

05

**ARTICLE FIVE
OVERLAY DISTRICTS**

5-1 General Purpose

Overlay districts are used in combination with base districts to modify or expand base district regulations. Overlay districts are adapted to special needs of different parts of the City of Plattsburgh.

The overlay districts are designed to achieve the following objectives:

- A. To recognize special conditions in specific parts of the city which require specific regulation.
- B. To provide flexibility in development and to encourage innovative design through comprehensively-planned projects.

5-2 MU – Mixed Use District

- A. Purpose: The mixed-use (MU) district is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU district may also be used to predesignate parts of the city that are appropriate for a mixture of residential, commercial, office, light industrial, and accessory uses. The district permits mixing residential areas with workplaces and services. Development in the MU district must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments. All projects developed in an MU district are subject to a special use permit process.
- B. Permitted Uses:
 - 1. Each ordinance establishing an MU district establishes the use types permitted within its boundaries.
 - 2. Each MU district must contain use types within at least two use categories. Use categories include residential, civic, office, commercial, transportation, and industrial uses. No single use category may account for more than 80 percent of the building area or net developable land area of an MU district. Net developable land area includes the land area of a development excluding dedicated public streets, private streets, or other dedicated public land.
- C. Site Development Regulations:
 - 1. The minimum area of any MU district is three acres.
 - 2. Prior to the issuance of any building permits or other authorization, all projects in the MU district shall receive approval by the City Council, following a recommendation by the Planning Commission, according to the procedure set forth in Article 12. This approval may be granted for a master plan for the development of an MU district in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
 - 3. Applications for approval must contain at a minimum the following information:
 - a. Development agreement providing conditions for approval of the application.
 - b. A detailed site map, including:
 - (1) A boundary survey.
 - (2) Site dimensions.
 - (3) Contour lines at no greater than five-foot intervals.
 - (4) Adjacent public rights-of-way, transportation routes and pedestrian or bicycle systems.

OVERLAY DISTRICTS

- (5) Description of adjacent land uses.
- (6) Utility service to the site and easements through the site.
- (7) Description of other site features, including drainage, soils or other considerations that may affect development.
- c. A development plan, including:
 - (1) A site layout, including the location of proposed buildings, parking, open space, and other facilities.
 - (2) Location, capacity, and conceptual design of parking facilities.
 - (3) Description of the use of individual buildings.
 - (4) Description of all use types to be included in the project or area, and maximum floor area devoted to each general use.
 - (5) Maximum height of buildings.
 - (6) Schematic location and design of open space on the site, including a landscaping plan.
 - (7) Vehicular and pedestrian circulation plan, including relationship to external transportation systems.
 - (8) Schematic building elevations and sections if required to describe the project.
 - (9) Grading plans.
 - (10) Proposed sewer and utility improvements.
 - (11) Location, sizes, and types of all proposed signage.
- d. Specific proposed development regulations for the project, including:
 - (1) The specific use types permitted within the proposed district.
 - (2) Maximum floor area ratios.
 - (3) Front, side, and rear yard setbacks.
 - (4) Maximum height.
 - (5) Maximum building and impervious coverage.
 - (6) Design standards applicable to the project.
- e. A traffic impact analysis, if required by the city.

D. Adoption of MU District:

- 1. The Planning Commission and City Council shall review and evaluate each proposal or application for a MU district. The city may impose reasonable conditions as deemed necessary to ensure that projects within a MU district shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
- 2. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- 3. The Planning Commission may recommend amendments to MU district applications.
- 4. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- 5. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing an MU district. Proper notice shall mean the same notice established for any other zoning amendment.
- 6. Upon approval by the City Council, the mixed use development plan shall become a part of the ordinance creating or amending the MU district. All approved plans shall be filed with the City Clerk.
- 7. Building Permits. The city shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a MU district unless it is in compliance with the approved development plan or any approved amendments.

- E. Amendment Procedure: The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:
 - 1. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
 - 2. The amendment is consistent with the provisions of this article.
 - 3. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design.
 - 4. Any amendment not conforming to these provisions shall be submitted to the Planning Commission and City Council for action.

5-3 CCD - Civic Corridor Design Overlay District

- A. Purpose: This section establishes civic corridors for the City of Plattsburgh. Within these civic corridors, design guidelines apply to major development within the City of Plattsburgh, including multi-family residential, commercial, and industrial uses. These guidelines are designed to ensure that larger-scale or more intensive development within the city maintains good design quality and provides quality places for residents of Plattsburgh. They are also designed to provide an overall level of unity and concordance of development in the city, while maintaining the flexibility to encourage quality design solutions.
- B. Application:
 - 1. These guidelines and standards apply to all development within 500 feet from the centerline of the following corridors:
 - a. US Highway 75.
 - b. Webster Boulevard.
 - c. Chicago Avenue/South 15th.
 - d. Main Street.
 - e. 21st Street.
 - f. Highway 66.
 - g. Lincoln Avenue.
 - 2. The City Council, with the recommendation of the Planning Commission, may from time to time apply the CCD overlay district to other corridors.
- C. Multi-Family Design Guidelines in the CCD District:
 - 1. Purpose: The purpose of multi-family residential design guidelines for the City of Plattsburgh are to:
 - a. Provide a variety of quality housing environments that address the needs of people at various stages of life.
 - b. Allow housing types that respond flexibly to changing preferences and markets.
 - c. Provide high site development standards with site amenities and quality public spaces.
 - d. Create development standards that make higher-density housing more consistent and complementary to Plattsburgh's single-family character.
 - 2. Application: The multi-family design guidelines apply to all multi-family residential development within a CCD overlay district.

3. Site Design Guidelines:
- a. Relationship to Landforms:
 - (1) Buildings shall maintain a minimum buffer of 30 feet from the edge of any special flood hazard area on the most current flood insurance rate maps or from the edge of any wetlands identified by the National Wetlands Inventory or a site specific inventory of wetlands.
 - (2) Site design shall minimize cut-and-fill and, to the maximum degree possible, follow the natural topography of the site.
 - (3) Developments shall preserve natural and scenic areas, streams, and natural drainageways, floodplains, prairies, and wetlands. Developments shall, to the maximum degree possible, preserve individual trees or stands of trees specified by the City of Plattsmouth's list of recommended tree species. Developments that remove specified trees taller than 20 feet or larger than 12 inches in diameter(measured six inches above the ground) shall replace such trees with two (2) trees. All replacement trees must also be listed on the list of recommended species and shall have a caliper of at least three (3) inches.
 - (4) Each project application shall include an inventory of natural and scenic features, and the site development plan shall demonstrate how these areas will be preserved.
 - b. Building Location and Orientation:
 - (1) Buildings shall be grouped in ways that avoid continuous rows of building walls and permit visibility into the development from surrounding streets.
 - (2) Building siting shall define positive open spaces. These spaces may include street environments emphasizing public walks, porches, street-oriented entrances, lighting and street furniture, or more internalized public spaces that serve the needs of the development. All projects shall submit an urban space plan that identifies the nature and programmed use of major open spaces created by the development. Building entrances shall be oriented toward and provide direct entrances to these major open spaces identified by the urban space plan.
 - (3) Typically, buildings that are directly adjacent to single-family residential development shall minimize the mass of buildings that directly face single-family structures. Where parallel orientation is necessary, setbacks from the street shall be greater than the required minimum setbacks and buildings shall include design and elevation features that complement adjacent lower-density development.
 - c. Pedestrian Access:
 - (1) Developments shall provide an internal pathway system that connects individual buildings together and links developments with adjacent residential areas, community open spaces, and adjacent trails. For trails that are proposed in the city's comprehensive plan but are not yet constructed, the development plan shall make provisions for a connection to the trail, and shall be responsible for constructing the connection when the trail becomes available.
 - (2) Sidewalks shall be provided along all public streets.
 - d. Vehicular Access:
 - (1) All multi-family development shall provide internal vehicular connections to adjacent collector or local streets.
 - (2) Developments over five acres shall include a minimum of one community street with detached sidewalks and parkway strips with a minimum width of eight feet between the back of curb and the edge of the sidewalk. The community street shall connect to a public street on both ends.
 - (3) Community streets shall be aligned with local streets in adjacent developed areas.

