

CHAPTER 2: DISTRICT USE REGULATIONS

ARTICLE 1: "A-1" AGRICULTURAL DISTRICT

2-1.1. INTENT

It is the intent of this district to provide for agricultural and related uses in the manner which will encourage agricultural uses and proper development.

2-1.2. PERMITTED USES.

In district "A-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Farming, pasturing, truck gardening, orchards, and nurseries, including the sale of products raised on the premises. No livestock feedlot shall be established for more than fifty (50) animals (number of head).
- B. Horse stables and ranches.
- C. Accessory buildings and uses customarily incidental other listed permitted uses.
- D. Barndominium.
- E. Churches and other places of worship.
- F. Green House.
- G. Manufactured homes following requirements set forth in this Ordinance.
- H. Modular Homes.
- I. Plant Nursery.
- J. Public or private schools.
- K. Publicly owned or operated parks, playgrounds, golf courses, and recreational uses.
- L. Short-term lodging.
- M. Single-family dwellings.

2-1.3. CONDITIONAL USES

The following conditional uses may be permitted subject to approval procedures outlined in these regulations.

- A. Airports and airfields.
- B. Anhydrous ammonia storage and distribution; provided such storage and distribution shall not be within 1,320 feet of any residential district boundary.
- C. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
- D. Cemeteries including mausoleums; provided mausoleums shall be at least two hundred (200) feet from every street line and adjoining lot lines.
- E. Commercial Wind Energy Systems.
- F. Communication Towers.
- G. Earth-sheltered residences.
- H. Hospitals and institutions of an educational, religious, charitable, or Philanthropic nature.
- I. Kennels – breeding and boarding.
- J. Meteorological Towers.
- K. Mobile Homes.
- L. Non-Commercial Wind Energy Systems.

- M. Other publicly owned buildings and uses not specifically listed elsewhere in this district.
- N. Seasonal or temporary uses such as a recreation camp or similar enterprises.
- O. Solid waste disposal and processing sites which include landfills, incinerators, transfer stations and other similar functions.
- P. Telephone exchanges, electric substations, or similar public utility uses.
- Q. The extraction of minerals or raw minerals and the processing, treating, or storing of such minerals or materials.

2-1.4. SITE DEVELOPMENT REGULATIONS

REGULATOR	USES PERMITTED
Minimum Lot Area	10 acres
Minimum Lot Width (feet)	200
Minimum Lot Depth (feet)	200
Minimum Yards (feet)	
Front Yard	50
Side Yard	25
Street Side Yard	50
Rear Yard	100
Maximum Height (feet)	35*
Maximum Building Coverage	N/A

* *Except that barns, silos, and other agriculture structures may be of any height. Communication Towers, Meteorological Towers, and Wind Energy Systems are regulated by the height restrictions set forth in the associated sections of these Regulations.*

ARTICLE 2: "TA" TRANSITIONAL AGRICULTURE DISTRICT

2-2.1. INTENT

This district is intended for transitional agricultural purposes within the Village of Clearwater's jurisdiction. This zone is intended to provide for low-density, acreage residential development and some agricultural uses in selected areas adjacent to or in close proximity to the corporate limits of the Village and other developed areas which will facilitate the eventual conversion of the land in this district to more intensive urban uses.

2-2.2. PERMITTED USES

In District "TA" no building structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Farming, pasturing, truck gardening, orchards, and nurseries, including the sale of products raised on the premises. No livestock feedlot shall be established for more than ten (10) animals (number of head).
- B. Horse stables and ranches.
- C. Accessory buildings and uses customarily incidental other listed permitted uses.
- D. Barndominium.
- E. Churches, places of worship and cemeteries.
- F. Community buildings and/or facilities owned and/or occupied by public agencies.
- G. Irrigation and flood control projects.
- H. Manufactured homes which comply with this Ordinance.
- I. Public and/or private schools.
- J. Public parks and recreational areas.
- K. Roadside stands for the sale of agricultural produce grown on the agricultural farm operation.
- L. Short-term lodging.
- M. Single-family dwelling.

2-2.3. CONDITIONAL USES

The following conditional uses may be permitted subject to approval procedures outlined in these regulations.

- A. Campground, RV Park, camper pads, and associated uses.
- B. Communication Towers.
- C. Earth – Sheltered residences.
- D. Greenhouses and nurseries.
- E. Group homes.
- F. Medical Clinics.
- G. Meteorological Towers.
- H. Mortuaries.
- I. Non-Commercial Wind Energy Systems.
- J. Non-profit institutions of an educational, philanthropic, or charitable nature, except for penal or mental institutions.
- K. Public and Private Golf Courses.
- L. Telephone exchanges, electric substations, or other similar public utilities.

2-2.4. SITE DEVELOPMENT REGULATIONS

REGULATOR	RESIDENTIAL	OTHER PERMITTED USES
Minimum Lot Area	3 acres	3 acres
Minimum Lot Width (feet)	150	150
Minimum Lot Depth (feet)	200	200
Minimum Yards (feet)		
Front Yard	50	50
Side Yard	25	25
Street Side Yard	50	50
Rear Yard	100	100
Maximum Height (feet)	35*	35*
Maximum Building Coverage	55%	55%

* Except that barns, silos, and other agriculture structures may be of any height. Communication Towers, Meteorological Towers, and Wind Energy Systems are regulated by the height restrictions set forth in the associated sections of these Regulations.

2-2.5. ACCESSORY BUILDINGS

All accessory buildings and structures within the TA District shall comply with the following regulations:

- A. No accessory buildings or structures shall be erected in the defined street side yard. The front side of an accessory building or structure may be constructed to sit in front of the front side of the principle structure, but shall not extend any further than five (5) feet.
- B. Accessory buildings may be located in the rear yard and side yard, but shall not be closer than five (5) feet to the rear or side lot-line except that if the building has a vehicular alley entrance, the setback of the structure shall not be less than ten (10) feet from the alley line.
- C. No accessory structure shall be constructed upon a lot until the construction of the principle building has been started unless the accessory structure will serve as the temporary residence.
- D. The sum of all detached accessory buildings or uses shall not exceed eight thousand (8,000) square feet in gross floor area and the maximum peak height, measured from the finished floor to the peak line of the roof, shall not exceed twenty-five (25) feet in height. No more than three (3) detached accessory buildings or uses shall be permitted.
- E. Detached accessory buildings over 225 square feet shall be permanently anchored to a foundation. All detached accessory buildings under 225 square feet shall be firmly anchored to the ground or a foundation in accordance with local building codes.
- F. Any accessory building shall have a minimum vertical rise of three (3) inches in each twelve (12) inches of horizontal run and a building design that is harmonious with the character of the neighborhood.
- G. No Quonset, hoop, or fabric covered type buildings shall be permitted. No portion of any accessory building shall be covered with unpainted or uncoated galvanized tin, “strong barn”, imperial ribbed, corrugated sheets or panels, or any other similar-type material. For the safety of vehicular traffic, metal siding or roofing must be painted or coated with an unobtrusive, non-reflective color.

2-2.6. SIGNAGE

- A. Computation of Area of Individual Signs. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

- B. Computation of Height of Signs. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.
- C. Permitted Signage. Permitted signs and the maximum number of signs allowed per lot and the maximum surface area and maximum height of each signage type for the Transitional Agriculture District is outlined in the table below. Signs meeting the definition of “Abandoned Sign” must be removed at the expense of the owner.

