of St. Charles County, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.

January 29, 2018
DATE PASSED

February 1, 2018
DATE APPROVED BY COUNTY EXECUTIVE

[Signature]
CHAIR OF THE COUNCIL

[Signature]
COUNTY EXECUTIVE

ATTEST:

[Signature]
COUNTY REGISTRAR