

ARTICLE FOUR
OVERLAY DISTRICTS

4-1 General Purpose

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

The Overlay Districts are designed to achieve the following objectives:

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

PUD PLANNED UNIT DEVELOPMENT DISTRICT

4-2 Purpose

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council, assures specific development standards for each designated project.

4-3 Permitted Uses

a. Uses permitted in a PUD Overlay District are those permitted in the underlying base district.

4-4 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

- a. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
- b. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.
- c. Yard areas and setbacks, which are less than required in the base district, may be approved to achieve a more desirable arrangement of buildings and open space. In no case shall the exterior yards be less than 10 feet, nor shall the street side yard setbacks be less than 15 feet.

4-5 Access to Public Streets

Each PUD District must abut a public street for at least 50 feet and gain access from that street.

4-6 APPLICATION PROCESS

a. Development Plan

The application for a Planned Unit Development District shall include a Development Plan containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.

2. A land use plan identifying land features and topography, designating specific uses for the site, and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area requirements.
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans showing the location, size and type of plant materials.
4. A circulation plan, including location of existing and proposed vehicular and pedestrian facilities and location and general design of parking and loading facilities.
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, preliminary floor plans, elevations and general architectural design.
6. Agreements, provisions or covenants, which govern the use, maintenance, and continued protection of the planned unit development and any of its common areas.

4-7 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application according with the site plan review criteria in table 12-4. The City may impose reasonable conditions as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to PUD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District.
- f. An Ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable vote of one more than a simple majority of the City Council for approval if the Planning Commission recommends denial of the Ordinance.
- g. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

4-8 Amendment Procedure

a. Major amendments to the Development Plan must be approved according to the same procedure set forth in Article 12.

4-9 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

4-10 Termination of PUD District

If no substantial development has taken place in a Planned Unit Development District for two years following approval of the District, the Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

F FLOODPLAIN/ FLOODWAY OVERLAY DISTRICT

4-11 Purpose

The F Floodplain/Floodway Overlay District is intended to protect public health, safety, and general welfare and to minimize losses of life and property in flood-prone areas. The District is designed to:

- a. Require development standards, which protect uses that are vulnerable to flood damage.
- b. Protect prospective purchasers of land that is unsuitable for intended uses.
- c. Assure that property owners within the community are eligible to purchase flood insurance under the National Flood Insurance Program.
- d. Comply with the minimum standards of the State of Nebraska Flood Plain Regulation Act.

4-12 Definitions

The following definitions shall be used for terms contained within this section:

- a. Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.
- b. Channel: A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is the water which is flowing within the limits of a defined channel.

c. Development: Any manmade change to or on improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

d. Flood: A temporary rise in streams flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface waters from any source.

e. Flood Boundary and Floodway Map: An official map of a community, on which the Federal Insurance Administration has delineated the areas of special flood hazards, designating both floodway and floodway fringe areas.

f. Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

g. Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

h. Floodplain: Those lands, which are subject to a one (1) percent or greater chance of flooding in any given year. The designated floodplain for this article shall be based on the areas of one hundred (100) year flood, or areas of special flood hazards, as shown on the flood hazard boundary map, flood boundary and floodway map or flood insurance rate map issued by the Federal Insurance Administration, Federal Emergency Management Agency (FEMA), and shall include Zone A and Zones A- I through A-30.

i. Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

j. Substantial Improvement: Either the exterior addition or expansion of a structure; or, the repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, 1) before the improvement is started, or 2) if the structure has been damaged and is being restored, before the damaged occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any structural part of a building begins whether or not such alteration affects the exterior dimensions of the building. This definition excludes remedial alterations made to comply with existing state, county, or city codes, or ordinances, or statutes. Any conversion from a non-residential to a residential use shall be a substantial improvement.

4-13 Designation of Districts

a. F Floodplain Overlay District

Those lands within the area of one hundred year flood or within an area of specialized flood hazard, as shown on the flood hazard boundary map, flood boundary and floodway maps or flood insurance rate map issued by the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA), and including Zone A within the F Floodplain Overlay District.

4-14 Permitted Uses

Use regulations within the F Floodplain Overlay District shall be the same as those of the underlying base district.

4-15 Site Development Regulations in F District

The F Floodplain Overlay District shall be subject to the site development regulations of the underlying base district and the following supplementary regulations.

a. Structural Standards

All new development and substantial improvements shall be:

1. Anchored to prevent flotation, collapse, or lateral movement of the structure.
2. Constructed with flood-resistant materials and utility equipment.
3. Constructed by methods designed to minimize flood damage.
4. Certified by a registered professional engineer or architect to comply with these structural standards.

b. Water and Sewage Systems

New or replacement water supply systems and/or sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters. These system characteristics shall be certified by a registered professional engineer.

c. Storage of Hazardous Materials

Storage or processing of materials that are buoyant, flammable, explosive, or potentially injurious to life is prohibited. All hazardous materials must comply with monitoring and reporting standards of the city fire and police authorities.

d. Storage of Other Materials

If otherwise permitted by the base district, storage of other materials or equipment may be permitted if:

1. It is not subject to major damage by floods.
2. It is firmly anchored to prevent flotation or it is readily removable after a flood warning is issued by appropriate authorities.
3. These conditions are certified by a registered professional engineer, architect, or the Papio-Missouri River Natural Resources District to comply with these standards.

f. Design Standard

All development proposals shall be designed to minimize flood damage and provide adequate drainage.

g. Non-Residential Construction Standards

All new construction and substantial improvements of commercial, industrial, and other nonresidential structures within the designated floodplain shall either have the lowest floor, including basement, elevated one foot or more above the base flood level or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is watertight. A registered professional engineer or architect shall certify that such watertight performance standards are satisfied. Flood proofing of one (1) foot above base flood level may qualify structure for reduced insurance actuarial rates.

4-16 Development Permit Requirements and Procedures

a. Requirement for a Development Permit

No development, minor improvement, or substantial improvement in an F District may be undertaken without a Development Permit, issued by the City Council, to assure compliance with the provisions of this Section.

4-17 General Provisions and Indemnification

a. Interpretation

In their interpretation and application, the provisions of these Floodplain regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not limit or repeal any other powers granted by state statutes.

b. Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on accepted practice. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes. These regulations do not imply that areas outside F District boundaries will be free from flooding or flood damage. These regulations shall not create liability on the part of the City or any of its officers or employees that may result from reliance on this section or any decision lawfully made through its administration.