TYPE OF SIGNAGE	P/NP/T	MAX. SURFACE AREA (sq. ft.)	MAXIMUM HEIGHT (ft.)	MAXIMUM NUMBER
Animated	NP	-	-	-
Announcement	P	32	4	1
Architectural Canopy	P	205	45	1 ¹
Banner	P	32	8	3
Changeable Copy	P	32	8	2
Destination	P	16	8	1
Electronic Message Board	P	100	20	1
Flashing	NP	-	-	-
Freestanding	T	32	4	1
Ground	P	50	10	1
Illuminated	P	<i>(reference corresponding type of signage)</i>		
Marquee	NP	-	-	-
Nameplate	P	2	-	1
Off-Premises (Billboard)	NP	-	-	-
On-Premises (Billboard)	P	640	30	1
Pennant	P	32	-	-
Pole	NP	-	-	-
Portable	P	32	4	1
Projecting	P	16	45	1
Roof	P	250	42	1
Roof-Integrated	P	250	45	1
Subdivision	P	<i>(reference corresponding type of signage)</i>		
Suspended	P	20	10	1
Temporary	P	<i>(reference corresponding type of signage)</i>		
Wall	P	200 ²	15	1
Window	P	200 ²	15	1
P = Permitted		NP = Not Permitted	T = Temporary	

¹ One Canopy per window – canopy shall meet all minimum height requirements for accessibility.

² Wall/Window signs shall not exceed 10 percent of the total wall area.

D. Signs, Special Conditions.

1. **Billboard Signs.** Billboards, signboards, and other similar signs shall be subject to the same height and location requirements as other structures within the district and shall also be subject to the following conditions and restrictions.
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
 - c. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
2. **Hanging Signs.** Signs hung from canopies and awnings shall maintain 80-inches of clear space, as measured from the bottom edge of the sign to the grade below.
3. **Temporary Signs.** Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
4. **Signs on Public Property.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
5. **Signs Exempt from Regulation.** The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, of this Ordinance and/or a collision hazard to the public:
 - a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - b. Any religious symbol;
 - c. Construction signs on the construction site, visible from the public right-of-way, is removed at, or prior to, the end of the construction period;
 - d. Any sign identifying a public facility or public/civic event;
 - e. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
 - f. Holiday lights and decorations with no commercial message;
 - g. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
 - h. A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

ARTICLE 3: "LLR" LARGE LOT RESIDENTIAL DISTRICT

2-3.1. INTENT

The intent of this district is to provide for low density, acreage residential development within the corporate limits of Clearwater. These lots will be residential in nature.

2-3.2. PERMITTED USES

In District "LLR" no building structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Churches, places of worship and cemeteries.
- B. Community buildings and/or facilities owned and/or occupied by public agencies.
- C. Irrigation and flood control projects.
- D. Manufactured homes which comply with this Ordinance.
- E. Public and/or private schools.
- F. Public parks and recreational areas.
- G. Short-term lodging.
- H. Single-family dwelling.
- I. Accessory buildings and uses customarily incidental to those listed above.

2-3.3. CONDITIONAL USES

The following conditional uses may be permitted subject to approval procedures outlined in these regulations.

- A. Bed & Breakfast Homes.
- B. Campground, RV Park, camper pads, and associated uses.
- C. Child Care Centers.
- D. Communication Towers.
- E. Earth – Sheltered residences.
- F. Greenhouses and nurseries.
- G. Group homes.
- H. Medical Clinics.
- I. Meteorological Towers.
- J. Mortuaries.
- K. Multi-family dwellings.
- L. Non-Commercial Wind Energy Systems.
- M. Telephone exchanges, electric substations, or other similar public utilities.
- N. Non-profit institutions of an educational, philanthropic, or charitable nature, except for penal or mental institutions.
- O. Public and Private Golf Courses.

2-3.4. **SITE DEVELOPMENT REGULATIONS**

REGULATOR	RESIDENTIAL	OTHER PERMITTED USES
Minimum Lot Area	0.75 acres	0.75 acres
Minimum Lot Width (feet)	100	100
Minimum Yards (feet)		
Front Yard	30	30
Side Yard	15	15
Street Side Yard	30	30
Rear Yard	40	40
Maximum Height (feet)	35	35
Maximum Building Coverage	50%	50%

2-3.5. **ACCESSORY BUILDINGS**

All accessory buildings and structures within the “LLR” District shall comply with the following regulations:

- A. No accessory buildings or structures shall be erected in the defined street side yard. The front side of an accessory building or structure may be constructed to sit in front of the front side of the principle structure, but shall not extend any further than five (5) feet.
- B. Accessory buildings may be located in the rear yard and side yard, but shall not be closer than five (5) feet to the rear or side lot-line except that if the building has a vehicular alley entrance, the setback of the structure shall not be less than ten (10) feet from the alley line.
- C. No accessory structure shall be constructed upon a lot until the construction of the principle building has been started or be used for dwelling purposes.
- D. A detached accessory building or use shall not exceed seventy percent (70%) of the gross floor area of the principle building on the same lot. This will be measured in gross floor area, from the footprint of the main level of the principle structure. The maximum peak height, measured from the finished floor to the peak line of the roof, shall not exceed twenty-five (25) feet in height. Two (2) detached accessory structures or uses will be allowed per lot.
- E. Detached accessory buildings over 225 square feet shall be permanently anchored to a foundation. All detached accessory buildings under 225 square feet shall be firmly anchored to the ground or a foundation in accordance with local building codes.
- F. Any accessory building shall have a minimum vertical rise of three (3) inches in each twelve (12) inches of horizontal run and a building design that is harmonious with the character of the neighborhood.
- G. No Quonset type buildings shall be permitted. No portion of any accessory building shall be covered with unpainted or uncoated galvanized tin, “strong barn”, imperial ribbed, corrugated sheets or panels, or any other similar-type material. For the safety of vehicular traffic, metal siding or roofing must be painted or coated with an unobtrusive, non-reflective color.

2-3.6. **SIGNAGE**

- A. **Computation of Area of Individual Signs.** The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

- B. Computation of Height of Signs. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.
- C. Permitted Signage. Permitted signs and the maximum number of signs allowed per lot and the maximum surface area and maximum height of each signage type for the Large Lot Residential District is outlined in the table below. Signs meeting the definition of “Abandoned Sign” must be removed at the expense of the owner.

TYPE OF SIGNAGE	P/NP/T	MAX. SURFACE AREA (sq. ft.)	MAXIMUM HEIGHT (ft.)	MAXIMUM NUMBER
Animated	NP	-	-	-
Announcement	P	6	4	1
Architectural Canopy	NP	-	-	-
Banner	NP	-	-	-
Changeable Copy	NP	-	-	-
Destination	P	16	8	1
Electronic Message Board	NP	-	-	-
Flashing	NP	-	-	-
Freestanding	T	32	4	1
Ground	NP	-	-	-
Illuminated	NP	-	-	-
Marquee	NP	-	-	-
Nameplate	P	2	-	1
Off-Premises (Billboard)	NP	-	-	-
On-Premises (Billboard)	NP	-	-	-
Pennant	NP	-	-	-
Pole	NP	-	-	-
Portable	T	32	4	1
Projecting	NP	-	-	-
Roof	NP	-	-	-
Roof-Integrated	NP	-	-	-
Subdivision	P	100	10	1
Suspended	NP	-	-	-
Temporary	P	50	8	2
Wall	NP	-	-	-
Window	NP	-	-	-
	P = Permitted	NP = Not Permitted	T = Temporary	

D. Signs, Special Conditions.

1. **Billboard Signs.** Billboards, signboards, and other similar signs shall be subject to the same height and location requirements as other structures within the district and shall also be subject to the following conditions and restrictions.
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
 - c. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
2. **Hanging Signs.** Signs hung from canopies and awnings shall maintain 80-inches of clear space, as measured from the bottom edge of the sign to the grade below.
3. **Temporary Signs.** Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
4. **Signs on Public Property.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
5. **Signs Exempt from Regulation.** The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, of this Ordinance and/or a collision hazard to the public:
 - a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - b. Any religious symbol;
 - c. Construction signs on the construction site, visible from the public right-of-way, is removed at, or prior to, the end of the construction period;
 - d. Any sign identifying a public facility or public/civic event;
 - e. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
 - f. Holiday lights and decorations with no commercial message;
 - g. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
 - h. A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

ARTICLE 4: "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

2-4.1. INTENT

The intent of this district is to provide for low density residential development in a manner which will encourage a strong residential neighborhood.