OVERLAY DISTRICTS

- (4) Landscaped parking courts, local loops, and innovative street designs are encouraged to create improved public space and provide for safe, slow movement of vehicles within and around the development.
 - e. Parking:
 - (1) Garages and parking facilities shall be internalized or oriented away from street frontages to the maximum degree possible. Off-street parking shall not be permitted in streetyards adjacent to single-family residential development.
 - (2) Garages or carports shall be limited to six bays in any single structure to avoid long rows of horizontal structures.
 - (3) Parking lot design shall define vehicular circulation routes that are separated by landscaped islands or other site amenities from parking bays and pedestrian pathways.
 - (4) All detached parking structures above the surface of the ground shall relate to the architecture of the project's residential buildings, providing compatible forms, scale, materials, colors, and details.
 - f. Open Space:
 - (1) For multi-family development, at least 40 percent of the development area shall be designated as common open space. Common open space includes open or landscaped areas not occupied by primary or accessory structures, recreational amenities, landscaped pathways that are at least feet away from adjacent streets or driveways, and perimeter landscaped areas.
 - (2) Internal common open spaces shall be defined by residential buildings to the maximum degree possible. These spaces shall have direct access from primary building entrances and shall be directly observable from residential units.
 - (3) Common open spaces shall incorporate and protect significant environmental resources, including drainageways and swales, mature trees, wetlands, and prairies and grassland areas.
 - (4) Detention ponds shall be located, designed, and managed to provide visual amenities or entryway features, or to provide opportunities for passive recreation.
 - (5) Other parking and screening requirements are set forth in Section 08, Landscaping and Screening Requirements.
- 4. Building Design Guidelines:
 - a. Building Mass and Scale:
 - (1) Building mass shall reflect the surrounding neighborhood context, and should place buildings or building elements with greater mass and height away from peripheral streets with adjacent lower-density development.
 - (2) Building mass shall be articulated to reduce apparent scale. Building design should incorporate more massive features at the base and lighter or smaller building elements at upper levels.
 - (3) Buildings should use features such as bays, insets, porticos, porches, or stoops to add scale. Such features shall relate to the overall composition of openings in the building elevation. Breaks in wall planes, gables, balconies, and other features shall be used to maintain residential scale.
 - b. Building Materials:
 - (1) Permitted exterior building materials shall be high-quality, durable materials that include, but are not limited to, brick, native or manufactured stone (such as Renaissance stone or similar masonry materials, shingle or wood siding, stucco or similar materials, and other materials generally associated with quality residential development.
 - (2) The following exterior materials are prohibited: split shakes, rough-sawn wood, concrete block, tilt-up concrete panels, field-painted or prefinished standard corrugated metal siding, standard single- or double-tee concrete systems, or EIFS (Exterior Insulated Finish System).

OVERLAY DISTRICTS

- (3) These guidelines are not intended to inhibit creativity and innovation in building design. The Zoning Administrator may permit the use of other materials if the applicant demonstrates that the use of such materials will result in a building that gives a sense of quality and permanence.
 - c. Roof Forms:
 - (1) On two- or three-story buildings, roofs should be residential in scale, incorporating a gable or hip configuration with dormers or other complementary elements. Roof design will be reviewed on an individual basis.
 - (2) Roofs shall effectively screen all rooftop mechanical equipment from public view.
 - (3) Visible roof materials shall include clay or concrete tile, standing seam metal, architectural grade asphalt shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials.
- D. Commercial and Office Design Guidelines within the CCD Overlay District:
 - 1. Purpose: The purpose of the commercial and office design guidelines for the City of Plattsmouth are to:
 - a. Encourage development design that reflects the physical character and image of the City of Plattsmouth.
 - b. Develop commercial projects that become valued places within the fabric of the city.
 - c. Set minimum requirements for site design and development, building design, landscaping, and signage without discouraging creativity and flexibility in design.
 - d. Permit safe and convenient transportation access and circulation for motorized and non-motorized vehicles, and for pedestrians.
 - e. Respect the relationship of commercial development to surrounding neighborhoods.
 - 2. Application: The commercial and office design guidelines apply to all commercial and office development within a CCD overlay district. These guidelines also apply to all development within MU district and the planned unit development (PUD).
 - 3. Site Design Guidelines:
 - a. Relationship to Landforms:
 - (1) Buildings shall maintain a minimum buffer of 30 feet from the edge of any special flood hazard area on the most current flood insurance rate maps or from the edge of any wetlands identified by the National Wetlands Inventory or a site specific inventory of wetlands.
 - (2) Site design shall minimize cut-and-fill and, to the maximum degree possible, follow the natural topography of the site.
 - (3) Developments shall preserve natural and scenic areas, streams and natural drainageways, floodplains, prairies, and wetlands. Developments shall, to the maximum degree possible, preserve individual trees or stands of trees specified by the City of Plattsmouth's list of recommended tree species. Developments that remove specified trees taller than 20 feet or larger than 12 inches in diameter(measured six inches above the ground) shall replace such trees with two (2) trees. All replacement trees must also be listed on the list of recommended species and shall have a caliper of at least three (3) inches.
 - 4. Building Location and Orientation:
 - a. Facades with principal entrances shall be oriented to the project's primary street or to an active pedestrian or public zone within the site. For multi-tenant buildings, at least 50 percent of the entrances shall be oriented to the primary street or pedestrian or

OVERLAY DISTRICTS

public zone. Facades with principal customer entrances may be turned perpendicular to the primary street if they provide a direct pedestrian connection from a public sidewalk to the major customer entrance without interruption by vehicular traffic. The primary street for a development is any arterial or collector street that fronts the development. When the development has two primary streets, the project design may designate one of the streets as primary.

- b. Developments should maximize the amount of parking located in the side or rear of buildings and should locate buildings near their primary fronting streets.
- c. Developments at intersections shall identify or emphasize their corners with significant landscaping or similar public feature, and shall orient buildings to the street corner.
- d. A clearly delineated pathway or route shall show the connection to all principal building or business entrances to adjacent sidewalks or trails.

5. Pedestrian Access:

- a. Developments shall provide a continuous walkway connection at least five feet in width from the public sidewalk or right-of-way to the customer entrances of all principal buildings on the site. Developments adjacent to multi-use trails shall provide a direct connection from the trail to the development's internal pedestrian circulation system. For trails that are proposed in the city's comprehensive plan but are not yet constructed, the development plan shall make provisions for a connection to the trail, and shall be responsible for constructing the connection when the trail becomes available.
- b. Multi-building developments shall provide clear and safe walkways at least five feet in width that connect all buildings on the site. Buildings not intended for routine customer access or intended solely for drive-up services are excluded from this requirement.
- c. Where the required walkways specified in this section cross drives, parking aisles, or other vehicular ways, the crosswalks shall be distinguished from driving surfaces by the use of durable, low-maintenance surface materials such as concrete or brick pavers, or scored, colored concrete. Painted concrete is not acceptable in this application.
- d. In parking lots with over 200 stalls, the required walkways specified in this section shall be located in landscaped medians or corridors that include trees and groundcovers for at least 50 percent of their combined length. Landscaped walkways provide credit toward overall site landscaping requirements set forth in Article 08.
- e. Sidewalks no less than eight feet in width and separated by curbs from adjacent vehicular circulation ways shall be provided along the full length of the building along any façade that either includes a customer entrance or adjoins a customer parking area.
- f. Pedestrian connections to adjacent developments shall be provided. If adjacent properties are undeveloped, the development plan shall indicate how future connections will be provided.

