

ARTICLE 20

SPECIAL DISTRICTS

11.2001 Purpose

Special Districts are established as base districts for innovative developments or unique development areas. They are designed to encourage innovative design of mixed-use projects, to capitalize on the special characteristics and visibility of unique areas in the city, and to integrate special project types into the surrounding environment. Special districts include uses or combinations of uses that are not easily accommodated by traditional zoning districts.

11.2002 Establishment of Districts

The following special districts are hereby established.

SPECIAL DISTRICTS

MU	Mixed Use District
U/MU	University Mixed Use District
C/OS	Conservation/Open Space District

ARTICLE 21

MU MIXED USE DISTRICT

11.2101 Purpose

The MU Mixed Use District is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU District may also be used to pre-designate parts of the city that are appropriate for a mixture of residential, commercial, office, and accessory uses. The District permits mixing residential areas with workplaces and services. Development in the MU District must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments.

11.2102 Permitted Uses

Each ordinance establishing an MU District establishes the use types permitted within its boundaries.

11.2103 Site Development Regulations

- a. The minimum area of any MU District is one acre.
- b. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council, following a recommendation by the Planning Commission. This approval may be granted for a specific plan for the development of an MU District in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
- c. Applications for approval must contain at a minimum the following information:
 1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than five foot intervals
 - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
 - (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other site features, including drainage, soils, or other considerations that may affect development.
 2. A development plan, including:
 - (a) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (b) location, capacity, and conceptual design of parking facilities

- (c) description of the use of individual buildings
 - (d) description of all use types to be included in the project or area, and maximum floor area devoted to each general use
 - (e) maximum height of buildings
 - (f) schematic location and design of open space on the site, including a landscaping plan
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage.
3. Specific proposed development regulations for the project, including:
- (a) the specific use types permitted within the proposed district
 - (b) maximum floor area ratios
 - (c) front, side, and rear yard setbacks
 - (d) maximum height
 - (e) maximum building and impervious coverage
 - (f) design standards applicable to the project.
4. A traffic impact analysis, if required by the City.

11.2104 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Mixed Use District application. The City may impose reasonable conditions, as deemed necessary to ensure that a Mixed Use Development 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 MU 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 MU Mixed Use District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. An Ordinance adopting a Mixed Use District shall require a favorable simple majority of the City Council for approval.
- g. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the MU District. All approved plans shall be filed with the City Clerk.

11.2105 Amendments

The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

- a. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
 - b. The amendment is consistent with the provisions of this section.
 - c. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design; or does not increase density, floor area ratios.
- a. Any amendment not conforming to these provisions shall be submitted to the Planning Commission and City Council for action.

ARTICLE 22

U/MU UNIVERSITY MIXED USE DISTRICT

11.2201 Purpose

The U/MU University Mixed Use District is based on an understanding that a college campus is a special kind of planned district, for which the requirements of traditional zoning districts may be inappropriate or difficult to apply. It provides an opportunity by which an official campus master plan may be prepared and adopted as the development plan for a specific area of the city. This relieves the university from receiving approval for each project that is consistent with the overall adopted master plan.

11.2202 Permitted Uses

The U/MU District permits College and University use, including all facilities and services that are auxiliary to campus use. Permitted auxiliary uses includes residential development, commercial services, including retail and food services that serve the campus community, maintenance facilities, and any other use included within an official campus master plan.

11.2103 Site Development Regulations

- a. The minimum area of any U/MU District is twenty acres.
- b. The City Council, following a recommendation by the Planning Commission, may approve an official campus master plan as part of the U/MU District designation. The campus master plan shall include at a minimum:
 1. A conceptual site layout, including the location of proposed buildings, parking, open space, and other facilities.
 2. General location, capacity, and conceptual design of parking facilities
 3. Description of all use types to be included in the project or area, and maximum floor area devoted to each general use.
 4. Schematic location and design of campus open spaces and greens on the site, including a landscaping plan.
 5. Vehicular and pedestrian circulation plan, including relationship to external transportation systems
 6. Proposed sewer, utility, and other infrastructure improvements
 7. Proposed development regulations, including height limitations, perimeter setbacks, and impervious coverage limitations.
 8. The range of flexibility and variation requested to maintain consistency with the master plan.
 9. Relevant design or architectural standards included in the master plan.