2-4.2. PERMITTED USES

In District "R-1" no building structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Single-Family dwellings.
- B. Two-Family dwellings; duplexes.
- C. Multi-Family dwellings.
- D. Churches.
- E. Hospitals.
- F. Manufactured homes following requirements set forth in this Ordinance.
- G. Nursing or Convalescent Homes.
- H. Public parks, playgrounds, municipal swimming pools, and schools.
- I. Public utilities, municipal library, and other similar type uses.
- J. Short-term lodging.
- K. Accessory buildings and uses customarily incidental to the above uses.

2-4.3. CONDITIONAL USES

The following conditional uses may be permitted subject to approval procedures outlined in these regulations.

- A. Bed & Breakfast Homes.
- B. Campground, RV Park, camper pads, and associated uses.
- C. Child Care Centers.
- D. County Courthouse, offices, penal institutions.
- E. Earth – Sheltered residences.
- F. Group homes.
- G. Home Occupations.
- H. Medical Clinics.
- I. Mortuaries.
- J. Multi-family dwellings.
- K. Non-profit institutions of an educational, philanthropic, or charitable nature, except for mental institutions.
- L. Public and Private Golf Courses.
- M. Telephone exchanges, electric substations, or other similar public utilities.

2-4.4. SITE DEVELOPMENT REGULATIONS

REGULATOR	RESIDENTIAL Single-Family	RESIDENTIAL Two-Family	OTHER PERMITTED USES
Minimum Lot Area (sq. ft.)	5,800	2,900/dwelling unit	5,800
Minimum Lot Width (feet)	44	44/dwelling unit	44
Minimum Yards (feet)			
Front Yard	25	25	25
Side Yard	10	10*	10
Street Side Yard	25	25	25
Rear Yard	20	20	20
Maximum Height (feet)	35	35	35
Maximum Building Coverage	45%	45%	45%

* The side yard setback between individual units of two-family dwellings may be reduced to zero, if a two-hour fire rated constructed common wall between units starting at the basement level and continuing through to the roofline is maintained.

2-4.5. USE LIMITATIONS

The following are not permitted in the R-1 zoning district:

- A. Communication Towers.
- B. Meteorological Towers.
- C. Non-Commercial Wind Energy Systems.
- D. Commercial Wind Energy Systems.

2-4.6. ACCESSORY BUILDINGS

All accessory buildings and structures within the R-1 District shall comply with the following regulations:

- A. No accessory buildings or structures shall be erected in the defined street side yard. The front side of an accessory building or structure may be constructed to sit in front of the front side of the principle structure, but shall not extend any further than five (5) feet.
- B. Accessory buildings may be located in the rear yard and side yard, but shall not be closer than five (5) feet to the rear or side lot-line except that if the building has a vehicular alley entrance, the setback of the structure shall not be less than ten (10) feet from the alley line.
- C. No accessory structure shall be constructed upon a lot until the construction of the principle building has been started or be used for dwelling purposes.
- D. No detached accessory building or use shall be larger than one thousand (1,000) square feet in gross floor area. The sum of all detached accessory buildings or uses shall not exceed one thousand two hundred (1,200) square feet in gross floor area and the maximum peak height, measured from the finished floor to the peak line of the roof, shall not exceed twenty-five (25) feet in height. No more than two (2) detached accessory buildings or uses shall be permitted.
- E. Detached accessory buildings over 225 square feet shall be permanently anchored to a foundation. All detached accessory buildings under 225 square feet shall be firmly anchored to the ground or a foundation in accordance with local building codes.
- F. Any accessory building shall have a minimum vertical rise of three (3) inches in each twelve (12) inches of horizontal run and a building design that is harmonious with the character of the neighborhood.
- G. No Quonset type buildings shall be permitted. No portion of any accessory building shall be covered with unpainted or uncoated galvanized tin, "strong barn", imperial ribbed, corrugated sheets or panels, or any other similar-type material. For the safety of vehicular traffic, metal siding or roofing must be painted or coated with an unobtrusive, non-reflective color.

2-4.7. SIGNAGE

- A. Computation of Area of Individual Signs. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.
- B. Computation of Height of Signs. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.
- C. Permitted Signage. Permitted signs and the maximum number of signs allowed per lot and the maximum surface area and maximum height of each signage type for the Single-Family Residential District is outlined in the table below. Signs meeting the definition of “Abandoned Sign” must be removed at the expense of the owner.

TYPE OF SIGNAGE	P/NP/T	MAX. SURFACE AREA (sq. ft.)	MAXIMUM HEIGHT (ft.)	MAXIMUM NUMBER
Animated	NP	-	-	-
Announcement	P	6	4	1
Architectural Canopy	NP	-	-	-
Banner	NP	-	-	-
Changeable Copy	NP	-	-	-
Destination	P	16	8	1
Electronic Message Board	NP	-	-	-
Flashing	NP	-	-	-
Freestanding	T	32	4	1
Ground	NP	-	-	-
Illuminated	NP	-	-	-
Marquee	NP	-	-	-
Nameplate	P	2	-	1
Off-Premises (Billboard)	NP	-	-	-
On-Premises (Billboard)	NP	-	-	-
Pennant	NP	-	-	-
Pole	NP	-	-	-
Portable	T	32	4	1
Projecting	NP	-	-	-
Roof	NP	-	-	-
Roof-Integrated	NP	-	-	-
Subdivision	P	100	10	1
Suspended	NP	-	-	-
Temporary	P	50	8	2
Wall	NP	-	-	-
Window	NP	-	-	-
	P = Permitted	NP = Not Permitted	T = Temporary	

D. Signs, Special Conditions.

1. **Billboard Signs.** Billboards, signboards, and other similar signs shall be subject to the same height and location requirements as other structures within the district and shall also be subject to the following conditions and restrictions.
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
 - c. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
2. **Hanging Signs.** Signs hung from canopies and awnings shall maintain 80-inches of clear space, as measured from the bottom edge of the sign to the grade below.
3. **Temporary Signs.** Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
4. **Signs on Public Property.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
5. **Signs Exempt from Regulation.** The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, of this Ordinance and/or a collision hazard to the public:
 - a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - b. Any religious symbol;
 - c. Construction signs on the construction site, visible from the public right-of-way, is removed at, or prior to, the end of the construction period;
 - d. Any sign identifying a public facility or public/civic event;
 - e. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
 - f. Holiday lights and decorations with no commercial message;
 - g. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
 - h. A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

ARTICLE 5: "M-U" MIXED USE DEVELOPMENT DISTRICT

2-5.1. INTENT

The intent of this district is to provide for mixed use development including residential, storage, and noninvasive commercial properties. The goal of this district is to maintain a primarily residential feel through proper regulations, while allowing for mixed development.

2-5.2. PERMITTED USES

In District "M-U" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Single-Family dwellings.
- B. Two-Family dwellings; duplexes.
- C. Multi-Family dwellings.
- D. Bed and Breakfast Homes.
- E. Boarding and Lodging Houses.
- F. Churches.
- G. Hospitals.
- H. Manufactured homes following requirements set forth in this Ordinance.
- I. Nursing or Convalescent Homes.
- J. Public parks, playgrounds, and schools.
- K. Short-term lodging.
- L. Accessory buildings and uses customarily incidental to the above uses.

2-5.3. CONDITIONAL USES

The following conditional uses may be permitted subject to approval procedures outlined in these regulations.

