

## **THE LADUE FLOOD PLAIN**

### **MANAGEMENT ORDINANCE**

#### **NO. 1468 (AS AMENDED THROUGH JUNE 18, 2001)**

This document reflects the codification of the City of Ladue's Flood Plain Management ordinances with amendments through June 18, 2001. The basic standards were established by Ordinance 1468 that was passed on November 13, 1989; and that ordinance has been amended by Ordinances 1487, 1492, 1509, 1525, 1536, 1551, 1597 and 1768.

**LADUE'S FLOOD PLAIN  
MANAGEMENT ORDINANCE**  
NO. 1468 (as amended through June 18, 2001)

AN ORDINANCE REPEALING ORDINANCE 1414 AND ADOPTING IN LIEU THEREOF A NEW ORDINANCE SETTING FORTH FLOOD PLAIN MANAGEMENT STANDARDS FOR THE DESIGNATED FLOOD HAZARD AREAS IN THE CITY OF LADUE IN ACCORDANCE WITH THE STANDARDS SET FORTH BY THE FEDERAL FLOOD INSURANCE ADMINISTRATION, AND PROVIDING A PENALTY.

WHEREAS, the flood hazard areas of the City of Ladue are subject to periodic inundation which results in property losses and health and safety hazards, and may result in 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; and

WHEREAS, such flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage; and

WHEREAS, it is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: (a) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities; and (b) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LADUE, STATE OF MISSOURI, AS FOLLOWS:

**Section 1. Definitions**

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

- (a) Appeal means a request made to the Flood Management Board for review pursuant to Section 14 of this ordinance of the interpretation of any provision of this ordinance by the local administrator or a request for a variance made to the Flood Management Board pursuant to section 14 of this ordinance.
- (b) Area of shallow flooding means a designated AO Zone on the Flood Insurance Rate Map (FIRM) of the City of Ladue with base flood depths from one to three feet where a clearly defined channel does not exist, where the

path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

- (c) Area of special flood hazard is the land in the flood plain within the City of Ladue subject to a one percent or greater chance of flooding in any given year.
- (d) Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.
- (e) Building – a structure designed for the housing, enclosure or shelter of persons, animals, or property of any kind.
- (f) Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or any structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (g) Existing Construction means (for the purpose of determining rates) structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRM’s effective before that date. “Existing construction” may also be referred to as “existing structures.”
- (h) Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (1) The overflow of waters:
  - (2) The unusual and rapid accumulation of runoff or surface waters from any source.
- (i) Flood Hazard Boundary Map (FHBM) and Flood Insurance Rate Map (FIRM) means the official map of the City of Ladue on which the Flood Insurance Study by the Federal Insurance Administration has delineated the Flood Hazard Boundaries (including Flood Boundary and Floodway maps) and the zones establishing insurance rates applicable to the City of Ladue.
- (j) Flood Insurance Study for the City of Ladue is the official scientific and engineering report provided by the Federal Insurance Administration. The report contains flood profiles, as well as Flood Boundary and Floodway Maps and the water surface elevation of the base flood.
- (k) Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (l) Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to

discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

- (m) Floodway Fringe is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
- (n) Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- (o) Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (p) Historic Structure means 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 Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined the Secretary of Interior as contributing to the historical significance of 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 Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) By an approved state program as determined by the Secretary of Interior or (2) Directly by the Secretary of Interior in states without approved programs.  
(Added by Ordinance 1597, June 20, 1995)
- (q) Mean Sea Level means the average height of the sea for all stages of the tide.
- (r) New construction means structures for which the “start of construction” commenced on or after the effective date of this ordinance.
- (s) Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or 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; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

- (t) Structure means that which is built or constructed.
  
- (u) Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or, (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose 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 “substantial improvement” does not include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or, (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
  
- (v) Variance is the grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

## **SECTION 2. Lands to Which this Ordinance Applies.**

This ordinance shall apply to all areas of special flood hazard, as established by Section 3 of this ordinance, within the City of Ladue.

## **SECTION 3. Basis for Establishing the Areas of Special Flood Hazard**

The areas of special flood hazard in the City of Ladue, as identified by the Flood Insurance Study, and delineated in the Flood Hazard Boundary Map and accompanying Flood Insurance Rate Map and any revisions thereof are hereby adopted by reference and declared to be a part of this ordinance.