11.2104 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate the campus master plan and the U/MU application. The City may impose reasonable additional conditions, as deemed necessary to ensure that the campus master plan 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 U/MU 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 U/MU University Mixed Use District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. An Ordinance adopting a University Mixed Use District shall require a favorable simple majority of the City Council for approval.
- g. Upon approval by the City Council, the Campus Master Plan shall become a part of the Ordinance creating or amending the U/MU District. All approved plans shall be filed with the City Clerk.

11.2205 Amendments

The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

- a. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
- b. The amendment is consistent with the provisions of this section.
- c. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design; or does not increase density, floor area ratios.
- b. Any amendment not conforming to these provisions shall be submitted to the Planning Commission and City Council for action.

ARTICLE 23

C/OS CONSERVATION AND OPEN SPACE DISTRICT

11.2301 Purpose

The C/OS District accommodates Seward's policy of retaining large areas of environmental importance for conservation and recreational purposes. These include large purchases along the Plum Creek and Blue River corridors and major areas of passive recreation, such as Wilderness Park. These natural resource areas, recognized by the City's Comprehensive Development Plan, are not appropriately described by traditional base zoning districts.

11.2302 Property Ownership

All land within C/OS Districts shall be owned by the City of Seward, another public agency, or a nonprofit organization or corporation whose primary purpose is resource conservation. The C/OS district is not ordinarily intended to apply to other private property and is not intended to restrict the development rights of private property owners..

11.2303 Permitted Uses

Land within C/OS Districts may be used for low-impact purposes associated with open space and recreation. Permitted uses include Horticulture, Crop Production, Cultural Services, Parks and Recreation. Recreational Clubs that include primarily outdoor uses may be permitted following approval of a Special Use Permit.

11.2304 Site Development Regulations

Because of the primary open space character of C/OS District, site development regulations that apply to development districts do not apply.

ARTICLE 24

OVERLAY DISTRICTS

11.2401 Purpose

Overlay Districts are used in combination with Base Districts to modify or expand base district regulations. They adapt to the special needs of areas of the city and further allow Seward's Unified Land Development Ordinance to evolve as the planning and development needs and trends of specific areas also change. 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 for the protection of special features in the natural and built environment of the city.
- c. To allow for change and adaptability to different needs and trends in land development.
- d. To encourage comprehensive neighborhood and environmental planning in the city, and to protect the integrity of vital city services such as the water supply and airport operation.
- e. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

11.2402 Establishment of Districts

The following Overlay Districts are hereby established.

OVERLAY DISTRICTS

PUD	Planned Unit Development District
TND	Traditional Neighborhood Development District
RC	Rural Conservation Development Overlay District
HD	Historic and Neighborhood Conservation Overlay District
FP/FW	Floodplain/Floodway Overlay District
AV	Aviation Overlay District

ARTICLE 25

PUD PLANNED UNIT DEVELOPMENT DISTRICT

11.2501 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. Planned unit developments often involve groupings of buildings or sites that are designed as an integrated unit on land under unified control or ownership at the time of grant of development permission. The requirements of a PUD run with the land regardless of the subsequent sale or conveyance of property. 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 with the recommendation of the Planning Commission, assures specific development standards for each designated project.

11.2502 Permitted Uses

Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with an MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.