- A. Accessory buildings or uses larger than the sizes outlined within the M-U District requirements.
- B. Barndominium.
- C. Buildings used for storage (private or commercial, in nature).
- D. Campground, RV Park, camper pads, and associated uses.
- E. Child Care Centers.
- F. Condominiums.
- G. Group Homes.
- H. Home Occupations.
- I. Medical Clinics.
- J. Mortuaries.
- K. Non-profit institutions of an educational, philanthropic, or charitable nature, except for penal or mental institutions.
- L. Telephone exchanges, electric substations, or other similar public utilities.

2-5.4. SITE DEVELOPMENT REGULATIONS

REGULATOR	RESIDENTIAL Single-Family	RESIDENTIAL Two-Family	OTHER PERMITTED USES
Minimum Lot Area (sq. ft.)	5,800	2,900/dwelling unit	5,800
Minimum Lot Width (feet)	44	44/dwelling unit	44
Minimum Yards (feet)			
Front Yard	25	25	25
Side Yard	10	10*	10
Street Side Yard	25	25	25
Rear Yard	20	20	20
Maximum Height (feet)	35	35	35
Maximum Building Coverage	50%	50%	50%

* *The side yard setback between individual units of two-family dwellings may be reduced to zero, if a two-hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.*

2-5.5. USE LIMITATIONS

The following are not permitted in the M-U zoning district:

- A. Communication Towers.
- B. Meteorological Towers.
- C. Non-Commercial Wind Energy Systems.
- D. Commercial Wind Energy Systems.

2-5.6. ACCESSORY BUILDINGS

All accessory buildings and structures within the M-U District shall comply with the following regulations:

- A. No accessory buildings or structures shall be erected in the defined street side yard. The front side of an accessory building or structure may be constructed to sit in front of the front side of the principle structure, but shall not extend any further than five (5) feet.
- B. Accessory buildings may be located in the rear yard and side yard, but shall not be closer than five (5) feet to the rear or side lot-line except that if the building has a vehicular alley entrance, the setback of the structure shall not be less than ten (10) feet from the alley line.
- C. No accessory structure shall be constructed upon a lot until the construction of the principle building has been started or be used for dwelling purposes.
- D. Any accessory building or use within the M-U District shall meet the following size standards. A larger building may be allowed, after a public hearing with the Planning Commission and Village Board, as a Conditional Use.
 - 1. The sum of all detached accessory buildings or uses shall not exceed two thousand (2,000) square feet in gross floor area for every fifty (50) feet in lot width. However, the sum of all detached accessory buildings or uses shall not exceed three thousand (3,000) square feet in gross floor area. A maximum of two (2) detached accessory structures or uses will be allowed per lot.
 - 2. The maximum peak height, measured from the finished floor to the peak line of the roof, shall not exceed twenty-five (25) feet in height for every fifty (50) feet in lot width. However, no building shall be taller than thirty-five (35) feet, measured to the top of the peak.
- E. Detached accessory buildings over 225 square feet shall be permanently anchored to a foundation. All detached accessory buildings under 225 square feet shall be firmly anchored to the ground or a foundation in accordance with local building codes.

- F. Any accessory building shall have a minimum vertical rise of three (3) inches in each twelve (12) inches of horizontal run and a building design that is harmonious with the character of the neighborhood.
- G. No Quonset type buildings shall be permitted. No portion of any accessory building shall be covered with unpainted or uncoated galvanized tin, "strong barn", imperial ribbed, corrugated sheets or panels, or any other similar-type material. For the safety of vehicular traffic, metal siding or roofing must be painted or coated with an unobtrusive, non-reflective color.

2-5.7. SIGNAGE

- A. Computation of Area of Individual Signs. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.
- B. Computation of Height of Signs. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

- C. Permitted Signage. Permitted signs and the maximum number of signs allowed per lot and the maximum surface area and maximum height of each signage type for the Mixed-Use Development District is outlined in the table below. Signs meeting the definition of “Abandoned Sign” must be removed at the expense of the owner.

TYPE OF SIGNAGE	P/NP/T	MAX. SURFACE AREA (sq. ft.)	MAXIMUM HEIGHT (ft.)	MAXIMUM NUMBER
Animated	NP	-	-	-
Announcement	P	15	4	1
Architectural Canopy	P	150	35	1 ¹
Banner	P	32	8	1
Changeable Copy	NP	-	-	-
Destination	P	16	8	1
Electronic Message Board	NP	-	-	-
Flashing	NP	-	-	-
Freestanding	T	32	4	1
Ground	P	100	10	-
Illuminated	NP	-	-	-
Marquee	NP	-	-	-
Nameplate	P	2	-	1
Off-Premises (Billboard)	NP	-	-	-
On-Premises (Billboard)	NP	-	-	-
Pennant	P	32	-	-
Pole	P	80	25	1
Portable	T	32	4	1
Projecting	P	12	10 ²	1
Roof	NP	-	-	-
Roof-Integrated	NP	-	-	-
Subdivision	P	100	10	1
Suspended	P	20	10	1
Temporary	P	50	8	2
Wall	P	135 ³	35	1
Window	P	135 ³	15	1
P = Permitted NP = Not Permitted T = Temporary				

¹ One Canopy per window – canopy shall meet all minimum height requirements for accessibility.

² Projecting signs shall maintain 80-inches of clear space, as measured from the bottom edge of the signs to the grade below.

³ Wall/Window signs shall not exceed 10 percent of the total wall area.

D. Signs, Special Conditions.

1. **Billboard Signs.** Billboards, signboards, and other similar signs shall be subject to the same height and location requirements as other structures within the district and shall also be subject to the following conditions and restrictions.
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
 - c. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
2. **Hanging Signs.** Signs hung from canopies and awnings shall maintain 80-inches of clear space, as measured from the bottom edge of the sign to the grade below.
3. **Temporary Signs.** Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
4. **Signs on Public Property.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
5. **Signs Exempt from Regulation.** The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, of this Ordinance and/or a collision hazard to the public:
 - a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
 - b. Any religious symbol;
 - c. Construction signs on the construction site, visible from the public right-of-way, is removed at, or prior to, the end of the construction period;
 - d. Any sign identifying a public facility or public/civic event;
 - e. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
 - f. Holiday lights and decorations with no commercial message;
 - g. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
 - h. A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

ARTICLE 6: "C-1" GENERAL COMMERCIAL DISTRICT

2-6.1. INTENT

The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities and service and office uses that are normally found in the core area of a Village.

2-6.2. PERMITTED USES

In district "C-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected constructed, reconstructed, and moved, or altered, except for one or more of the following uses:

- A. Amusement places (indoors), including video games, arcades, game machines, pool halls, and other similar establishments.
- B. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
- C. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
- D. Apparel and accessory stores.
- E. Apartments on floors other than the ground floor.
- F. Art and Art supply stores.
- G. Artist studio.
- H. Auditoriums and similar places of public assembly.
- I. Automobile accessory and supply store.
- J. Automobile parking lots and garages.
- K. Bait Shop.
- L. Bakery and pastry shop (retail only).
- M. Banks and other savings and lending institutions.
- N. Barber shops, beauty shops, chiropody, massage, or similar personal services.
- O. Bicycle shops.
- P. Books and stationary stores.
- Q. Bowling alleys.
- R. Business and technical schools including schools for photography, dancing, and music.
- S. Business machine repair, sales, and services.
- T. Car washes.
- U. Child care center.
- V. Cigar and tobacco stores.
- W. Clothing and costume rental.
- X. Commercial recreation centers.
- Y. Custom dressmaking, millinery, tailoring and similar trades.
- Z. Delicatessens and catering establishments.
- AA. Department stores.
- BB. Drug stores and prescription shops.
- CC. Dry goods and notion stores.
- DD. Dry cleaning and laundry establishments.