## **SECTION 4. Development Permit.**

No one shall commence any development of property in an area of special flood hazard in the City of Ladue without first having obtained a development permit from the Building Commissioner in compliance with the provisions of this ordinance.

**SECTION 5. Compliance.**

No development in an area of special flood hazard shall take place without full compliance with the terms of this ordinance and other applicable regulations.

That until a floodway has been designated, no development, including landfill, may be permitted with Zones A1-30 and AE on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonable anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference.

**SECTION 6. Abrogation and Greater Restrictions.**

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION 7. Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be: (a) considered as minimum requirements; (b) liberally construed in favor of the governing body; and (c) deemed neither to limit nor repeal any other powers granted under statutes of the State of Missouri.

**SECTION 8. Warning and Disclaimer of Liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Ladue or of any appointed official, officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

**SECTION 9. General Standards for Flood Hazard Reduction.**

In all areas of special flood hazard:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structures;
- (b) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

- (c) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (d) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system, and discharges from the system into flood waters; and,
- (f) Onsite waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (g) The storage or processing of materials that are, in time of flooding, buoyant, flammable or explosive, or could be injurious to human, animal or plant life, is prohibited.
- (h) Other material or equipment may be stored if not subject to major damage by floods and firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.
- (i) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (j) For all new construction and substantial improvements, 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. Designs for meeting this requirement must either be certified by registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### **SECTION 10. Specific Standards for Flood Hazard Reduction.**

In all areas of special flood hazard:

- (a) Residential Construction – New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to one foot or more above 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 one or more foot above the level of the base flood elevation, 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 structural components having a 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 as provided to the local administrator as set forth in Section 12.

(c) Floodways – Located within areas of special flood hazard established in Section 3 are areas designated as floodways. Because the floodway in an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential:

- (1) Encroachments, including fill, and new construction, substantial improvements and other developments are prohibited in a floodway unless they will not result in any increased flow velocity or increase in flood levels during occurrence of the base flood discharge.
- (2) In addition to the requirements of subparagraph (1), all new construction and substantial improvements in a floodway shall comply with all other applicable flood hazard reduction provisions of Sections 9 and 11.

#### **SECTION 10(A). Additional Requirements.**

1. Any owner or developer desiring to do any construction in the flood plain, including the floodway and floodway fringe areas thereof, or to for any other work of any kind or description which makes any changes in said areas must do such work in a manner that will result in a zero rise in water surface elevation and no increase in water surface elevation and no increase in mean flow velocity. The following methods of determining compliance are applicable:
  - A. The preliminary review method:
    - i. The owner shall deposit with the City \$1000.00 to cover the cost of the engineering review described herein. Any amount not expended shall be refunded to the resident. When such deposit is made, notice shall be given to all owners of property located within 500 feet of the property where the work is planned, and any person may request that they be given a copy of the engineering report when it is completed. *(Amount of deposit increased from \$500.00 by Ord. 1768, 6/18/2001)*
    - ii. If the project involves fill material in excess of 100 cubic yards, plans sufficient to describe the project and enable evaluation thereof must be filed with the City
    - iii. The City shall have the proposed work reviewed by a qualified engineer selected by the City. The purpose of the review is to determine on a “best judgment” basis whether a probability exists that the proposed work will not cause a result which violates the requirements of 10A.1.
    - iv. The engineer shall report his findings to the local administrator. If the said engineer reports his opinion that the work is not likely to cause a violation of said requirements then a permit may be issued. If the engineer reports otherwise, then the procedure set out in Part B herein shall be followed. If the engineering opinion finds that there is no probable violation, a copy of the report shall be furnished to any person who requests it.



