

Chapter 11

MUNICIPAL PLANNING

Article 1. Additions and Plats

§11-101 MUNICIPAL LIMITS; DEFINED. All additions, lots, lands, subdivisions, and parcels of ground included within the official Municipal Map, and plat on file at the office of the County Register of Deeds, having been by act or ordinance of the Governing Body or by law duly annexed to or made a part of this Municipality, or having been by the act, authority, acquiescence, consent, platting, and dedication of their respective owners, created either as the original townsite or as additions to the Municipality are hereby declared to be within the corporate limits of the Municipality. Lawfully constituted additions or changes in said Municipal Limits shall be indicated upon said maps and plat by the Municipal Engineer after such addition or change has been completed in accordance with the ordinances of this Municipality and the laws of the State of Nebraska.

§11-102 ORIGINAL PLATS. Each and all plats, lots, blocks, additions, subdivisions, outlots, and parcels of ground included within the corporate limits of the Municipality, and not vacated of record prior to the enactment of this Chapter, including the Original Plat of the Municipality, are hereby accepted, approved, and confirmed as valid, and each and all of said lots, blocks, additions, subdivisions, and outlots as heretofore platted and recorded in the office of the County Register of Deeds, and not heretofore vacated, and all other parcels of ground, included within said corporate limits, are hereby declared to be within said Municipality and an integral part thereof.

§11-103 NEW ADDITIONS. The owner of any tract of land within the corporate limits of the Municipality, may layout said land into lots, blocks, streets, avenues, and alleys as an addition to the Municipality upon conformance to and compliance with the relevant Revised Statutes of Nebraska as now existing or as hereafter amended. *(Ref. 17-401, 17-426 RS Neb.)*

§11-104 STREETS AND ALLEYS. Streets and alleys laid out in any addition to the Municipality shall be continuous with and correspond in direction and width to the streets and alleys of the Municipality to which they are an addition. *(Ref. 17-418 RS Neb.)*

Article 2. Comprehensive Plan

§11-201 COMPREHENSIVE PLAN; ADOPTED BY REFERENCE. In order to accommodate anticipated long-range future growth, the Comprehensive Development Plan for the City of Bridgeport, Nebraska, as prepared by Arter-Hoskins, is hereby incorporated by reference in addition to all amendments which may now or in the future be made, as though printed in full herein. Such Plan shall consist of maps, graphs, and text. One (1) copy of the herein adopted Plan shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

Article 3. Zoning Regulations

§11-301 ZONING REGULATIONS; ADOPTED BY REFERENCE. In order to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and considering, among other things, the character of a district and its peculiar suitability for particular uses and with a view to conserve the value of buildings and to encourage the most appropriate use of land throughout the Municipality in accordance with a comprehensive plan, the Zoning Regulations for the City of Bridgeport, Nebraska, Ordinance 701, adopted January 11, 2001, and published in pamphlet form, is hereby incorporated by reference in addition to all amendments which may now or in the future be made, as though printed in full herein. The Zoning Regulations shall apply to the incorporated area of the City and that portion of the area outside the City's incorporated boundary which is within the one (1) mile area of planning and zoning jurisdiction set forth by Nebraska law, as may be amended when necessary. One (1) copy of the adopted Zoning Regulations shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours. *(Ref. 18-132, 18-1302 RS Neb.) (Amended by Ord. No. 701, 1/11/01; 728, 2/5/04; 730, 2/5/04; 755, 10/5/06)*

Article 4. Conflicts

§11-401 **CONFLICTS**. Where the provisions adopted by this Chapter conflict with one another or with the provisions of Chapter 9 of this Municipal Code, the most restrictive or stringent provisions shall govern.

Article 5. Flood Plain Management

[Editor's Note: Article 5 was adopted in its entirety by Ordinance No. 556, passed February 7, 1985 and amended by Ordinance No. 557, passed March 7, 1985 and Ordinance No. 579, passed May 8, 1987]

§11-501 FLOOD PLAIN MANAGEMENT; ENFORCEMENT OFFICIAL. The Street Superintendent hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Ordinance and all other Ordinances of the City of Bridgeport now in force or hereafter adopted, related to zoning, subdivision or building codes.

§11-502 FLOOD PLAIN MANAGEMENT; ENFORCEMENT OFFICIAL; APPOINTMENT. The Street Superintendent shall be appointed to these additional responsibilities by resolution of the Governing Body and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Street Superintendent, the Governing Body of the City shall designate an acting enforcement official.