6. Vehicular Access:

- a. Development plans shall minimize the number of access points to adjacent arterial streets. Access from arterial streets shall be controlled and will typically be limited to one point of access per 600 linear feet, or as otherwise determined by the City of Plattsburgh. Developments shall make maximum use of internal cross-easements and shared access points when possible. Cross accesses between adjacent properties shall use traffic calming techniques to reduce speeds.
- b. Main driveways and drive aisles shall provide a continuous system that connects to the main site entrance.
- c. Commercial developments are encouraged to provide means of access to residential areas that avoid requiring residents to use arterial streets for short-distance trips. Such connections must be designed to avoid channeling commercial traffic onto residential streets outside of comprehensively planned, mixed-use projects.

OVERLAY DISTRICTS

- d. When possible, shared service and delivery access should be provided between adjacent parcels and buildings.
7. Parking:
 - a. Parking shall be grouped into parking blocks that are defined by pedestrian paths, landscaping, and buildings.
 - b. A maximum of 400 parking stalls may be located in any one parking block.
8. Signs:
 - a. Attached signs shall be designed as an integral part of the building elevation and integrated into the overall design of the building. Attached signs shall be located above the building entrance, storefront opening, or at other locations that are consistent with and emphasize the architectural features of a building.
 - b. All new commercial development shall use monument or ground signs. The width of any vertical element over fifteen feet in height shall not exceed ten feet. Pole signs shall not be permitted for new commercial development covered by these guidelines.
 - c. A landscaped base area shall be provided for monument or ground signs appropriate to the mass and height of the sign. As a guideline, a base area of 1.5 square feet shall be provided for each square foot of sign area. The landscaped area may include trees, shrubs, flowering perennials, ornamental tall grass, fountains, water features, decorative stonework, planters, sculpture, and decorative paving. Turf grass, loose stone, or mulch are not credited for satisfying this requirement.
 - d. Other sign regulations and requirements are set forth in Article 10.
9. Screening:
 - a. Developments shall provide year-round screening of loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection and processing, and other service functions. Screening shall be provided for 75 percent of the smaller of the height of the feature to be screened or eight feet. Trash enclosure gates shall furnish a steel frame with decorative steel or wood covering, or another design acceptable to the Zoning Administrator. Chain-link fencing with inlaid wood or metal slats shall not be considered acceptable. Screening shall be integrated into the overall design of buildings and landscaping and fully contain the visual impact of these service functions from adjacent public streets and neighboring properties.
 - b. Architectural elements, materials, colors, and design of screening walls, coverings, and fences shall be consistent with the predominant materials, colors, and elements of the primary building.
 - c. Other screening requirements are set forth in Article 08, Landscaping and Screening Requirements.
10. Lighting:
 - a. All lighting used to illuminate an off-street parking area, sign, or other structure shall be arranged so as to deflect light away from any adjoining property and from public streets through fixture type and location. When lighting is mounted to the underside of canopies, these lights shall be recessed so that the visible light source is no lower than the plane of the underside of the canopy.
 - b. The maximum height of lighting standards shall be 35 feet, unless the City grants a specific exception as part of the application approval process.
 - c. Exterior lighting of buildings shall be limited to low-level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. The City may approve exceptions to these requirements for sports and athletic field

OVERLAY DISTRICTS

lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.

11. Building Design Guidelines:

- a. Mass and Scale for Buildings over 20,000 Square Feet:
 - (1) Breaks shall be incorporated into the mass if the building at significant entrances or along walls that front plazas or other significant pedestrian features. Methods of breaks may include towers, pediments, or façade articulations or variations; changes in the horizontal plane; or enhancements in color and materials, consistent with the overall design of the building.
 - (2) Primary building facades shall meet one of the following guidelines:
 - 1) Facades greater than 100 feet shall incorporate projections or recesses in the wall plane with a depth of at least 3 percent of the length of the façade and extending for at least 20 percent of the length of the façade. Maximum uninterrupted length of wall shall be 100 feet.
 - 2) Facades shall display a repeating pattern of at least three cycles of color change, texture change, material change, or expression of structural bays with an offset of at least 12 inches from the ruling plane of the façade.
 - (3) The Zoning Administrator may waive these guidelines if the applicant demonstrates an alternative building design that in the Zoning Administrator's opinion provides visual interest and scale to the building.
- b. Mass and Scale for Buildings over Two Stories: Building mass and architectural elements shall differentiate between the first floor of the building and upper levels of the façade.
- c. Architectural Elements:
 - (1) Front facades facing a primary street shall have visible, clearly-defined customer entrances that include at least three of the following elements: canopies or porticos, overhangs, recesses or projections, arcades, raised cornice parapets over the entrance door, distinctive roof forms, arches, outdoor patios or plazas, display windows, or integral planters.
 - (2) At least 20 percent of the surface area of front commercial facades up to a height of 16 feet shall be transparent.
 - (3) Front facades shall utilize variations in color, horizontal planes, materials, patterns, height, and other techniques to provide visual interest and scale to buildings.
 - (4) All rear and side building facades oriented to arterials, collectors, or other streets shall be subject to all requirements for front façade design with the exception of providing customer entrances.
 - (5) Other rear and side facades may use a simplified expression of the materials and design used on other building elevations.
- d. Building Materials:
 - (1) Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick, native or manufactured stone (Renaissance stone or similar masonry materials), integrally colored, burnished, textured, or glazed concrete masonry units, prefinished metal panel systems, quality metals such as copper, high quality pre-stressed concrete systems, and drainable (water managed) EIFS (Exterior Insulation and Finish Systems).
 - (2) The following exterior materials are prohibited: split shakes, rough-sawn wood, painted concrete block, tilt-up concrete panels without an architectural finish, field-painted or prefinished standard corrugated metal siding, standard single- or double-tee concrete systems, or barrier type EIFS (Exterior Insulation and Finish Systems).

OVERLAY DISTRICTS

- (3) Materials on all sides of the building shall be consistent with materials and colors of the front façade when visible from public streets and trails and adjacent residential areas.
 - (4) These guidelines are not intended to inhibit creativity and innovation in building design. The Zoning Administrator may permit the use of other materials if the applicant demonstrates that the use of such materials will result in a building that gives a sense of quality and permanence.
 - e. Roof Forms:
 - (1) Buildings with flat or slightly sloped roofs to drain shall incorporate parapets on all facades that face a public street or residential district. Variations in parapet height and articulation of cornice lines may be used to add interest.
 - (2) Roof forms shall be designed to express various building functions and features, such as entrances.
 - (3) Visible roof materials shall include clay or concrete tile, tern metal, architectural grade asphalt shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials.
 - (4) Mansard or false roofs shall not be used.
- E. Industrial Design Guidelines within a CCD District:
- 1. Purpose: The purpose of industrial design guidelines for the City of Plattsburgh are to:
 - a. Encourage quality industrial development that produces economic development benefits to the city while minimizing negative visual effects associated with industrial uses.
 - b. Develop commercial projects that become valued places within the fabric of the city.
 - c. Set minimum requirements for site design and development, building design, landscaping, and signage without discouraging creativity and flexibility in design.
 - d. Permit safe and convenient transportation access and circulation for motorized and non-motorized vehicles, and for pedestrians.
 - e. Respect the relationship of commercial development to surrounding neighborhoods.
 - 2. Application: The industrial design guidelines apply to all industrial development within a CCD district.
 - 3. Site Design Guidelines: The industrial design guidelines apply to all industrial development within a CCD district.
 - a. Relationship to Landforms:
 - (1) Buildings shall maintain a minimum buffer of 30 feet from the edge of any special flood hazard area on the most current flood insurance rate maps or from the edge of any wetlands identified by the National Wetlands Inventory or a site specific inventory of wetlands.
 - (2) Site design shall minimize cut-and-fill and, to the maximum degree possible, follow the natural topography of the site.
 - (3) Developments shall preserve natural and scenic areas, streams and natural drainageways, floodplains, prairies, and wetlands. Developments shall, to the maximum degree possible, preserve individual trees or stands of trees specified by the City of Plattsburgh's list of recommended tree species. Developments that remove specified trees taller than 20 feet or larger than 12 inches in diameter(measured six inches above the ground) shall replace such trees with two (2) trees. All replacement trees must also be listed on the list of recommended species and shall have a caliper of at least three (3) inches.
 - b. Building Location and Orientation:

OVERLAY DISTRICTS

- (1) To the maximum degree possible, the arrangement of buildings on a site should screen operational and loading areas from view from surrounding public streets.
 - (2) To the maximum degree possible, buildings should be clustered within a site.
 - (3) Buildings with customer entrances shall orient such entrances toward the primary access street. Buildings that do not invite public patronage shall maximize landscaped setbacks and buffers from the primary access street. However, service functions, including but not limited to loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection and processing, and other service functions, shall be oriented away from primary access streets.
 - (4) Accessory structures shall not front a primary access street and shall be oriented away from public streets, open space, or residential areas.
 - (5) Buildings shall be arranged and oriented so that loading docks, outdoor storage, and truck parking and servicing areas are not visible from any of the principal arterials identified in this section. Site designs shall maximize the amount of landscaping in streetyards along these arterials. Customer and employee parking areas are permitted in these streetyards, subject to other provisions of this ordinance.
- c. Pedestrian Access:
- (1) Developments shall provide a continuous walkway connection at least five feet in width from the public sidewalk or right-of-way to the customer and/or office entrance of the development.
 - (2) Where the walkways required by this section cross driveways, parking aisles, or other vehicular ways, the crosswalks shall be distinguished from driving surfaces by the use of crosswalk striping, change in paving material, or other durable, low-maintenance surface techniques.
- d. Vehicular Access:
- (1) Development plans shall minimize the number of access points to adjacent arterial streets. Access from arterial streets shall be controlled and will typically be limited to one point of access per 600 linear feet, or as otherwise determined by the City of Plattsburgh. Developments shall make maximum use of internal cross-easements and shared access points when possible.
 - (2) To the maximum degree possible, access routes for automobiles and trucks shall be distinguished from one another.
 - (3) Drives and access points shall be directed away from residential areas.
- e. Parking:
- (1) Signage and site design shall distinguish employee and visitor parking areas from truck loading and servicing areas when the project is sufficiently large to make such separation functionally necessary.
 - (2) Landscaping shall be used to direct vehicles through the site, distinguish between automobile and truck service areas, manage stormwater, and break up the size of large impervious parking and loading areas.
- f. Signs:
- (1) Attached signs shall be integrated into the design of the building elevation.
 - (2) All new industrial development shall use monument or ground signs. The width of any vertical element over 15 feet in height shall not exceed 10 feet. Pole signs shall not be permitted for new commercial development covered by these guidelines.
 - (3) Other sign regulations and requirements are set forth in Article 10.
- g. Screening:
- (1) Developments shall provide year-round screening of loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection and processing, and other service functions if these features are visible from adjacent public streets or neighboring residential properties. Screening shall be provided for 75 percent of the vertical plane of these features, up to a height of eight feet. Trash enclosure gates shall furnish a steel frame with

OVERLAY DISTRICTS

decorative steel or wood covering, or another design acceptable to the Zoning Administrator. Chain-link fencing with inlaid wood or metal slats shall not be considered acceptable. Screening shall be integrated into the overall design of buildings and landscaping and fully contain the visual impact of these service functions from adjacent public streets and neighboring properties.

- (2) Architectural elements, materials, colors, and design of screening walls, coverings, and fences shall be consistent with the predominant materials, colors, and elements of the primary building.
- (3) All rooftop mechanical equipment shall be screened. Acceptable methods of screening include parapet walls or a freestanding screen of a material and color consistent with the building. Screens shall be at least the same height as the equipment they conceal.
- (4) Other screening requirements are set forth in Article 08, Landscaping and Screening Requirements.

h. Lighting:

- (1) All lighting used to illuminate off-street parking areas, signs or other structures shall be arranged so as to deflect light away from any adjoining property and from public streets through fixture type and location.
- (2) The maximum height of lighting standards shall be 35 feet, unless the city grants a specific exception as part of the application approval process.
- (3) Exterior lighting of buildings shall be limited to low-level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. The city may approve exceptions to these requirements for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.

4. Building Design Guidelines:

a. Mass and Scale:

- (1) For buildings with office areas that exceed 3,000 square feet, the mass of the office portion of a building shall be distinguished from the mass of the industrial operations portion of the building. Office and/or public entrances shall be distinguished by elements that provide both identification and scale to the development. Techniques include but are not limited to the use of canopies or porticos, overhangs, changes in horizontal plane, variations in façade height and design, arches, peaked or special roof forms, and changes in materials.
- (2) At least 30 percent of the surface area of the office and customer-oriented portion of a building shall be of transparent materials.

b. Building Materials:

- (1) Permitted exterior building materials on primary exposure facades shall be high-quality, durable materials that include, but are not limited to, brick, native or manufactured stone (Renaissance stone or similar masonry materials), integrally colored, burnished textured, or glazed concrete masonry units, prefinished metal panel systems, quality metals such as copper, high quality pre-stressed concrete systems, architecturally-treated tilt-up concrete panels, and drainable (water managed) EIFS. Primary exposure facades shall include any façade that is oriented to a principal street identified in this section, all building facades that intersect the arterial façade for a distance of 200 feet back from such intersection, and any façade oriented to any other public street, open space, or residential area.
- (2) The following materials are prohibited on any development affected by these guidelines: split shakes, rough-sawn wood; field-painted standard corrugated metal siding; or barrier type EIFS (Exterior Insulation and Finish Systems).

- (3) Smooth-faced concrete block, tilt-up concrete, pre-engineered metal buildings, and standard single- and double-tee concrete systems shall be permitted only on facades that are not primary exposure facades.
 - (4) These guidelines are not intended to inhibit creativity and innovation in building design. The Zoning Administrator may permit the use of other materials if the applicant demonstrates that the use of such materials will result in a building that gives a sense of quality and permanence.
- c. Roof Forms:
- (1) Visible roof materials shall include clay or concrete tile, prefinished metal, architectural grade asphalt shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials. Membrane roof systems are prohibited on any routinely visible portion of the roof.
 - (2) Mansard or false roofs shall not be used.

5-4 PUD – Planned Unit Development Overlay District

- A. Purpose: The planned unit development (PUD) overlay district is intended to provide flexibility in the design of planned projects, to encourage innovation in project design that incorporates open space and other amenities, and to insure compatibility of developments with the surrounding urban environment. The PUD is intended to promote developments which will be advantageous to Plattsmouth and its urban form by permitting project design that will surpass the quality of development resulting from application of the regulations of conventional zoning districts. The PUD district is not intended to encourage deviations from the city's comprehensive plan or overall development objectives. The district shall not be used to secure approval for projects that do not conform to the city's comprehensive plan.
- B. PUD-1 and PUD-2 Districts: In order to permit maximum applicability of the PUD district, PUD-1 and PUD-2 districts are hereby created.
- 1. The PUD-1 (general PUD) district is intended to accommodate large, comprehensively-planned developments that are likely to develop over a relatively long period of time. The PUD-1 creates special guidelines and regulations to ensure that development over time conforms to an established master plan. The PUD-1 also may establish the preliminary and/or final plat for those projects that require platting.
 - 2. The PUD-2 (specific PUD) district is intended to accommodate projects for which the specific design of individual buildings and elements may be determined. Several PUD-2 districts may be incorporated into a single larger PUD-1 district, provided that such projects are consistent with the overall design and development standards of the PUD-1 district.
- C. Criteria for Use: The PUD district is generally intended for use in the following urban contexts.
- 1. Vacant Land: Areas of substantial open space where the structure of conventional zoning may artificially limit or constrain good urban design, may restrict the achievement of the city's development objectives, or may not be appropriate to changes in technology or demand consistent with the best interests of the City of Plattsmouth.
 - 2. Community Development Areas: Areas of the city that are in need of rehabilitation or redevelopment, including areas that may be deficient in public facilities or services. In these situations, the PUD district may encourage private investment by recognizing the need for flexibility that conventional zoning regulations do not provide.
 - 3. Neighborhood Contexts: Areas in which sensitive project design is critical to maintain and protect the value of surrounding residential neighborhoods and other sensitive or vulnerable urban settings.

