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**AN ORDINANCE AMENDING THE FLOOD PLAIN PROVISIONS OF THE BRENTWOOD CITY CODE REGARDING TEMPORARY STRUCTURES.**

**WHEREAS**, federal flood plain regulations suggest that local floodplain regulations should encompass placement of temporary structures; and

**WHEREAS**, the Brentwood Zoning regulations already have provisions relating to permitting for special uses and temporary structures;

**WHEREAS**, the Board of Aldermen now wishes to coordinate these regulatory provisions and adopt standards for issuing temporary floodplain development permits for temporary structures for special uses in accord with the existing regulatory framework referenced above; and

**WHEREAS**, the amendment enacted by this legislation was reviewed by the Brentwood Planning and Zoning Commission, which recommended its adoption, and has been the subject of public hearing which members of the public were afforded an opportunity to be heard, after due notice is required by law;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, AS FOLLOWS:**

**Section 1.** Division 8 of Article V of Chapter 400 of the Municipal Code of the City of Brentwood, Missouri, is hereby amended by the addition of one new Section, initially to be designated as Section 400.2865, to read as follows:

**Chapter 400. Zoning**

**ARTICLE V. Supplemental Regulations**

**Division 8. Flood Hazard Control**

**Section 400.2865. Temporary Flood Plain Development Permit for Temporary Structures (Required).**

- A. *Definition.* As used in this Section a "**temporary structure**" means a non-residential structure permitted as a Special Use in accordance with Section 400.020 of the Brentwood City Code.
- B. *Duration.* A Temporary Structure may be permitted for a period of thirty (30) days; and may be extended as circumstances warrant in the judgment of the Floodplain Administrator, but in no case shall a permit for any temporary structure be issued for a period greater than 180 days in any twelve (12) month period.
- C. *Permit Required.* Any Temporary Structure permitted as a Special Use that is located within the Special Flood Hazard Area shall, in addition to the administrative Special Use Permit required by Sec. 400.020 ("special use"), also require a Temporary Floodplain Development Permit, the term of which shall be the same as that of the Special Use Permit, subject to the durational limits set forth above.
- D. *Application.* Application for a Temporary Floodplain Development Permit will be reviewed for compliance consistent with the requirements for a Floodplain Development Permit, excepting those reasonably determined by the Floodplain Administrator as inapplicable or not required, said determination to be made on a case-by-case basis considering, but not limited to, the following factors:
1. Whether use of the Temporary Structure(s) is appropriate for the area covered by the Special Use Permit and is not unreasonable.
  2. Whether the proposed Temporary Structure(s) cannot reasonably meet, nor be adapted to meet, NFIP design standards.
  3. Adequacy of the anchoring for Temporary Structure(s) to prevent flotation, collapse, or excessive lateral movement; provided, however, that this factor shall not apply to fencing so designed that water can readily flow through it and such that it will be pushed over or ripped out early in a flood event.
  4. Ability to remove Temporary Structure(s) to reduce flood damage during or in anticipation of a flood event.
  5. Seasonality of the proposed Temporary Structure(s) and the reasonable likelihood of flooding events at the time of the proposed Temporary Use and presence of the Temporary structure(s)

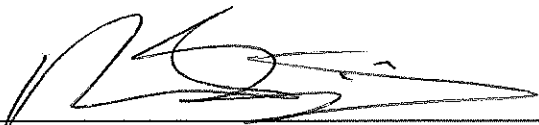
- E. *Emergency Removal.* Under impending or existing emergency conditions, Temporary Structure(s) shall be removed as directed by the City Administrator.
- F. *Plan Compliance.* Deviation from the approved site plan submitted with Temporary Floodplain Development Permit Application shall be a violation of that permit and cause for immediate revocation.
- G. *Removal.* Temporary Structure(s) shall be removed upon or before expiration of the permit period and the subsequent use of the land shall be as it was prior to the permit approval.

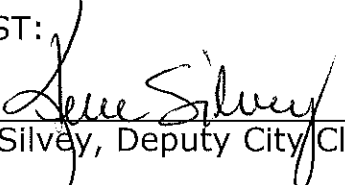
**SECTION 2:** The Chapter, Article, Division and/or Section assignments designated in the Ordinance may be revised and altered by the codification company servicing the City’s Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations, the editor may also change the designations and numerical assignment of code sections to accommodate such changes.

**SECTION 3:** It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

**SECTION 4:** This Ordinance shall be in full force and effect from and after the date of its passage and approval according to law.

**PASSED BY THE BOARD OF ALDERMEN THIS 19th DAY OF AUGUST 2024.**

  
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David A. Dimmitt, Presiding Officer

ATTEST:  
  
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Kelle Silvey, Deputy City Clerk

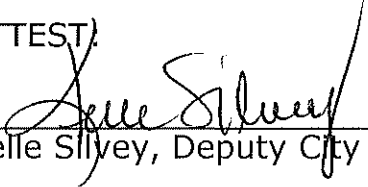
BILL NO. 6521

ORDINANCE NO. 5147

**APPROVED BY THE MAYOR THIS 19TH DAY OF AUGUST, 2024**

  
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David A. Dimmitt, Mayor

ATTEST:

  
\_\_\_\_\_  
Kelle Silvey, Deputy City Clerk

1st Reading: August 19, 2024

2nd Reading: August 19, 2024