§11-503 FLOOD PLAIN MANAGEMENT; MAP. The Governing Body of the City of Bridgeport hereby designates the current Flood Hazard Boundary Map/ Flood Insurance Rate Map, and amendments, as the official map to be used in determining those areas of special flood hazard.

§11-504 FLOOD PLAIN MANAGEMENT; PERMITS REQUIRED. No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the Village or cause the same to be done without first obtaining a separate development permit for each building or structure.

- a. Within Zone(s) A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.
- b. Application: To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for the purpose. Every such application shall;
 - 1. Identify and describe the work to be covered by the permit for which application is made.
 - 2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 - 3. Indicate the use or occupancy for which the proposed work is intended.
 - 4. Be accompanied by plans and specifications for proposed construction.
 - 5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - 6. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Street Superintendent.
 - 7. Give such other information as reasonably may be required by the Street Superintendent.

§11-505

§11-506

§11-505 FLOOD PLAIN MANAGEMENT; PERMITS. The Street Superintendent shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

§11-506 FLOOD PLAIN MANAGEMENT; PERMIT REVIEW. The Street Superintendent, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 11-511 of this Article) will:

- a. Obtain, review and reasonably utilize, if available any regulatory flood elevation data from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:
 1. Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1') foot above the base flood elevation.
 2. Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated one (1') foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structure components having 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. Such certification shall be provided to the local enforcement official.
 3. Require for all new construction and substantial improvements - That fully enclosed areas below the lowest floor that 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 (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1') 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.
- b. Require the use of construction materials that are resistant to flood damage.
- c. Require the use of construction methods and practices that will minimize flood damage.
- d. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- e. New structures be constructed with electrical, heating, ventilation, plumbing, and 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.
- f. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to

§11-506

§11-510

ground anchors are used, the following specific requirements (or their equivalent) shall be met:

1. Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and manufactured homes less than fifty (50') feet long requiring one (1) additional tie per side.
 2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50') feet long requiring four (4) additional ties per side.
 3. All components of the anchoring system be capable of carrying a force of 4800 pounds.
 4. Any additions to manufactured homes be similarly anchored.
- g. Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured homes is one (1') foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection f above.

§11-507 FLOOD PLAIN MANAGEMENT; FINDINGS OF FACT. The Governing Body of the City shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

- a. All such proposed developments are consistent with the need to minimize flood damage.
- b. Subdivision proposals and other proposed new development greater than five (5) acres or fifty (50') foot lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
- d. All public utilities and facilities are located so as to minimize or eliminate flood damage.

§11-508 FLOOD PLAIN MANAGEMENT; NEW WATER AND SEWER, ETC. New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

§11-509 FLOOD PLAIN MANAGEMENT; COOPERATION AND NOTIFICATION. The Governing Body of the City will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal Agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

§11-510 FLOOD PLAIN MANAGEMENT; PRECEDENCE OF ARTICLE. This Article shall take precedence over conflicting Articles or Ordinances or parts of Articles or Ordinances. The Governing Body of the City of Bridgeport may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

§11-511

§11-511

§11-511 FLOOD PLAIN MANAGEMENT; DEFINITION. 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.

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.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface water from any source.

FLOODPROOFING - 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.

MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURES HOME PARK OR SUBDIVISION -A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

REGULATORY FLOOD ELEVATION - The water surface elevation of the 100-year flood.

SPECIAL FLOOD HAZARD AREA - The land within a community, subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

STRUCTURE - A walled and roofed building that is principally above the ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL IMPROVEMENT - Any 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 (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not however, include any alteration to comply with existing State or local health sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of Historic Places.

100-YEAR FLOOD - The condition of flooding having a one (1%) per cent chance of annual occurrence.

Article 6. Penal Provisions

§11-601 VIOLATION; PENALTY. Any person, whether as owner, proprietor, or as the agent, attorney, or representative of any owner or proprietor of land who shall plat, or subdivide any tract of land within the corporate limits of the Municipality, or adjoining, and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot, or piece of ground in any addition, or subdivision of three (3), or more parts within said corporate limits, or adjoining, and contiguous thereto, without having first obtained the acceptance, and approval of the plat, or map thereof by the Governing Body, and any person who shall violate, or who shall fail, neglect, or refuse, or refuse to comply with any of the provisions hereinbefore, as now existing, or as hereafter amended, shall, upon conviction, be fined in any sum not exceeding five hundred (\$500.00) dollars.
(Amended by Ord. No. 694, 7/8/99)

§11-602 VIOLATION; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.
(Amended by Ord. No. 694, 7/8/99)