- v. Any person who is interested may provide to the City an opinion by a qualified engineer that a violation of the requirements of this ordinance is likely. Such opinion must state the particular problem that is believed likely to be caused. If such an opposing opinion is filed or if the City's selected engineer finds a probable violation, then the requirements of Part B herein are mandatory. In order to allow such an opinion to be obtained, the permit shall not be granted and no work shall commence until 10 days has elapsed from the date the copy of the engineering opinion was mailed to the person who requested copies.
  - vi. The procedure set out in this Paragraph A and its subparts are intended to eliminate unnecessary hardship. The preliminary engineering review required herein is necessarily limited so as to limit cost to residents. Neither the engineer providing the opinion nor the City shall be liable to anyone because of errors arising in connection with such opinion.
- B. Unless excused by the preliminary review method described in Paragraph A, the owner must do the following:
- i. Obtain a topographical survey performed by a registered land surveyor to determine all existing and proposed elevations with respect to the property and properties affected by the work.
  - ii. With respect to any streams on which FEMA studies exist, furnish to the City from a registered professional engineer who is shown to be qualified and competent with respect to water and hydraulic problems, an HEC-2 hydraulic analysis based on the aforesaid topographical survey information, a review of HEC-1 analysis if the HEC-1 exists for the stream in question, and a certification that the proposed work will comply with the standards set forth herein.
  - iii. With respect to any streams which are not the subject of FEMA studies, the owner or developer must provide a hydraulic analysis by a registered professional engineer who is shown to be qualified and competent with respect to water and hydraulic problems certifying that the proposed development will comply with the standards set forth herein for construction in the flood plain.
  - iv. The qualifications of the certifying engineer must be approved as adequate in accordance with the standards herein, and the said analysis and certification must be reviewed and approved as accurate by a registered engineer on behalf of the City.
  - v. In addition, any such owner or developer must do the following:
    - a. Provide a study by a registered professional engineer with respect to scouring or washout of the channel and erosion of the banks as a result of any changes in the channel or flood plain of the development, together with a plan from such engineer for channel and bank protection which will prevent such problems in the future.

- b. Upon approval of the City of such plan, provide the protection called for.
- c. Enter into an agreement with the City in the form of a Covenant which will run with the land which will bind all present and future owners to be responsible for maintenance of all channel and bank protection devices provided by such owner or developer and further such agreement will require the owner to:
  - (a) keep the channel free of siltation, and (b) replace any scoured or washed out areas of the channel. Such maintenance will be performed any time it is reasonably required and at least annually. Such agreement will be endorsed on any development plat at the time of approval.

The requirements set forth in SECTION 10(A) will not apply to facilities such as tennis courts, in-ground swimming pools and other structures which do not increase existing ground elevations or require fill in excess of 100 cubic yards.

*(Section 10(A) added by Ord. 1509, 6/14/1991; amended by Ord. 1525, 6/21/1992; amended by Ord. 1536, 7/20/1992; amended by Ord. 1768, 6/18/2001)*

**SECTION 11. Standards for Subdivision Proposals for Flood Hazard Reduction.**

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or 5 acres.

**SECTION 12. Designation of Local Administrator.**

The Building Commissioner is hereby appointed the local administrator, to administer and implement the provisions of this ordinance. The duties and responsibilities of the local administrator shall include, but not be limited to, those enumerated in this Section 12. The local administrator shall:

- (a) Review all applications for development permits to assure that the permit requirements of this ordinance have been satisfied, and that all necessary permits have been obtained from the Federal, state or local governmental agencies from which prior approval is required.
- (b) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance are satisfied.

- (c) Notify adjacent communities and Missouri Department of Natural Resources, Flood Plain Management Unit, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (e) Where interpretation is needed as to the exact location of the boundaries of areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions) make the necessary interpretation.
- (f) Maintain all records pertaining to this ordinance in his office, which shall be open for public inspection.
- (g) The Building Commissioner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A to determine compliance with this ordinance.

### **SECTION 13. Permit Procedures.**

Application for a Development Permit shall be made to the local administrator on forms furnished by him. The information required to complete the application form may include (but is not limited to) the following: plans in duplicate form drawn to scale showing the nature, location, dimensions and elevations of the area in question, and the location of existing or proposed structures, fill, storage of materials and drainage facilities. Every application shall be accompanied by a certificate from a registered professional engineer or architect, which shall state:

- (a) The elevation in relation to mean sea level of the lowest floor (including basement) of proposed new or substantially improved structures;
- (b) The elevation in relation to mean sea level to which proposed new or substantially improved structures will be floodproofed;
- (c) That residential construction meets the requirements of Section 10(a);
- (d) That non-residential construction meets the requirements of Section 10(b);
- (e) That any proposed encroachment in a floodway meets the requirements of Section 10(c);
- (f) That any proposed alteration or relocation of any watercourse shall not diminish the flood carrying capacity of the watercourse; and
- (g) The extent to which any watercourse will be altered or relocated as a result of the proposed development.
- (h) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (i) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

- (j) When floodproofing is utilized for a particular structure, the Building Commissioner shall obtain certification from a registered professional engineer or architect.