- EE. Fire stations, police stations and jails.
- FF. Fix-it shops (radio, television, and small household appliances).
- GG. Florist and gift shop.
- HH. Furniture and home furnishing stores.
- II. Government administrative buildings.
- JJ. Grocery stores.
- KK. Hardware stores.
- LL. Hobby, stamp, and coin shops.
- MM. Hotels and Motels.
- NN. Household appliance stores.
- OO. Interior decorator's shops.
- PP. Jewelry and metal craft stores and shops.
- QQ. Leather goods and luggage stores.
- RR. Library and museum (public).
- SS. Lock and key shops.
- TT. Mail order catalog stores.
- UU. Meat locker or meat market.
- VV. Medical, dental and health clinics.
- WW. Medical and orthopedic appliance stores.
- XX. Meeting halls and auditoriums.
- YY. Messenger and telegraph service stations.
- ZZ. Music instrument sales and repair shop.
- AAA. Newspaper offices.
- BBB. Newsprint, job printing and printing supply stores.
- CCC. Newsstand.
- DDD. Offices and office buildings.
- EEE. Office supply and office equipment stores.
- FFF. Optician and optometrists.
- GGG. Package liquor stores.
- HHH. Paint and wallpaper stores.
- III. Parking lots and garages.
- JJJ. Parks and open spaces.
- KKK. Pawn shops.
- LLL. Pet shops.
- MMM. Photographic equipment sales and supply stores.
- NNN. Photographic studios.
- OOO. Picture framing studios.
- PPP. Plumbing, heating, ventilation, air conditioning and electrical shops including related fabrication.

- QQQ. Post office.
- RRR. Printers.
- SSS. Private clubs and lodges.
- TTT. Radio and television studios.
- UUU. Restaurants, excluding drive-ins.
- VVV. Service stations.
- WWW. Self-services laundries and dry-cleaning establishments.
- XXX. Sewing machine shops and stores.
- YYY. Shoe stores.
- ZZZ. Shoe repair shops.
- AAAA. Short-term lodging.
- BBBB. Sporting and athletic goods stores.
- CCCC. Stores and shops for the conduct of retail and service business similar to the uses listed in this section.
- DDDD. Tailor shops.
- EEEE. Taverns.
- FFFF. Theaters.
- GGGG. Toy stores.
- HHHH. Travel bureaus.
- IIII. Upholstery – furniture.
- JJJJ. Utility company office.
- KKKK. Variety stores.
- LLLL. Watch repair shops.
- MMMM. Accessory buildings and uses customarily incidental to the above uses.

2-6.3. CONDITIONAL USES

The following conditional uses may be permitted Subject to approved procedures outlined in these Regulations.

- A. Campground, RV Park, camper pads, and associated uses.
- B. Communication Towers.
- C. Motor vehicle body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than ninety percent (90%).
- D. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the building officials to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than ninety percent (90%).
- E. Restricted (Adult Entertainment) Businesses.
- F. Wholesale establishments, except those which handle products of a highly explosive, combustible, or volatile nature.

2-6.4. **SITE DEVELOPMENT REGULATIONS**

REGULATOR	USES PERMITTED
Minimum Lot Area (sq. ft.)	5,800
Minimum Lot Width (feet)	44
Minimum Yards (feet)	
Front Yard	None
Side Yard	None
Side Yard Adjacent to Residential District	10
Street Side Yard	None
Street Side Yard Adjacent to Residential District	10
Rear Yard	None
Rear Yard Adjacent to Residential District	20
Maximum Height (feet)	None

2-6.5. **USE LIMITATIONS.**

- A. The following are not permitted in the “C-1” zoning district:
 1. Meteorological Towers.
 2. Non-Commercial Wind Energy Systems.
 3. Commercial Wind Energy Systems.
- B. The main floor or first level of all buildings within the “C-1” zoning district shall be used for commercial/office purposes. Floors above or below the main floor may be used for other purposes such as residential or storage.
- C. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
- D. No business establishment shall offer or sell food or beverages where consumption is primarily intended to occur in parked motor vehicles.
- E. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential district and so that no glare is visible to any traffic on any public street.
- F. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.
- G. A bufferyard consisting of a solid or semi-solid fence, hedge, or wall at least six feet, but not more than eight (8) feet high, and having a density of not less than seventy percent (70%) per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property.

2-6.6. **SIGNAGE**

- A. **Computation of Area of Individual Signs.** The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

- B. Computation of Height of Signs. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.
- C. Permitted Signage. Permitted signs and the maximum number of signs allowed per lot and the maximum surface area and maximum height of each signage type for the General Commercial District as outlined in the table below. Signs meeting the definition of “Abandoned Sign” must be removed at the expense of the owner.

TYPE OF SIGNAGE	P/NP/T	MAX. SURFACE AREA (sq. ft.)	MAXIMUM HEIGHT (ft.)	MAXIMUM NUMBER
Animated	NP	-	-	-
Announcement	P	32	4	1
Architectural Canopy	P	250	45	1 ¹
Banner	NP	-	-	-
Changeable Copy	NP	-	-	-
Destination	P	16	8	1
Electronic Message Board	NP	-	-	-
Flashing	NP	-	-	-
Freestanding	T	32	4	1
Ground	NP	-	-	-
Illuminated	NP	-	-	-
Marquee	NP	-	-	-
Nameplate	P	2	-	1
Off-Premises (Billboard)	NP	-	-	-
On-Premises (Billboard)	NP	-	-	-
Pennant	NP	-	-	-
Pole	NP	-	-	-
Portable	T	32	4	1
Projecting	P	20	10 ²	1
Roof	NP	-	-	-
Roof-Integrated	NP	-	-	-
Subdivision	P	100	10	1
Suspended	NP	-	-	-
Temporary	P	<i>(reference corresponding type of signage)</i>		
Wall	P	200 ³	45	1
Window	P	200 ³	15	1
P = Permitted		NP = Not Permitted	T = Temporary	

¹ One Canopy per window – canopy shall meet all minimum height requirements for accessibility.

² Projecting signs shall maintain 80-inches of clear space, as measured from the bottom edge of the signs to the grade below.

³ Wall/Window signs shall not exceed 10 percent of the total wall area.

D. Signs, Special Conditions.

1. **Billboard Signs.** Billboards, signboards, and other similar signs shall be subject to the same height and location requirements as other structures within the district and shall also be subject to the following conditions and restrictions.
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
 - c. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
2. **Hanging Signs.** Signs hung from canopies and awnings shall maintain 80-inches of clear space, as measured from the bottom edge of the sign to the grade below.
3. **Temporary Signs.** Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
4. **Signs on Public Property.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
5. **Signs Exempt from Regulation.** The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, of this Ordinance and/or a collision hazard to the public:
 - a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - b. Any religious symbol;
 - c. Construction signs on the construction site, visible from the public right-of-way, is removed at, or prior to, the end of the construction period;
 - d. Any sign identifying a public facility or public/civic event;
 - e. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
 - f. Holiday lights and decorations with no commercial message;
 - g. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
 - h. A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

ARTICLE 7: "C-2" HIGHWAY COMMERCIAL DISTRICT

2-7.1. INTENT

The intent of this district is to provide commercial locations for uses which serve as a convenience to the traveler or require a location on a highway or arterial in order to have an efficient operation. It is further intended that the uses be of a single purpose character and not be of a nature in which people walk from store-to-store as in a nucleated center. Screening and off-street parking are required in order to reduce possible adverse effects on surrounding residential areas.