OVERLAY DISTRICTS

4. Large Projects: Projects that have substantial effects on their urban and rural surroundings because of their size and scale.
 5. Large areas that may be zoned prior to development by the Planning Commission and City Council consistent with the Comprehensive Development Plan, but which require individual project approval as development occurs.
- D. Permitted Uses: A planned unit development may include residential, office, commercial, industrial, or public land uses, subject to the requirements of the underlying zoning district. The PUD overlay district may also be used in combination with the MU district.
- E. PUD-1 (General PUD) District Application Procedures:
1. Minimum Size: The minimum size of a PUD-1 district shall be three acres.
 2. Pre-Application Concept Plan: Prior to filing an application for approval of a PUD-1 district, the applicant shall meet with the Zoning Administrator for the purpose of submitting a pre-application concept plan. This plan shall illustrate the conceptual overall plan for the district and shall include at a minimum the information required in the PUD district application requirements table.
 3. The zoning administrator shall review and comment on the proposed concept plan and shall provide the applicant with written comments within 30 days of submission of the concept plan.
 4. The review of the concept plan shall include consideration of the following criteria:
 - a. Land use intensity and density.
 - b. Ability to provide a positive environment for intended uses, including schematic building configurations, arrangements, and general landscaping and site design.
 - c. Use of open space.
 - d. Impact on the surrounding natural and built environment.
 - e. Adequacy of on- and off-site transportation and utility systems to serve the proposed project.
 - f. Consistency with Plattsmouth's Comprehensive Development Plan.
 5. Following review of the pre-application concept plan, the applicant may proceed with filing a formal application for approval of a PUD-1 district. This plan shall illustrate the development master plan for the district and shall include at a minimum the information required in the PUD district application requirements table.
 6. A PUD-1 application shall include a development agreement establishing the development regulations for the district unless initiated by the Planning Commission or City Council. The development agreement shall specify the following regulations:
 - a. Location and quantities of various land uses.
 - b. Maximum floor area ratios and residential densities.
 - c. Maximum building and impervious coverage.
 - d. Front, side, and rear yard setbacks.
 - e. Maximum heights of proposed structures.
 - f. Design standards applicable to the project.
 - g. Incorporation of graphic development plans and drawings into the site development regulations.
 7. The Planning Commission and City Council shall review and evaluate each PUD-1 district application. The Planning Commission and City Council may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not

OVERLAY DISTRICTS

overburden public services and facilities and will not be detrimental to public health, safety, and welfare.

8. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application. The Planning Commission may recommend amendments to PUD-1 district applications. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
 9. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a PUD-1 district. Proper notice shall mean the same notice established for any other zoning amendment.
 10. In their respective reviews of the PUD-1 application, the Planning Commission and City Council shall base decisions on findings of fact as set forth in the criteria presented in Article 12.
 11. Upon approval by the City Council, the development plan and agreement shall become a part of the ordinance creating or amending the PUD district. All approved plans shall be filed with the Zoning Administrator.
 12. Issuance of Building Permits: The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD-1 district unless it is in compliance with the approved development agreement or any approved amendments.
 13. Termination of PUD-1 District: If no substantial development has taken place in a planned unit development district for three years following approval of the district, the Planning Commission may reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.
- F. Planning Commission or City Council Initiated PUD-1 Districts: In some situations, the Planning Commission and/or City Council may initiate or approve a rezoning of an area to a PUD-1 district without submission of a detailed development plan. This action establishes the land uses permitted in an area consistent with the Comprehensive Development Plan, but requires subsequent approval of specific projects through the normal PUD-1 or PUD-2 submission or approval procedures. An application for creation of such a PUD-1 district shall contain the following:
1. A statement describing the special characteristics of the district and the reason for its creation.
 2. A map indicating the boundaries of the proposed district.
 3. A generalized area development plan for the proposed district, including:
 - a. A land-use component, identifying proposed uses and the extent and location of each use.
 - b. A transportation element, identifying any relevant vehicular, pedestrian, or bicycle transportation improvements necessary to ultimate development of the area.
 - c. A utility service statement, identifying any necessary utility or infrastructure improvements necessary to the ultimate development of the area.
 - d. An urban design element, if applicable, describing design frameworks, building scale and relationships, siting, landscape design, and other guidelines relating to the specific physical or urban environment of the proposed district.
- G. PUD-2 (Specific PUD) District Application Procedures:
1. Minimum Size: A PUD-2 district may be established on a site of any size.

OVERLAY DISTRICTS

2. Pre-Application Concept Plan: Prior to filing an application for approval of a PUD-2 district, the applicant shall meet with the Zoning Administrator for the purpose of submitting a pre-application concept plan. This plan shall illustrate the conceptual overall plan for the district and shall include at a minimum the information required in PUD application requirement table.
3. The Zoning Administrator shall review and comment on the proposed concept plan and shall provide the applicant with written comments within 30 days of submission of the concept plan.
4. The review of the concept plan shall include consideration of the following criteria:
 - a. If located within a pre-existing PUD-1 district, consistency with the terms and conditions of such district.
 - b. Land use intensity and density.
 - c. Ability to provide a positive environment for intended uses, including schematic building configurations, arrangements, and general landscaping and site design.
 - d. Use of open space.
 - e. Impact on the surrounding natural and built environment.
 - f. Adequacy of on- and off-site transportation systems to serve the proposed project.
 - g. Architectural quality and compatibility of the proposed project with the scale and appearance of surrounding areas.
 - h. Consistency with the City of Plattsmouth's comprehensive plan.
5. Following review of the pre-application concept plan, the applicant may proceed with filing a formal application for approval of a PUD-2 district. This plan shall illustrate the development master plan for the district and shall include at a minimum the information required in the PUD application requirements table.
6. The Planning Commission and City Council shall review and evaluate each PUD-2 district application. For PUD-2 applications within a pre-existing PUD-1 district, the review shall be limited to:
 - a. An evaluation of consistency with the land uses development standards and other requirements and regulations of the PUD-1 district.
 - b. Detailed components of the project that were not included in the development standards previously established under the PUD-1 district.
7. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application. The Planning Commission may recommend amendments to PUD-2 district applications. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
8. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a PUD-2 planned unit development district. Proper notice shall mean the same notice established for any other zoning amendment.
9. In their respective reviews of the PUD-2 application, the Planning Commission and City Council shall base decisions on findings of fact as set forth in the criteria presented in Article 12. The Planning Commission and City Council may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety, and welfare.
10. Upon approval by the City Council, the development plan and agreement shall become a part of the ordinance creating or amending the PUD-2 district. All approved plans shall be filed with the Zoning Administrator.

OVERLAY DISTRICTS

11. Issuance of Building Permits: The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD-2 district unless it is in compliance with the approved development agreement or any approved amendments.

12. Changes or Modifications to Development Plans in the PUD-2 District: The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:
 - a. Changes in the alignment and location of structures do not exceed ten feet in any direction.
 - b. The floor area of any single building is not changed by more than 5 percent, the zoning administration is allowed to grant one administrative amendment under these provisions any further request will require approval of the planning commission.
 - c. All changes are within the allowable floor area ratios established by the project, are consistent with the adopted PD plan, and have been approved in writing by any applicable property owners' association established within the boundaries of the project.
 - d. Any amendment not conforming to these provisions shall be considered tantamount to a new application and shall be submitted to the Planning Commission and City Council according to the procedures for new applications established in this section.

