

8.05 FF/FW Flood Fringe / Floodway Overlay District (amended April 29, 2014.)

A. Statutory Authorization

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Section 31-1019, R.R.S. 2008, has further assigned the responsibility to adopt, administer and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood-prone area.

B. Findings of Fact

1. Flood Losses resulting from Periodic Inundation

The flood hazard areas of Douglas County, Nebraska, are subject to inundation which 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.

2. General Causes of the Flood Losses

These flood losses are caused by: (1) the cumulative effect of obstructions in floodplains causing increases in flood height and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to flood or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

3. Methods Used to Analyze Flood Hazards

This article uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- a. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this article. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this article. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated May 19, 2014, as amended.

- b. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
- c. Computation of the floodway required to convey this flood without increasing flood heights more than 1 (one) foot at any point.
- d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.

4. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

C. Statement of Purpose

The purpose of this article is to:

- 1. Restrict or prohibit land uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
- 2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction;
- 3. Protect individuals from purchasing lands which are unsuited for intended purposes because of flood hazard; and
- 4. Assure that eligibility is maintained for property owners to purchase flood insurance in the National Flood Insurance Program.

D. General Provisions

1. This article shall apply to all lands within the jurisdiction of the County of Douglas Nebraska identified on the Flood Insurance Rate Map (FIRM) dated May 19, 2014, as amended, and as numbered and unnumbered A Zones (including AE, AO, and AH Zones) and within the Zoning Overlay Districts FW and FF established below. In all areas covered by this article, no development shall be permitted except upon the issuance of a floodplain development permit to develop, granted by Douglas County, Nebraska or its duly designated representative under such safeguards and restrictions as Douglas County, Nebraska or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of Douglas County, Nebraska and where specifically noted in this article and in sub-sections 8.05 J and K below.

2. This article creates two overlay zoning districts which are additional to other zoning districts of the County: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study and accompanying maps. The zoning districts created by this article overlies other zoning districts and place additional restrictions upon the manner in which lands in such underlying district may be used. Within these districts all uses not meeting the standards of this article and those standards of the underlying zoning district shall be prohibited.

3. The Planning & Zoning Coordinator of Douglas County, Nebraska is hereby designated as Douglas County, Nebraska's duly designated Enforcement Officer under this article.

4. The physical boundaries of the overlay zoning districts created hereunder shall be determined by scaling distances on the appropriate official map. Where uncertainty exists as to the boundary of a zoning district created by this article, the regulatory flood elevations for the point in question shall be the governing factor in resolving the issue. Dimensions contained in the Flood Insurance Study shall control in the demarcation of the zoning districts. Disputes shall be resolved by the Douglas County Board of Adjustment. Article 4.06 of the Douglas County Zoning Regulation shall not apply to this article.

5. Within identified special flood hazard areas of Douglas County, Nebraska no development shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

6. This article takes precedence over any conflicting statutes, regulations or resolutions which are less restrictive in their provisions pursuant to §23-170, R.R.S. 1943.

7. In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Douglas County Board of Commissioners and shall not be deemed a limitation or repeal of any other powers granted by state statutes. The specific prohibition of certain uses or practices is not to be interpreted as authorizing others by implication.

E. Floodplain Development Permit

1. There is hereby created a Floodplain Development Permit. Responsibility for issuance is assigned to the Douglas County Department of Environmental Services.

2. No person, firm, corporation, governmental unit or public agency shall initiate or continue any development or substantial improvement located within the zoning districts created by this article without first obtaining a Floodplain Development Permit.

3. No Floodplain Development Permit shall be issued unless it appears that the proposed project will conform to the applicable standards and uses set forth in this article. Provided that, a Floodplain Development Permit will be issued for any improvement which is not a development or substantial improvement as defined herein undertaken or to be undertaken within the floodway zoning district created by this article if said improvement conforms to section K 3 of this article regardless of conformance with sections K 1 and K 2.

4. Application for a Floodplain Development Permit shall be made to the Department of Environmental Services on forms furnished by it which shall include plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question and of existing or proposed structures, fill, material storage and drainage facilities thereupon. The applicant shall also give such other information as may reasonably be required by the Department of Environmental Services.

5. The Department of Environmental Services shall revoke the Floodplain Development Permit of any project which fails to conform to the applicable standards and uses set forth in this article.