2-7.2. PERMITTED USES

In District "C-2" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Agricultural implement/irrigation sales and service.
- B. Animal hospitals or clinics when all facilities are within an enclosed building.
- C. Automobile and truck sales and service.
- D. Automotive parts and accessory stores.
- E. Boat sales, service and rental.
- F. Bowling alleys.
- G. Butcher, custom kill.
- H. Car washes.
- I. Child care center.
- J. Churches and places of worship.
- K. Construction equipment rental and sales.
- L. Cultural/Convention centers.
- M. Dry-cleaning and laundry establishments.
- N. Fire stations.
- O. Grocery stores.
- P. Hotels and motels including accessory service uses, such as news-stands, messenger and telegraph stations, swimming pools (for motel guests only), and flower and gift shops.
- Q. Indoor skating rinks.
- R. Lumber and building materials sales yards.
- S. Medical Office.
- T. Mini-warehouse.
- U. Mobile home and trailer sales and rental, but not including the use of a mobile home as a residence.
- V. Mortuaries.
- W. Motorcycle sales, service, and rentals.
- X. Museums.
- Y. Nursery and garden stores.
- Z. Offices, professional and medical.
- AA. Package liquor stores.
- BB. Private clubs and lodges.

- CC. Public utilities or other municipal needs.
- DD. Retail.
- EE. Restaurants including drive-ins.
- FF. Self-service laundries and dry-cleaning establishments.
- GG. Service stations, auto-body shops, or filling stations.
- HH. Short-term lodging.
- II. Sporting goods stores.
- JJ. Storage buildings for personal or rental unit use, used only specifically for storage.
- KK. Taverns.
- LL. Accessory buildings and uses customarily incidental to the above uses.

2-7.3. CONDITIONAL USES

The following conditional uses may be permitted subject to approval procedures outlined these regulations.

- A. Campground, RV Park, camper pads, and associated uses.
- B. Commercial recreation center.
- C. Communication Towers.
- D. Electric and telephone substations, regulator stations and other similar utility uses on or above the surface of the ground.
- E. Meteorological Towers.
- F. Non-Commercial Wind Energy Systems.
- G. Restricted (Adult Entertainment) Businesses.
- H. Telephone exchanges, electric substations, or other similar public utilities. Outdoor amusement establishments such as amusement parks, permanent carnival and kiddie parks, miniature golf and pitch and putt courses, driving ranges and other similar establishments.

2-7.4. SITE DEVELOPMENT REGULATIONS

REGULATOR	USES PERMITTED
Minimum Lot Area (sq. ft.)	10,000
Minimum Lot Width (feet)	100
Minimum Yards (feet)	
Front Yard	25
Side Yard	10
Side Yard Adjacent to Residential District	25
Street Side Yard	25
Rear Yard	20
Maximum Height (feet)	45
Maximum Building Coverage	60%

2-7.5. USE LIMITATIONS.

- A. Commercial Wind Energy Systems are not permitted in the “C-2” zoning district.
- B. Gasoline pumps, air and water services and other fixtures used in connection with automobile service stations may be located within the front yard but not less than 12 feet from the front lot-line and in any event, not less than 40 feet from the centerline of any street or road on which the service station abuts.
- C. No structure shall be used for residential purposes except by the owner or operator of the business located on the premises and except that accommodations may be offered to transient public by motels and hotels.
- D. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.
- E. No outdoor storage shall be permitted except for the display of merchandise for sale to the public.
- F. All business establishments shall be retail or service establishments dealing directly with consumers.
- G. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential district.
- H. No meat packing plants shall be permitted.
- I. A bufferyard consisting of a solid or semisolid fence, hedge, or wall at least six (6) feet, but not more than eight (8) feet high and having a density of not less than seventy percent (70%) per square foot shall be provided adjacent to any adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner and owners of the property.

2-7.6. SIGNAGE

- A. Computation of Area of Individual Signs. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.
- B. Computation of Height of Signs. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

- C. Permitted Signage. Permitted signs and the maximum number of signs allowed per lot and the maximum surface area and maximum height of each signage type for the Highway Commercial District as outlined in the table below. Signs meeting the definition of “Abandoned Sign” must be removed at the expense of the owner.

TYPE OF SIGNAGE	P/NP/T	MAX. SURFACE AREA (sq. ft.)	MAXIMUM HEIGHT (ft.)	MAXIMUM NUMBER
Animated	P	200	45	1
Announcement	P	32	4	1
Architectural Canopy	P	250	45	1 ¹
Banner	P	32	8	3
Changeable Copy	P	32	10	2
Destination	P	16	8	1
Electronic Message Board	P	100	20	1
Flashing	NP	-	-	-
Freestanding	T	32	4	1
Ground	P	32 ²	10	1
Illuminated	P	<i>(reference corresponding type of signage)</i>		
Marquee	P	350	45	1
Nameplate	P	2	-	1
Off-Premises (Billboard)	NP	-	-	-
On-Premises (Billboard)	P	320	30	1
Pennant	P	32	-	-
Pole	P	100 ³	40	1
Portable	P	16	45	1
Projecting	P	32	4	1
Roof	P	250	45	1
Roof-Integrated	P	250	45	1
Subdivision	P	100	10	1
Suspended	P	20	10	1
Temporary	P	<i>(reference corresponding type of signage)</i>		
Wall	P	200 ⁴	45	1
Window	P	200 ⁴	15	1
P = Permitted		NP = Not Permitted	T = Temporary	

¹ One Canopy per window – canopy shall meet all minimum height requirements for accessibility.

² Ground signs may be increased from 32 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign for every use/storefront.

³ Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign for every use/storefront.

⁴ Wall/Window signs shall not exceed 10 percent of the total wall area.

D. Signs, Special Conditions.

1. **Billboard Signs.** Billboards, signboards, and other similar signs shall be subject to the same height and location requirements as other structures within the district and shall also be subject to the following conditions and restrictions.
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
 - c. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
2. **Hanging Signs.** Signs hung from canopies and awnings shall maintain 80-inches of clear space, as measured from the bottom edge of the sign to the grade below.
3. **Temporary Signs.** Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
4. **Signs on Public Property.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
5. **Signs Exempt from Regulation.** The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, of this Ordinance and/or a collision hazard to the public:
 - a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - b. Any religious symbol;
 - c. Construction signs on the construction site, visible from the public right-of-way, is removed at, or prior to, the end of the construction period;
 - d. Any sign identifying a public facility or public/civic event;
 - e. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
 - f. Holiday lights and decorations with no commercial message;
 - g. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
 - h. A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

ARTICLE 8: AIRPORT ZONING REGULATIONS

2-8.1. LOCATION, BOUNDARIES, ZONES, AND HEIGHT RESTRICTIONS.

The vicinity of the Antelope County Airport, is located in the central part of Antelope County in Neligh.

- A. Airport Hazard Area Description. Airport Hazard Area consists of any area of land or water upon which an airport hazard might be established if not prevented and that such area may not extend in any direction in excess of the limits provided for Approach, Operation, Transition, and Turning Zones.
- B. Airport Hazard. An Airport Hazard means any structure or tree or use of land that affects any Approach, Operation, or Turning Zone.
- C. Zone Description.

- 1. The Operation Zones shall be located along each existing or proposed runway, landing strip, or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall extend two hundred (200) feet beyond the ends of each existing or proposed runway. The Operation Zone is one thousand (1,000) feet wide, or five hundred (500) feet on either side of the runway centerline for each instrument runway or landing strip. The Operation Zone for all other runways and landing strips shall be five hundred (500) feet in width and two hundred and fifty (250) feet on either side of center line.
- 2. The Approach Zones shall extend from the end of each Operation Zone and is centered along the extended runway centerlines. The Approach Zone extend ten (10) miles from the Operation Zone, is one thousand (1,000) feet wide at the end of the zone nearest the runway and expands uniformly, at a rate of thirty (30) feet of width for each one hundred (100) feet of horizontal length, to the extent of sixteen thousand eight hundred forty (16,840) feet wide at the farthest end of the zone.