**SECTION 14. Flood Management Board: Appeals and Variances.**

- (a) Flood Management Board: The mayor of the City of Ladue shall appoint a Flood Management Board, consisting of five persons, hereinafter referred to as the Appeal Board. The Appeal Board shall hear and decide appeals from decisions of the local administrator, and shall hear and decide requests for variances from the requirements of this ordinance.
- (b) Appeals: The Appeal Board shall hear and decide appeals, where the appellant alleges that the local administrator has erred in enforcing any requirement, or making any decision or determination in the enforcement of administration, of this ordinance.
- (c) Variances:
  - (1) The Appeal Board may issue variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the provisions of the remainder of this section.
  - (2) In all other cases, the Appeal Board shall issue a variance only upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in particular hardship to the applicant, (iii) a determination that the variance will not result in any increase in flood levels during the base flood discharge, or any additional threat to public safety, or extraordinary public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances and (iv) a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Standards for Issuance of Variances. In passing on a request for a variance, the Appeal Board shall consider all relevant factors, including technical evaluations, standards specified in other sections of this ordinance:
  - (1) the danger that materials may be swept onto other lands to the injury of others;
  - (2) the danger to life and property due to flooding or erosion damage;
  - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) the importance of the services provided by the proposed facility to the community;
  - (5) the necessity to the facility of a waterfront location, where applicable;
  - (6) the availability of alternative locations, not subject to flooding or erosion damage, for this proposed use;
  - (7) the compatibility of the proposed use with existing and anticipated development;

- (8) the relationship of the proposed use to the comprehensive plan and flood plain management program for the area in which the proposed use is located, and adjacent areas;
  - (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - (11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- (e) Conditions on Variances; Small Lots. Upon consideration of the factors listed above in subsections (c) and (d), and the purposes of this ordinance, the Appeal Board may attach such conditions to any variance it grants, as it deems necessary to further the purposes of the ordinance; provided, however, that the Appeal Board may issue variances for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots on which the existing structures are located below the base flood level if no increase in flood levels during the base flood discharge would result.
- (f) Flood Insurance. If a variance granted by the Appeal Board allows a reduction in the lowest floor elevation of a proposed development, the Appeal Board shall advise the applicant in writing that the cost of flood insurance for the development will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (g) Records Maintenance. The local administrator shall maintain the records of all appeal actions and report the issuance of any variances to the Federal Insurance Administration upon request.
- (h) Appeal from Decision by Appeal Board. Any person aggrieved by a decision by the Appeal Board may appeal the decision to a court of competent jurisdiction.
- (i) Appeals to Zoning Board of Adjustment. Nothing in this ordinance shall be deemed to affect the jurisdiction of the Zoning Board of Adjustment of the City of Ladue to hear and decide appeals pursuant to Zoning Ordinance 1175, from decisions of the Building Commissioner which do not involve the application of the interpretation of this ordinance.

#### **SECTION 15. Non-Conforming Use.**

- (a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance, but is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
  - (1) No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in any way which increases its nonconformity.
  - (2) If such use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this ordinance.

(b) If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost of restoration is more than 50 percent of the market value of the structure before the damage occurred, unless reconstruction is done in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SECTION 16. Penalties for Violation.**

Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalty provided in Chapter 1, Section 1-8 of the Municipal Code of the City of Ladue.

Nothing herein contained shall prevent the City of Ladue or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation of this ordinance.

**SECTION 17. Effective Date.**

This ordinance shall take effect and be in force from and after the effective date of the Flood Hazard Boundary Map incorporated herein by reference and made a part hereof.

**PASSED THIS 13<sup>TH</sup> DAY OF NOVEMBER, 1989.**

**EDITH J. SPINK**  
Mayor

**APPROVED THIS 16<sup>TH</sup> DAY OF NOVEMBER, 1989.**

**EDITH J. SPINK**  
Mayor