6. The Department of Environmental Services shall review all applications for permits to build in the zoning districts created by this article. If it appears that a Floodplain Development Permit is mandated by this article, no building permit shall be issued until the Floodplain Development Permit is issued.

7. Where a request for a Floodplain Development Permit is denied by the Planning & Zoning Coordinator, the applicant may apply for a variance directly to the Douglas County Board of Adjustment.

F. Administration

1. The Douglas County Planning & Zoning Coordinator or designee is hereby appointed to administer and implement the provisions of this article.

2. The following additional duties are imposed upon the Douglas County Planning & Zoning Coordinator:

- a. Review all applications for Floodplain Development Permits to assure that sites are reasonably safe from flooding and that the permit requirements of this article have been satisfied.
- b. Review applications for Floodplain Development Permits to assure that all necessary permits have been obtained from federal, state or local governmental agencies.

- c. 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.
- d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- e. Verify and record the actual elevation of the lowest floor including basement (in relation to mean sea level), of all new construction or substantially improved structures.
- f. Verify and record the actual elevation (in relation to mean sea level) to which new construction or substantially improved structures have been flood-proofed.

G. Incorporated Reference Materials

1. The Flood Insurance Rate Map (FIRM) of the Federal Insurance Administration for the County of Douglas, Nebraska, identified as “Douglas County, Nebraska and incorporated Areas” with the community number of 310073, as delineated on the Federal Insurance Administration’s Flood Insurance Study, and illustrative materials dated May 19, 2014, as amended is the official flood plain map of the County of Douglas and incorporated in this Douglas County Zoning Regulation by reference. Copies of these maps are available to the public at the Department of Environmental Services for inspection.
2. The data contained in the Flood Insurance Study of the Federal Insurance Administration for the County of Douglas, Nebraska dated May 19, 2014 is hereby incorporated into this article by reference. A copy of this study will be made available to the public at the Department of Environmental Services for inspection.

H. Warning and Disclaimer of Liability

This article does not imply that areas outside floodway and flood fringe overlay zoning district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This article shall not create liability on the part of the County of Douglas or any officer, agent or employee thereof for any flood damages that may result from reliance upon this article or any administrative decision made thereunder.

I. Severability

If any clause, provision or portion of this article is adjudged unconstitutional or invalid the remainder of this article shall not be affected thereby.

J. Flood Fringe (FF) Overlay District

Uses in a flood fringe (FF) zoning district are subject to the following standards:

1. Until a regulatory floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated development or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.
2. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other development shall require:
 - a. Designing or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
 - b. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and onsite waste disposal systems are to be located so as to avoid impairment or contamination.
 - c. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that is designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. All utility and sanitary facilities are elevated or flood-proofed up to the regulatory flood protection elevation.
3. On site waste disposal systems shall be located so as to avoid impairment or contamination in case of flooding.
4. Residential Construction. All new residential construction and substantial improvements within the designated floodplain shall have the lowest floor, including basement, elevated to one foot or more above the base flood elevation.

Nonresidential Construction. All new construction and substantial improvements of commercial, industrial, and other nonresidential structures within the designated floodplain shall either: (1) have the lowest floor, including basement elevated one foot or more above the base flood level; or (2) shall be flood-proofed to a line one foot above the base flood elevation. Attendant utility and sanitary facilities shall also be flood-proofed. A registered professional engineer or architect shall certify that such flood proofing complies with the requirements of this article.

- a. Appurtenant structures used exclusively for storage of motor vehicles, and storage of other items readily removable in the event of a flood warning may have their lowest floor below one foot above the base flood elevation provided the structure is capable of withstanding hydrostatic and hydrodynamic forces caused by the base flood and provided that no utilities are installed in the structure except elevated or flood-proofed electrical fixtures. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use. The appurtenant structure shall be limited to 400 square feet in size. (Appurtenant structure shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure) (approved October 5, 2010).

5. For all new construction and substantial improvements, fully enclosed areas below the lowest floor will be usable solely for building access. The area below lowest floor subject to flooding shall be a maximum of four (4) feet in height measured from the bottom of the floor joists. Areas other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall not be higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6. All electrical equipment, circuits, and installed electric appliances in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be flood proofed to prevent damage resulting from flood levels exceeding the base flood elevation by one foot.

7. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or which could then become injurious to human, animal or plant life is prohibited; however, storage of other material or equipment may be allowed if such is not subject to major damage by floods and firmly anchored to prevent flotation or if such is readily removable from the area within the time available after flood warning.

8. Subdivision proposals will assure that:

- a. All such proposals and other proposed new development, including manufactured home parks or subdivisions 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 shall include base flood elevation data within such proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

9. Within Zone AO all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the Douglas County FIRM (at least two (2) feet if no depth number is specified). Nonresidential structures, within Zone AO, together with attendant utility and sanitary facilities must be flood proofed or elevated to such dimension.

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

11. Manufactured Homes.

- a. All manufactured homes, including mobile homes, shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors.

Specific requirements shall be that:

- 1) 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 but that manufactured homes less than fifty feet long need have but one additional tie per side; or
- 2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points but that mobile homes less than 50 feet long need have but four additional ties per side; and
- 3) Designed or anchored to prevent flotation, collapse or lateral movements of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the Douglas County FIRM on sites:

- 1) Outside of a manufactured home park or subdivision,
- 2) In a new manufactured home park or subdivision,
- 3) In an expansion to an existing manufactured home park or subdivision, or
- 4) 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 article.

12. Manufactured Home Parks. New manufactured home parks and expansions of existing manufactured home parks shall provide that:

- a. Adequate surface drainage and access for a hauler be provided for each lot; and,
- b. All stands or lots be of an elevation such that the lowest floor of a manufactured home placed thereupon will be one foot above the base flood elevations; and,

- c. Where such elevation is attained through the use of piers rather than compacted fill, the lots shall be large enough to permit the installation of steps, pier foundations shall be placed on stable soil no more than ten feet apart and steel reinforcement shall be provided for piers more than six feet high.
- d. Require that all manufactured homes to be placed within Zones "A", "AO", "AH", and "AE" on the Douglas County FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section K 11.

K. Floodway (FW) Overlay District

- 1. Property contained within a floodway zoning district shall be subject to all of the restrictions imposed by this article upon areas lying within a flood fringe zoning district.
- 2. Only the following uses are permitted within a floodway zoning district:
 - a. Open space uses not requiring a closed building, such as agricultural cropland, livestock feeding and grazing, or open public and private recreation areas.
 - b. Wire fences, walls or other appurtenances may be constructed which would not constitute an obstruction or debris-catching obstacle to the passage of flood waters.
 - c. Railroads, streets, bridges, public utility wire and pipelines for transmission and local distribution.
 - d. Commercial excavation of materials from pits, strips, or pools; provided, that no stockpiling of materials, products or overburden shall be such as to create a potential restriction to the passage of flood waters.
 - e. Non-restrictive improvements in stream channel alignment, cross section, and capacity in the normal maintenance thereof.
 - f. Uses of a type not appreciably damaged by flood waters; provided no structures for human habitation shall be permitted.
- 3. The uses enumerated in b above shall only be permitted if it can be shown that they will not increase flood levels along the encroached floodway profile during occurrence of the base flood discharge. Certification of the foregoing by a registered engineer or architect shall be required.

L. Variances

1. Variances may be granted by the Douglas County Board of Adjustment as provided for by state statute. §23-168.03, R.R.S. 1997.

2. Procedures:

- a. The Douglas County Board of Adjustment as established by Douglas County shall hear and decide appeals and requests for variances from the requirements of this article where a request for a Floodplain Development Permit is denied by the Planning & Zoning Coordinator.
- b. The Douglas County 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 Planning & Zoning Coordinator in the enforcement or administration of this article.
- c. Any person aggrieved by the decision of Douglas County Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Section 23-168.04, R.R.S. 1997.
- d. In passing upon such applications, the Douglas County Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other parts of this article, and:
 - 1) The danger that materials may be swept onto other lands to the injury of others;
 - 2) The danger to life and property due to flooding or erosion damage;
 - 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner;
 - 4) The importance of the services provided by the proposed facility to the community;
 - 5) The necessity to the facility of a waterfront location, where applicable;
 - 6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed;
 - 7) The compatibility of the proposed use with existing and anticipated development;

- 8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - a) 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
 - b) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

3. Conditions for Variances

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections b, c, d, e, f below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.

- f. The applicant shall be given written notice over the signature of the Douglas County Planning & Zoning Coordinator, or designee, that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions granted under this article.

