

**BILL NO. 43**  
**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE GRANTING A VARIANCE TO THE CITY OF SUNSET HILLS,  
MISSOURI, TO CONSTRUCT AND INSTALL A RESTROOM FACILITY WITHIN THE  
FLOODPLAIN AT STIEREN INSPIRATIONAL PARK.**

WHEREAS, the Parks Department of the City of Sunset Hills desires to construct and install a restroom facility within the floodplain at Stieren Inspirational Park for the use of park patrons; and

WHEREAS, the proposed restroom facility will not be elevated to two feet above the base flood elevation or be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy as required by the specific standards for non-residential construction in the floodplain as stated in Appendix E, Article 4, Section B(1)(b) of the Code of Ordinances; and

WHEREAS, pursuant to Appendix E, Article 5 of the Code of Ordinances, the Board of Aldermen of the City of Sunset Hills shall hear and decide appeals and requests as the appeal board for variances from the City's floodplain management requirements; and

WHEREAS, the proposed restroom facility is specifically designed so that it is constructed and installed in a manner such that it can be flooded and then cleaned after a flood and will again be operational.

Based on the entire record of this application, being the evidence presented at the public hearing and the exhibits submitted at such hearing, the Board of Aldermen of the City of Sunset Hills makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

In passing upon such application for a variance, the Board of Aldermen has considered all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and finds:

1. There is no significant danger to life and property due to flood damage;
2. There is no significant danger that materials may be swept onto other lands to the injury of others;
3. The proposed facility and its contents are not susceptible to flood damage, as the proposed restroom facilities are expressly designed for installation in floodplains;
4. The services provided by the proposed facility to the community are important;
5. The location of the facility is necessary for the park amenities;
6. There is not an appropriate alternate location that is not within the floodplain for the proposed use;
7. The proposed facility is compatible with existing and anticipated development;
8. The proposed restroom facility is consistent with the comprehensive plan and floodplain management program for the area;

9. Access to the proposed restroom facility will not be needed in times of flood;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters are within the parameters of the proposed restroom facility; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of the proposed restroom facility is minimal as the facility is expressly designed to be installed within the floodplain.

**CONCLUSIONS OF LAW**

The Board of Aldermen concludes that, based upon the facts found herein and the findings of the Board that the standards for the granting of a variance as set forth in Article 5 Sec. B of Appendix E of the Code of Ordinances have been met and the variance shall be granted to the City of Sunset Hills, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A variance from the strict application of Article 4, Section B of Appendix E – Floodplain Management Regulations, requiring the proposed restroom facility to be elevated to two feet above the base flood elevation or be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, is hereby granted to the City of Sunset Hills, Missouri, to permit to construction and installation of the proposed bathroom facility within the floodplain at Stieren Inspirational Park for the use of park patrons.

Section 2. The variance granted herein is granted solely to the City of Sunset Hills, Missouri, and is granted solely for the construction and installation of the proposed restroom facilities as set forth on the plans submitted by the City in support of this Ordinance.

Section 3. This Ordinance shall take effect and be in full force from and after its passage and approval.

**PASSED** this 22nd day of March, 2022

\_\_\_\_\_  
**MAYOR**

**APPROVED** this 22nd day of March, 2022

\_\_\_\_\_  
**MAYOR**

**ATTEST:** \_\_\_\_\_  
**CITY CLERK/CITY ADMINISTRATOR**