13. Termination of PUD-2 District: If no substantial development has taken place in a planned development district for three years following approval of the district, the Planning Commission may reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

H. PUD Application Requirements Table: The following table sets forth application requirements for the designation of PUD districts. The zoning administrator at his/her discretion may require additional information necessary for the complete consideration of the application.

TABLE 5.1: PUD APPLICATION REQUIREMENTS				
Application Requirement	PUD-1 Concept Plan	PUD-1 Application	PUD-2 Concept Plan	PUD-2 Application
Location, size, legal description of site.	■		■	
Existing topography at 2'-0" intervals.	■		■	
Location and description of major site features, including tree masses, drainageways, wetlands, soils.	■		■	
A map showing land uses within 200 feet of the boundary of the site.	■		■	
Location of 100-year floodplains.	■		■	
Generalized land use plan.	■		■	
Proposed types and densities of development.	■		■	
Generalized internal and external transportation and circulation system, including pedestrian and bicycle system.	■		■	
General location and size of buildings or building footprints.	■		■	
Statistical summary of the project, including gross and net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface coverage.	■	■	■	■
Site master plan, including general envelopes of buildings, parking, open space, and other site features.		■		
Description and location of all use types included in the project, including maximum floor areas devoted to each use.		■		■
Location and design of vehicular, bicycle, and pedestrian circulation systems, including relationship to external transportation system.		■		■
Schematic location and development standards for open space, including conceptual landscape plan.		■		
Grading plan at 1'-0" contours, including erosion control plans.		■		■

OVERLAY DISTRICTS

TABLE 5.1: PUD APPLICATION REQUIREMENTS				
Application Requirement	PUD-1 Concept Plan	PUD-1 Application	PUD-2 Concept Plan	PUD-2 Application
Building design standards, including height, materials, sections, and other information required to describe the project.		■		■
Location of existing and proposed utilities, sanitary sewers, stormwater facilities, and water, gas, and electrical distribution systems.		■		■
General locations and sizes of signs and street graphics.		■		
Location of driveways or access points adjacent to the project.	■		■	
Proposed site development regulations, including maximum FAR or other density regulators, building and impervious coverage, setbacks, maximum heights, and other design standards specific to the project.		■		
Detailed site plan, displaying specific location or building envelope limits for all major site structures; location of open spaces; parking facilities; and vehicular circulation.				■
Exterior building elevations and floor plans.				■
Detailed open space and landscape plan.				■
Utility plans for all proposed utility improvements.				■
Location, size, style, and lighting of signage, including directional and signage control.				■
Location and design of proposed site lighting.				■
Proposed public and private ownership boundaries, including proposed private lots and common ownership areas.		■		■
Preliminary plat if applicable.		■		
Final plat if applicable.				■
Schedule indicating proposed phasing and scheduling of development.		■		■
Deed restrictions, covenants, agreements, association bylaws, and other documents controlling the use of property, type of construction, or development or activities of future residents.		If Required		If Required
Appropriate bonds to ensure construction of public improvements.		■		■
Application checklist on a form provided by the City.		■		■

5-5 ED – Environmental Resources Overlay District

- A. Purpose: The ED (environmental resources) overlay district enables the adoption of special performance standards in combination with site development regulations of a base district for areas of special environmental significance or sensitivity. These areas include hill environments, wetlands, forested areas, areas with unique soil or drainage characteristics, lake, river, or creek districts, and other areas with special environmental characteristics.
- B. Procedure for Adoption:
1. Proposal: The creation of an ED overlay district may be initiated by the Planning Commission or the City Council.
 2. Requirements for Application: An application for the creation of an ED overlay district must include:
 - a. A statement describing the proposed district's special environmental characteristics and stating the reasons for proposal of the district.
 - b. A map indicating the boundaries of the proposed ED overlay district, specifying the base district(s) included within these boundaries.
 - c. Supplemental site development regulations and performance standards that apply to the proposed district.

OVERLAY DISTRICTS

- C. Adoption of District:
1. The Planning Commission and City Council shall review and evaluate each ED overlay district application.
 2. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
 3. The Planning Commission may recommend amendments to ED district applications.
 4. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
 5. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing an ED overlay district.
 6. The ordinance adopting the ED district shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
 7. An ordinance adopting an ED overlay district shall require a favorable vote of one more than a simple majority of the City Council for approval if the Planning Commission recommends denial of the ordinance.
 8. Upon approval by the City Council, each ED overlay district shall be shown on the zoning map, identified sequentially by order of enactment and referenced to the enacting ordinance.
 9. Any protest against an ED overlay district shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.
- D. Building Permits: Building or other development permits issued by the city in an ED district shall be consistent with the adopted ED district ordinance.
- E. Conservation Standards:
1. All subdivisions located within an ED overlay district shall be developed according to Conservation Subdivision Standards, set forth in Article 4 of the Subdivision Regulations.
 2. Development that has the following minimum effects on the landscape shall require approval of a special use permit by the City Council, after a recommendation of the Planning Commission.
 - a. Disturbs or grades more than 5,000 square feet of land that includes slopes in excess of 15 percent.
 - b. Removes more than 5,000 square feet of tree canopy. Tree canopy is the maximum perimeter of vegetation of any tree or group of trees that appear to grow together as viewed from overhead.
 - c. Removes or is within 50 feet of a native prairie, stream, or slope in excess of 30 percent.
 3. All development projects within an ED overlay district shall comply with the following criteria and guidelines:
 - a. Proposed activities shall minimize erosion on the site, siltation of waterways, loss of soils, and deterioration or damage to structures, wildlife habitat, and protective vegetation. For projects requiring review by the City Council, the applicant shall prepare and submit an erosion control plan.

OVERLAY DISTRICTS

- b. Proposed projects shall minimize cut and fill necessary to support the land use.
- c. Proposed activities shall avoid altering existing drainage patterns. Projects shall not increase the volume or velocity of stormwater runoff from the site in such a way as to exceed the capacity of existing drainageways or result in damage to the natural or built environment. The City Council shall seek comments on proposed projects from the Nemaha Natural Resources District.
- d. The proposed activity shall not adversely affect existing water supplies caused by reducing or impairing the size of an aquifer recharge area or disturbing or polluting the water table.
- e. Proposed activities shall preserve as much vegetation and tree cover as possible. When large areas of tree cover are destroyed, a tree restoration plan must be developed and implemented. At least one tree shall be replanted for each 1,000 square feet of tree cover that is removed.
- f. If a project affects a wooded area that serves as a windbreak or corridor for wildlife, a minimum wooded corridor at least 30 feet in width must be retained. This retained area must connect remaining woodland areas.

5-6 HD – Historic Overlay District

- A. Purpose: The HD (historic) overlay district enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Plattsmouth. The district recognizes the importance of historically and architecturally significant districts to the character of Plattsmouth and provides for their conservation.
- B. Procedure for Adoption:
 - 1. Proposal: The creation of an HD overlay district may be initiated by the Planning Board, the City Council, or by petition of the owner or owners of 51 percent of the property area within the proposed district.
 - 2. Requirements for Application: An application for the creation of an HD overlay district must include:
 - a. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district.
 - b. A map indicating the boundaries of the proposed HD overlay district, specifying the base district(s) included within these boundaries.
 - c. An inventory of the buildings or historically-important sites located within the boundaries of the proposed district.
 - d. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.
- C. Adoption of District:
 - 1. The Planning Commission and City Council shall review and evaluate each HD overlay district application.
 - 2. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
 - 3. The Planning Commission may recommend amendments to HD district applications.
 - 4. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.