M. Non-Conforming Uses

Non-conforming uses shall be governed by this article and not by Article 12 of the Douglas County Zoning Regulation. A structure or the use of a structure or premises which was lawful before the passage or amendment of this article but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

1. No such structure or use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
2. If such structure is abandoned or use discontinued for six consecutive months, any future use of the premises shall conform to this article.
3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
4. 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 percent of the market value of the structure or use before the damage occurred unless it is reconstructed in conformity with the provisions of this article. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or resolutions or the cost of any alteration of a structure listed on the National Register of Historic Places or the inventory of historical places of the Nebraska Historical Society, provided that the alteration shall not preclude its continued designation.

N. Violations

Any person who violates any of the provisions of this article shall be guilty of a Class III misdemeanor according to Nebraska Revised Statutes Sec. 23-174. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. All parties holding a sufficient interest in the subject property to prevent such violation or any party who knowingly perpetrates or assists in violation shall be guilty of violation. Any of the following acts shall constitute a violation:

1. Development, improvement or substantial improvement without a Floodplain Development Permit if one is required by the provisions of this article.

2. Continuing a development, improvement or substantial improvement after the Floodplain Development Permit for such has been duly revoked if it was required by the provisions of this article.

3. Deviating substantially from the terms of an application for a Floodplain Development Permit as those terms were accepted by the Douglas County Department of Environmental Services.

O. Amendments

The restrictions and boundaries set forth in this article may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens 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 Douglas County, Nebraska. At least fourteen (14) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. This Article is in compliance with the National Flood Insurance Program Resolutions as published in Title 44 of the Code of Federal Resolutions and Nebraska Administrative Code Title 455, Chapter 1 (Rules and Regulations Concerning Minimum Standards for Floodplain Management Programs, June 27, 2008.)

P. Definitions

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application. With regard to this article, the following definitions are used and supersede those contained in Article 2 of the Douglas County Zoning Regulation.

1. Appeal: A request for a review of the Planning & Zoning Coordinator's interpretation of any provision of this article or a request for a variance.

2. Area of Shallow Flooding: A designated AO or AH zone on the Douglas County, Nebraska 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.

3. Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

4. Basement: Any area of a building having its floor subgrade (below ground level) on all sides.

5. Department of Environmental Services: Douglas County Department of Environmental Services, 3015 Menke Circle, Omaha, Nebraska 68134.

6. Development: Any man made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

7. Existing Construction: For the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRM’s effective before that date. “Existing construction” may also be referred to as “existing structures.”

8. Existing Manufactured Home Park or Subdivision: 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 these floodplain management regulations adopted by Douglas County, Nebraska.

9. Expansion to an Existing Manufactured Home Park or Subdivision: 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).

10. Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal water.

b. The unusual and rapid accumulation of runoff of surface waters from any source.

11. Flood Fringe: That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

12. Flood Insurance Rate Map (FIRM): An official map of Douglas County, Nebraska on which the Federal Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to Douglas County, Nebraska.

13. Flood Insurance Study: A report approved by the Federal Emergency Management Agency. The report contains flood profiles, as well as Flood Boundary and Floodway Maps and the water surface elevation of the base flood.

14. Floodplain: Any land area susceptible to being inundated by water from any source (see definition of “flood”).
15. Floodway: 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.
16. Freeboard: The 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.
17. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
18. Historic Structure: 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 a historic preservation program 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.
19. Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.
20. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.
21. Manufactured Home Park: A parcel or contiguous parcels of land which have been divided into two or more lots for rent or sale.

22. New Construction: New construction means those structures whose construction or substantial improvement was initiated after the effective date of this article.
23. Principally Above Ground: At least 51 percent of the actual cash value of the structure is above ground.
24. Special Flood Hazard Area: Land in the floodplain within Douglas County subject to one percent or greater chance of flooding in any given year.
25. Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act Pub. L. 97-348): Includes substantial improvements 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 a slab or footing, the installation of piles, the construction of columns, or any work beyond the state 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, footing, 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.
26. Structure: A walled and roofed structure, including a gas or liquid storage tank, that is principally above the ground, including buildings, factories, sheds, cabins, manufactured homes, and other similar artifices.
27. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
28. Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 per cent 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 (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

29. Variance: A grant of relief to a person from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

30. Violation: A failure of a structure or other development to be fully compliant with this Douglas County, Nebraska floodplain management article.