The Inner and Outer Areas 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 as far as three (3) miles from the respective Operation Zone. The Inner Area of the Approach Zone shall be the area extending seven thousand five hundred (7,500) feet from the Operation Zone to reach the maximum height of one hundred fifty (150) feet at the one foot vertical and for every fifty feet horizontal 1:50 slope. The Outer Area of the Approach Zone shall begin at the end of the Inner Area of the Approach Zone and extend as far as three (3) miles.

The Extended Area of each Approach Zone shall be the area between the outer limit of the Outer Area of the Approach Zone extending seven (7) miles from the Outer Area of the Approach Zone to create a total extension of ten (10) miles for the Approach Zone.

- 3. The Transition Zone shall be a zone that extends outward, at a right angle to the runway centerline. The Transition Zone shall extend seven (7) feet horizontally for every one (1) foot vertically and shall end at a height of one hundred fifty feet (150) above the highest elevation on the existing or proposed runway. The Transition Zone begins at the height limit of the adjacent Approach or Operation Zone.
 - 4. The Turning Zones shall comprise all portions of the Airport Hazard Area not contained in the Operation Zones, Approach Zones, or 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 (3) statute miles from the nearest points along the airport property lines.
- D. Height Restrictions. 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:
 - 1. The Operation Zone height limit is the same as the height of the runway centerline elevation on an existing or proposed runway, or the surface of the ground, whichever is higher.

2. The Inner Area Approach Zone height limit begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every fifty feet horizontally (1:50 slope) to a maximum of one hundred fifty (150) feet above the nearest existing or proposed instrument runway end elevation.
 3. The Outer Area Approach Zone height limit is one hundred fifty (150) feet above the nearest existing or proposed instrument runway end elevation and remains at that height limit until the three (3) mile horizontal distance.
 4. The Extended Area Approach Zone height limit begins at one hundred fifty (150) feet at the end of the Outer Area Approach Zone and continues to rise one foot vertically for every fifty feet horizontally (1:50 slope) until the ten (10) mile extent limit.
 5. The Transition Zone's height limit rises one foot vertically for every seven feet horizontally (1:7 slope). The height limit begins at the height limit of the adjacent Operation and Approach Zones and ends at a height of one hundred fifty (150) feet above the highest elevation on the existing or proposed runway.
 6. The Turning Zone has a height limit of one hundred fifty (150) feet above the height elevation on the existing or proposed runway.
- E. Location Sketch and Zoning Map. Boundaries, operation zones, approach zones, transition zones, and turning zones of said airport are as indicated on the Airport Zoning Map, which accompanies and is hereby made a part of these regulations, a copy of which shall at all times be on file in the Office of the Village Clerk, Clearwater, Nebraska.
- F. Permit Required, Exceptions, Application Forms and Permit Fees.
1. **Permit Required.** It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smoke-stack, chimney, wires, or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said airport without first obtaining a "permit" from the Administrative Agency.
 2. **Exceptions.** In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip.
 3. **Application Forms.** Application for a permit as required under these regulations shall be made upon a form to be available in the Village Office of the Village of Clearwater, and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip, and height of the proposed structure or planting. (Mean Sea Level Elevation)
- G. Non-Conforming Structures. Within the zoned area as herein before defined, no non-conforming building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower, or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of thirty (30) percent or more of their original condition, or abandoned for a period of twelve months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zone regulated.

- H. Marking of Non-Conforming Structures. Whenever the Administrative Agency shall determine, or shall be notified by the Nebraska Department of Aeronautics, that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Administrative Agency and shall within a reasonable time, permit the marking thereof by suitable lights or other signals designated by the Administrative Agency and based on the recommendations of the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premise.
- I. Administrative Agency. The Village Board of the Village of Clearwater, Nebraska shall administer and enforce these regulations, and shall be the Administrative Agency provided for in Section 3-319, of the Nebraska Revised State Statutes, and shall have all the powers and perform all the duties of the Administrative Agency as provided by the Airport Zoning Act.
- J. Board of Adjustment. The Board of Adjustment of the Village of Clearwater, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-320, of the Nebraska Revised State Statutes, and such other powers and duties as are conferred and imposed by law.

ARTICLE 9: STATUTORY AUTHORIZATION AND FLOODPLAIN REGULATIONS

2-9.1. 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, general welfare, and property of the people of the state. The Legislature, in Nebraska Revised Statutes Sections 31-1001 to 31-1023 (as amended), 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. Therefore, the Village of Clearwater, Nebraska, ordains as follows:

2-9.2. FINDING OF FACTS

- A. Flood Losses Resulting from Periodic Inundation. The flood hazard areas of Clearwater, Nebraska are subject to inundation that results in loss of life and 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.
- B. General Causes of the Flood Losses. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

2-9.3. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in the Findings of Fact section above, by applying the provisions of this ordinance to:

- A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
- C. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

2-9.4. ADHERENCE TO REGULATIONS

The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

2-9.5. GENERAL PROVISIONS

A. Lands to Which Ordinance Applies

This ordinance shall apply to all lands within the jurisdictions of the Village of Clearwater, Nebraska identified on the Flood Insurance Rate Map (FIRM) panels 3102629999A and 3102620001B shown on the map dated September 1, 1986, as Zone A and within the Zoning District FF established in the Establishment of Zoning Districts section found later in this ordinance. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the Village Board or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in the Floodplain Management Administration and Standards for Floodplain Development regulations outlined later in this section.

B. Rules for Interpretation of District Boundaries

The boundaries of the Floodplain Overlay Districts shall be determined by scaling distances on the official zoning map of the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory 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 their case to the Board of Adjustment and to submit their own technical evidence, if so desired.

C. Compliance

Within identified floodplains areas of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions

This ordinance does not intend to repeal, abrogate, or impair any existent 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.

E. 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 statutes.

F. 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 the floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of Clearwater, Nebraska or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

G. Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2-9.6. ESTABLISHMENT OF ZONING DISTRICTS

The mapped floodplain areas within the jurisdiction of this ordinance are hereby established as the Floodplain Overlay District (FP), as identified on accompanying FIRM panels as previously established. The Floodplain Overlay District shall correspond to flood zone A. Within this district, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

2-9.7. FLOODPLAIN MANAGEMENT ADMINISTRATION

A. Designation of Floodplain Administrator.

The Zoning Administrator for Clearwater, Nebraska is hereby designated as the community's local Floodplain Administrator, unless the Village Board designates a separate party to serve as Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local Floodplain Administrator position is unfilled, the community 'CEO' shall assume the duties and responsibilities herein.

B. Permits Required.

A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

C. Duties of the Floodplain Administrator.

Duties of the Floodplain Administrator shall include, but not be limited to the following:

1. Review, approve, or deny all applications for floodplain development permits.
2. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
3. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
4. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
5. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
7. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
8. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
9. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
10. Ensure comprehensive development plan as amended is consistent with this ordinance.
11. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this ordinance.

D. Application for Development Permit & Demonstration of Compliance

1. To obtain a floodplain development 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 proposed development and estimated cost to be covered by the floodplain development permit.

- b. Describe the land on which the proposed development is to be done by lot, block, tract, and house and streets address, or similar description that will readily identify and locate the proposed building or development.
- c. Indicate the use or occupancy for which the proposed development is intended.
- d. Be accompanied by plans and specifications for proposed construction.

Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.

2. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
 - c. Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - d. Construction materials are flood resistant;
 - e. Appropriate practices to minimize flood damage have been utilized; and
 - f. Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
3. For all new and substantially improved structures, an elevation certificate, based upon the finished construction, certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
4. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
5. Any other such information, as reasonably may be required by the Floodplain Administrator, shall be provided.
6. Letters of Map Revision: Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6 allow for changes to the special flood hazard area through a Letter of Map Revisions (LOMR) or a Letter of Map Revisions Based on Fill (LOMR-F), provided the community determines that the land and any existing or propose structures that would be removed from the floodplain, are “reasonable safe from flooding.” The community acknowledgement form asserting this is required for a LOMR and LOMR-F applications and must be signed by the Floodplain Administrator. The Floodplain Administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - a. Applicant shall obtain a floodplain development permit before applying for a LOMR or LOMR-F.
 - b. Applicant shall demonstrate that the property and any existing or proposed structures will be “reasonable safe from flooding,” according to the minimum design standards in FEMA Technical Bulletin 10-01.
 - c. All requirements listed in the Simplified Approach in FEMA Technical Bulletin 10-01 shall be met and documents from a professional engineering shall be provided. If all of these requirements are not met, application must provide documentation in line with Engineered Approach outlined in FEMA Technical Bulletin 10-01.

E. Flood Data Required.

1. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas 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 or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
2. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

F. Variances & Appeals.

1. **Procedures.**

- a. The Board of Adjustment, as established by Clearwater, Nebraska, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b. 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 Floodplain Administrator in the enforcement or administration of this ordinance.
- c. 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 Revised Statutes Section 19-192.
- d. In evaluating such appeals and requests, the Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) The danger to life and property due to flooding or erosion damage;
 - (ii) The danger that materials may be swept onto other lands to the injury of others;
 - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - (iv) The importance of the services provided by the proposed facility to the community;
 - (v) The necessity of the facility to have a waterfront location, where applicable;
 - (vi) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - (vii) The compatibility of the proposed use with existing and anticipated development;
 - (viii) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

2. **Conditions for Variances.**

- a. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
- b. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- c. Variances shall only be issued based upon a determination that the granting of a variance will not result in 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.
- d. 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, providing items E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- e. 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 an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- f. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- g. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
- h. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

G. Enforcement.

1. **Violations.**

Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

2. **Notices.**

When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- a. Be in writing;
- b. Include an explanation of the alleged violation;
- c. Allow a reasonable time for the performance of any remedial act required;
- d. Be served upon the property owner or their agent as the case may require; and
- e. Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

3. **Penalties.**

- a. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$250, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- b. The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
- c. Nothing herein contained shall prevent the Clearwater Village Board, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

2-9.8. STANDARDS FOR FLOODPLAIN DEVELOPMENT

A. General Provisions.

1. **Alteration or Relocation of a Watercourse.**

- a. A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
- b. No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

2. **Encroachments.**

- a. When proposing to permit any of the following encroachments, the standards below shall apply:
 - (i) Any development in Zone A without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - (ii) Alteration or relocation of a stream; then
- b. The applicant shall:
 - (i) Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, part 65.12) prior to the permit for the encroachments; and
 - (ii) Supply the fully approved package to the Floodplain Administrator including any required notifications to potentially affected property owners.

B. Elevation & Floodproofing Requirements.

1. **Residential Structures.**

- a. In Zone A, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.

2. **Nonresidential Structures.**

- a. In Zone A, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:

(i) The structure is watertight with walls substantially impermeable to the passage of water and

(ii) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in the Floodplain Management section found previously.

3. **Space Below Lowest Floor.**

- a. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.

- b. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a net total area of not less than one square inch for every one (1) square foot of enclosed space,

(ii) The bottom of all openings shall not be higher than one (1) foot above grade, and

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

4. **Appurtenant Structures.**

Structures accessory to a principal building may have the lowest floor below the base flood elevation provided that the structure complies with the following requirements:

- a. The structure shall not be used for human habitation.
b. The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.

c. The floor area shall not exceed four hundred (400) square feet.

d. The structure shall have a low damage potential.

e. The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

f. The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified for a professional engineer or licensed architect or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space.

(ii) The bottom of all openings shall not be higher than one (1) foot above grade, and

- (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
- g. No utilities shall be installed in the structure, except electrical fixtures, which must be elevated or floodproofed to one (1) foot above the base flood elevation.
- h. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- i. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

5. **Manufactured Homes.**

- a. Require that all manufactured homes to be placed or substantially improved within floodplains on sites:
 - (i) Outside of a manufactured home park or subdivision,
 - (ii) In a new manufactured home park or subdivision,
 - (iii) In an expansion to an existing manufactured home park or subdivision, or
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood.
Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.
- b. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of "Space Below Lowest Floor" be elevated so that either:
 - (i) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the requirements of manufactured home anchor requirements outlined below.
- c. New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of "Subdivision" development within a floodplain.
- d. 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. If over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (i) Over-the-top ties 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;
 - (ii) Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - (iii) Any additions to the manufactured home be similarly anchored.

6. **Existing Structures.**

- a. The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions below shall apply.
- b. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
- c. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

C. Design and Construction Standards.

1. **Anchoring.**

All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. **Building Materials and Utilities.**

- a. All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
- b. All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. **Drainage.**

Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

4. **Water Supply and Sanitary Sewer Systems.**

- a. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
- b. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
- c. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

5. **Other Utilities.**

All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

6. **Storage of Materials.**

- a. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- b. The storage of other material 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.

7. **Recreational Vehicles.**

Recreational vehicles to be placed on sites within the floodplain shall:

- a. Be on site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick- disconnect type utilities and security devices, and no permanently attached additions; or
- c. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

8. **Subdivisions.**

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:

- a. All such proposals are consistent with the need to minimize flood damage;
- b. All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
- c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
- d. Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

2-9.9. NONCONFORMING USES

- A. A structure or use of a structure or premises that was lawful before the passage or amendment of this ordinance, but that is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Floodplain Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of six (6) months.
 2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that 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, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

2-9.10. AMENDMENTS

- A. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village of Clearwater. At least 10 days shall elapse between the date of this publication and the public hearing.
- B. A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

2-9.11. DEFINITIONS

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

- A. Area of Shallow Flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance 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.
- B. Appurtenant Structures means a structure on the same parcel of property as the principal structure, and use of which is incidental to the use of the principal structure. Also, shall be known as "accessory structure".
- C. Base Flood means the flood having one (1) percent chance of being equaled or exceeded in any given year.
- D. Base Flood Elevation means the elevation to which floodwaters are expected to rise during the base flood.
- E. Basement means any area of the building having its floor subgrade (below ground level) on all sides.
- F. Building means "structure." See definition for "structure."
- G. Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.
- H. Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.
- I. Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas.
- K. Flood Fringe is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.
- L. Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.
- M. Flood Insurance Study (FIS) is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.
- N. Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.
- O. Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.
- P. Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

- Q. Freeboard means 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 height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- R. Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- S. Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
- T. Lowest Floor means 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 or modified so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- U. Manufactured Home means 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- V. Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- W. New Construction for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
- X. New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- Y. Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building. Stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collection debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission from the construction thereof obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes 46-1601 to 46-1670 as amended*).
- Z. Overlay District is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
- AA. Post-FIRM Structure means a building that was constructed or substantially improved after the community's initial Flood Insurance Rate Map dated April 2, 1976.

- BB. Pre-FIRM Structure means a building that was constructed or substantially improved on or before the community's initial Flood Insurance Rate Map dated April 2, 1976.
- CC. Principally Above Ground means that at least 51 percent of the actual cash value of the structure is above ground.
- DD. Recreational Vehicle means 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 temporary living quarters for recreational, camping, travel, or seasonal use.
- EE. Regulatory Flood Elevation means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.
- FF. Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
- GG. Start of Construction means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, 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 streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.
- HH. Structure means 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.
- II. Subdivision means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.
- JJ. Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- KK. Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- LL. Variance is a grant of relief to an applicant from the requirements of this ordinance that allows construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

- MM. Violation means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- NN. Watercourse means any depression two feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well- defined banks.