OVERLAY DISTRICTS

5. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing an HD overlay district.
 6. The ordinance adopting the HD overlay district shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
 7. An ordinance adopting an HD overlay district shall require a favorable vote of 75 percent of the members of the City Council for approval if the Planning Commission recommends denial of the ordinance.
 8. Upon approval by the City Council, each HD overlay district shall be shown on the zoning map, identified sequentially by order of enactment and referenced to the enacting ordinance.
 9. Any protest against an HD overlay district shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.
- D. Building Permits: Building or other development permits issued by the city in an HD district shall follow procedures for review and approval established within the city by policy or by a Landmarks Preservation Ordinance.

5-7 FP/FW – Floodplain/Floodway Overlay District

- A. Statutory Authorization: The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943, has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood-prone area.
- B. Purpose: It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Subsection C by applying the provisions of this ordinance to:
1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
 2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
 3. Protect individuals from buying lands which are unsuitable for intended purposes because of flood hazard.
 4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program when identified by the Federal Insurance Administration as a flood-prone community.
- C. Floodplain/Floodway Overlay Districts Findings of Fact:
1. Flood Losses Resulting from Periodic Inundation: Flood hazard areas of the City of Plattsmouth, Nebraska, are subject to inundation which results in loss of life or 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.
 - a. General Causes of these Flood Losses: These flood losses are caused by:
 - (1) The cumulative effect of obstruction in floodways causing increases in flood heights and velocities.

OVERLAY DISTRICTS

- (2) The occupancy of flood areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.
 - b. Methods Used to Analyze Flood Hazards: This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.
 - (1) Selection of a base flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The base flood selected for this ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a 1 percent chance of occurrence in any one year, as delineated in the Federal Emergency Management Administration's flood insurance rate maps and flood boundary and floodway map, or any subsequent effective flood insurance studies, rate maps, and flood boundary and floodway maps issued after the effective date of this ordinance and adopted by the City of Plattsburgh.
 - (2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
 - (3) Computation of the floodway required to convey this flood without increasing flood heights more than one foot at any point.
 - (4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 - (5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the base flood.
2. Land to which Ordinance Applies: This ordinance shall apply to all lands within the jurisdiction of the City of Plattsburgh identified on the current flood insurance rate map (FIRM), as numbered and unnumbered A zone and/or within the Overlay Districts FP and FW established in this ordinance. In all areas covered by this ordinance, no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community as contained in the City Code.
3. Enforcement Officer: The Zoning Administrator of the City of Plattsburgh is hereby designated as the City Council's duly designated enforcement officer under this ordinance. Unless otherwise provided by the City Council, the Lower Platte South Natural Resources District shall assist the City of Plattsburgh on interpretation of floodplain/floodway rules and regulations. The enforcement officer shall obtain comments from the NRD as part of his/her review of all proposed activity in this overlay district.
4. Rules for Interpretation of District Boundaries: The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the enforcement officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The base flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he/she so desires.
5. Compliance: No development located within known flood hazard areas of the community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

OVERLAY DISTRICTS

6. Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
 7. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and 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 statute.
 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 engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Plattsmouth or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made there under.
 9. Application for Appeal: Where a request for a permit to develop is denied by the Zoning Administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment. The Board of Adjustment may grant or deny such request by appropriate resolution adopted within ten days after the date of such application to the Board of Adjustment.
- D. Floodplain and Floodway Permits and Administration:
1. Permit Required: No person, firm, or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this section.
 2. Administration:
 - a. The Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.
 - b. Duties of the Zoning Administrator shall include, but not be limited to:
 - (1) Review of all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - (2) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - (3) Notify adjacent communities and the Nebraska Department of Natural Resources Flood Plan Management Section prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration when participating in the National Flood Insurance Program.
 - (4) Notify the Lower Platte South Natural Resources District Floodplain Management Section of any proposed construction and development activity in floodplain areas and/or upon land situated within the floodplain/floodway overlay zoning district.
 - (5) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - (7) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

OVERLAY DISTRICTS

- (8) When floodproofing is utilized for a particular structure, the Zoning Administrator shall be presented certification from a registered professional engineer or architect.
3. Application for Permit: To obtain a permit, the applicant shall first file an application, 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.
 - 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 for the proposed construction.
 - e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - f. Give such other information as reasonably may be required by the Zoning Administrator.
- E. Establishment of Zoning Districts: The mapped floodplain areas within the jurisdiction of this ordinance are hereby divided into the two following districts - a floodway overlay district (FW) and a floodplain overlay district (FP) as identified in the official floodplain study. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A zones as identified on the official FIRM when identified in the flood insurance study provided by the Federal Insurance Administration.
- F. Standards for Floodway Overlay District and Floodplain Overlay District:
 1. No permit for development shall be granted for new construction, substantial improvement, or other improvements including the placement of manufactured homes within the identified floodplain unless the conditions of this section are satisfied.
 2. All areas identified as unnumbered A zones by the Federal Insurance Administration are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this ordinance. If flood insurance study data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction. Further, in cases of proposed development within unnumbered A zones, the developer's engineer shall be required to conduct the necessary studies to determine the 100-year-flood elevation and its extent in relation to such development.
 3. New construction, subdivision proposals, substantial improvement, prefabricated buildings, placement of manufactured homes and other development shall require:
 - a. Design or anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effect of buoyancy.
 - b. New or replacement water supply systems and/or sanitary sewage systems 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.
 - c. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, and ventilation that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. All utility and sanitary facilities be elevated or floodproofed one foot above the regulatory flood elevation. Such floodproofing is permitted only for nonresidential properties.

OVERLAY DISTRICTS

- e. That until a floodway has been designated, no development, including landfill, may be permitted within the identified floodplain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one foot on the average cross section of the reach in which the development or landfill is located as shown in the official floodplain study incorporated by reference herein.
 - f. Storage of Materials and Equipment:
 - (1) The storage of processing of materials that are in time of flooding buoyancy, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - (2) Storage of other materials or equipment may be allowed 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.
 - g. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage.
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated, and constructed to minimize or eliminate flood damage.
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (4) Proposals for development (including proposals for manufactured home parks and subdivisions) of five acres or 50 lots, whichever is less, include within such proposals the regulatory flood elevation.
- G. Floodplain Overlay District Regulations:
- 1. Permitted Uses: Any use permitted in the underlying base district shall be permitted in the floodplain overlay district. No use shall be permitted in the district unless the standards of § 205-34E are met.
 - 2. Standards for the Floodplain Overlay District:
 - a. Any new construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
 - b. Any new construction or substantial improvements of nonresidential structures shall have the lowest floor, including basement, elevated one foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall be floodproofed so that below such a 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 effect 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 Zoning Administrator. Such floodproofing is permitted only for nonresidential properties.
 - c. All new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize hydrostatic flood forces or exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by the registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) 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.
 - (2) The bottom of all openings shall be not higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

OVERLAY DISTRICTS

- d. Within AH zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
 - e. Manufactured Homes:
 - (1) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or 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 shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.
 - (b) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.
 - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (d) Any additions to manufactured homes shall be similarly anchored.
 - (2) All manufactured homes placed within an area of special flood hazard on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Uniform Building Code.
 - f. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. 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.
3. AO Zones - Special Regulations: Located within the areas of special flood hazard are areas designated as AO zones, these areas have special flood hazards associated with base flood depths of one to three feet where a clearly-defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply with AO zones:
- a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM.
 - b. All new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM; or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level 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 effect of buoyancy. Such certification shall be provided to the official as set forth in § 205-34C(b)(2)[8].
 - c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

OVERLAY DISTRICTS

H. Floodway Overlay Districts:

1. Permitted Uses: Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the floodway, provided that they are not prohibited by any other ordinance and provided that no new construction, substantial improvements or other obstruction (including fill) shall be permitted within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed new construction would not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood. New structures for human habitation shall be prohibited unless the functions of the structure are water dependent and cannot reasonably be fulfilled at an alternate location outside the floodway. Recreational vehicles placed on sites within the floodway must comply with subsection G.2.f. of this Section 5-7. (Revised by Ordinance No. 1919, 2.6.2017)
2. In Zone A unnumbered, obtain, review, and reasonably utilize any floodway data available through federal, state, or local sources in meeting the standards of this section.

I. Request for Variances from District Requirements:

1. The Board of Adjustment, as established by the City of Plattsmouth, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of this ordinance.
3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the district court as provided in Nebraska Statute 19-912, R.R.S. 1943.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance and:
 - a. The danger that materials may be swept onto other lands to the injury of others,
 - b. The danger of life and property due to flooding or erosion damage,
 - 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 flooding or erosion 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 time of flood for ordinary and emergency vehicles,
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effect of wave action, 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, and streets and bridges.
5. Conditions for Variances:
 - a. Generally, variances may be issued 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 with existing structures constructed below the base flood level

OVERLAY DISTRICTS

provided that Subsection 1(5)(b) through (f) below have been fully considered. As the lot size increases beyond one-half acre, the technical jurisdiction required for issuing the variance increases.

- b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.
- f. This application shall be given a written notice over the signature of a community official that:
 - (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100 of insurance coverage, and
 - (2) 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 ordinance.

J. Zoning Regulations for Nonconforming Uses:

1. Continuation of Nonconforming Uses: A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - a. No such use or substantial improvement of that use shall be extended, changed, enlarged or altered in a way which increases its nonconformity.
 - b. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance. The utility department shall notify the Building Inspector, in writing, of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
 - c. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue a nonconforming uses.
2. Replacement of Residential Uses: If any residential nonconforming use of a structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred within those areas identified as floodway (FW). 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.
3. Replacement of Nonresidential Uses: If any nonresidential nonconforming use of a structure is destroyed by any means, including flood, it should not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except if it is reconstructed 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.

OVERLAY DISTRICTS

- K. Definitions: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.
1. Actuarial Rates: Or "risk premium rates" are those rates established by the federal insurance administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.
 2. Appeal: A request for a review of the Building Official's interpretation of any provision of this ordinance or a request for a variance.
 3. Area of Shallow Flooding: A designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual change of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
 4. Area of Special Flood Hazard: The land in the floodplain within a community subject to 1 percent or greater chance of flooding in any given year.
 5. Base Flood Elevation: Elevation indicated in the official floodplain study as the elevation of the 100-year flood.
 6. Base Flood Protection Elevation: An elevation one foot higher than the water surface elevation of the base flood.
 7. Channel: A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.
 8. Community: Any state or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the area within its jurisdiction.
 9. 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.
 10. 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 FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."
 11. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters,
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
 12. Flood Fringe: That area of the floodplain, 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).
 13. Flood Insurance Rate Map (FIRM): An official map of a community, on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

OVERLAY DISTRICTS

14. Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.
15. Flood Plain Management: The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to, emergency preparedness plan, flood control works, and flood plain management regulations.
16. Flood Protection System: Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound engineering standards.
17. Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.
18. Floodplain (FP): That area of the floodplain, outside of the floodway, that on an average is like to be flooded once every 100 years (i.e. that has a 1 percent chance of flood occurrence in any one year).
19. Floodway (FW): The channel of a river or other watercourse and the adjacent portion of the floodplain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the floodplain.
20. Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the heights 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.
21. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. 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 non-elevation design requirements of this ordinance.
23. 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 floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles
24. Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
25. New Construction: Structures for which the "start of construction or substantial improvement" is commenced on or after the effective date of the FIRM.
26. One Hundred (100)-Year Flood: The base flood having a 1 percent chance of annual occurrence.

OVERLAY DISTRICTS

27. Overlay District: A district which acts in conjunction with the underlying zoning district or districts.
28. Principally Above Ground: At least 51 percent of the actual cash value of the structure is above ground.
29. Recreational Vehicle: "Recreational Vehicle" shall mean a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporarily living quarters for recreational, camping, travel, or seasonal use (Ordinance No. 1919, February 6, 2017).
30. Special Flood Hazard Area: The land in the floodplain within a community subject to 1 percent or greater chance of flooding in any given year.
31. Start of Construction: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L97-348) includes substantial improvement, and means the date the building permit was issued, providing the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a 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 street and/or walkways, nor does it include excavation for a basement, footings, or foundations or the erection of temporary forms, nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
32. 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.
33. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
34. Substantial Improvement:
- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent 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.
 - b. 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 does not, however, 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.
35. Variance: A 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.

36. Violation: A failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

5-8 AV – Aviation Overlay District

- A. Purpose: This zoning district is created to be appended to a primary zoning district and provides for restrictive land uses occurring near all public owned heliports and airports, extended out three miles in all directions from the adjacent boundaries of the airport. The governing map shall be the current Airport Zoning Map of the given facility.
- B. Zone Description
1. The Operation Zones shall be located along each existing or proposed runway, landing strip or other portion of the air field used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each landing strip and 200 feet beyond the end of each runway and shall be 1000 feet in width for each instrument runway or landing strip and 500 feet in width for all other runways and landing strips.
 2. The Approach Zone shall begin at the ends of their respective Operation Zones and shall extend and expand uniformly centered along the extended center line of the respective runway or landing strip, to the outer boundary of the Approach Zone at a rate of 30 feet of width for each 100 feet of horizontal length for the instrument runway or landing strip and 20 feet in width for each 100 feet of horizontal length for all other runways.
 - a. The Inner Area of each Approach Zone shall be that portion of the Approach Zone beginning at the end of the respective or proposed Operation Zone and extending to the intersection of the controlling glide angle with a plane 150 feet above the highest elevation of the end of the respective runway or landing strip.
 - b. The Outer Area of each Approach Zone shall be the area between the outer limit of the Inner Area of the Approach Zone and the outer limit of the Approach Zone.
 3. The Transition Zone shall be the areas bounded by the Operation Zones of the Hazard Area, the sides of contiguous inner areas of Approach Zones and the Outer Limits of the Transition Zones; said outer limits of the Transition Zones being the intersections, at elevations of 150 feet above the highest elevation at the ends or edges of the closest runway or landing strip, or proposed runway or landing strip, of a series of contiguous planes originating from bases established by the Operation Zones of the Hazard Area and the edges of adjacent inner areas of Approach Zones, said planes rising from their respective bases along lines perpendicular to the centerline of the landing strip or runway at the rate of one foot vertically to seven feet horizontally to the lines of intersections previously referred to.
 4. The Turning Zones shall be comprised of all portions of the Hazard Area not contained in the Operations Zones, Approach Zones and in the Transition Zones. The Outer Limits of the Turning Zones shall be a series of points forming a line which is the horizontal distance of three statute miles from the nearest points along the airport property.
- C. Permitted Principal Use
1. Any permitted principal uses permitted in the Primary District, provided all buildings, structures and obstacles meet the height requirements as established by this regulation.
- D. Permitted Conditional Uses

OVERLAY DISTRICTS

1. Any permitted Conditional Uses in the Primary District, provided all buildings, structures and obstacles meet height requirements as established by this regulation.

E. Height Requirements

1. No building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow:
 - a. In Inner areas of Approach Zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50, and all other runways or landing strips in excess of 1/40 of the distance from the end of the Approach Zone (the end nearest the runway or landing strip) to said structure of object;
 - b. In the Outer Area of Approach Zones and in Turning Zones to a height in excess of 150 feet above the elevation at the end of the nearest runway or landing strip.
 - c. In the Transition Zones to a height above the planes forming the transition slopes; and
 - d. In the existing or proposed Operation Zones to a height above the existing or proposed finished grade of said runway or landing strips or surface of the ground.

F. Other Requirements

1. Any permitted use shall first receive administrative approval pursuant to Article 4, Article 6 and Article 8 of this Regulation.