11.2503 Objectives of Planned Unit Development Districts

In evaluating applications for PUD Planned Unit Development Overlay Districts, the Planning Commission and City Council shall consider the following general objectives.

a. Residential PUD Districts

Residential PUD Districts should be designed to produce more usable open space, provide better recreation opportunities, enhance pedestrian scale, protect or create neighborhood amenities and environmental features, and produce more attractive neighborhoods than those produced by conventional development techniques.

b. Commercial PUD Districts

Commercial PUD Districts should be designed to produce more attractive and functional clusters and commercial centers than the strip development that is frequently produced by the application of conventional zoning regulations. Techniques encouraged by PUD Districts include consolidated access, shared parking, consistent architectural quality, improved pedestrian and trail access to commercial facilities, public space, and integrated landscaping and signage programs.

c. Industrial PUD Districts

Industrial PUD Districts should promote the establishment of industrial parks and to encourage groups of industrial buildings with integrated site design and architectural and landscaping themes.

d. Mixed Use PUD Districts

Mixed use PUD Districts should promote the objectives of innovative design of their individual uses and encourage creative groupings of different but complementary uses to establish high quality

urban environments. Mixed Use PUD Districts may encourage co-location of living and working areas, or activity centers that incorporate a variety of uses.

e. PUD Districts in Sensitive Contexts

PUD Districts may be utilized to provide a high level of detail and define the requirements of project approval for developments proposed within settings that are so sensitive that normal zoning requirements, including landscaping and buffering requirements, do not provide sufficient protection for neighboring properties.

11.2504 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District, but must comply with the minimum or maximum standards established for the base district. Base district regulations provide flexibility, including higher densities, within Planned Unit Development districts.

11.2505 Access to Public Streets

Each PD District must abut a public street for at least 100 feet and gain access from that street.

11.2506 Application Process

a. Development Plan

The application for a Planned Development District shall include a Development Plan containing the following information indicated in this section.

b. Application Requirements

An application for approval must contain at a minimum the following information:

1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than two foot intervals
 - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
 - (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other site features, including drainage, soils, or other considerations that may affect development.
2. A development plan, including:

- (a) a land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements.
 - (b) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (c) location, capacity, and conceptual design of parking facilities
 - (d) description of the use of individual buildings
 - (e) conceptual information sufficient to indicate a building height, bulk, materials, and general architectural design.
 - (f) 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.
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage.
3. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

11.2507 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application. Criteria for findings of fact in acting on PUD applications are set forth in Table 11.2501. 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. Proper notice shall mean the same notice established for any other zoning amendment.

- f. An Ordinance adopting a Planned Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.
- g. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PD District. All approved plans shall be filed with the City Clerk.

11.2508 Amendment Procedure

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 11.2507.

11.2509 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.

11.2510 Termination of PUD District

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

Table 11.2501: Criteria for Findings of Fact in Approving Planned Unit Developments

	Criteria for Findings of Fact
Land Use Compatibility	
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.
Land Use Plan	Consistency with the land use plan of the City of Seward.
Height and Scale	
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
Setbacks	Development should respect pre-existing setbacks in its urban context. Variations should be justified by site or operating characteristics.
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.
Site Development	
Environment	Project should maximize conservation of existing environmental features, including natural vegetation, tree cover, and drainage patterns.
Parking and Internal Circulation	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>
Site Development	
Open Space	Open spaces should contribute to the quality of the overall project and should provide supporting amenities for residential development. Open spaces should contribute to the design of the project and, when appropriate, provide locations for project-related activities.
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Project design should preserve features of environmental importance to the greatest degree possible. These features include mature trees and woodlands, wetlands, steep slopes, waterways and bodies of water.
Streetscape	Projects should relate to surrounding public streets and contribute to the quality of the street environment.

Table 11.2501: Criteria for Findings of Fact in Approving Planned Unit Developments

	Criteria for Findings of Fact
Building Design	
Architectural Quality	Architectural design and building materials should be compatible with surrounding areas or reflect the specific design objectives of a new development area.
Transportation	
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements should be included to mitigate impact on street system operations.
Street Network and Continuity	Project should maintain the continuity of Seward's street network or should provide opportunities for local traffic flow away from major arterials.
Alternative Modes	Project should make appropriate accommodations for access by public transportation, bicycles, and pedestrians.
Public Facilities	
Utility Service	Project is adequately served by public utilities and infrastructure.
Storm Drainage	<p>Project should handle storm water adequately to prevent overloading of public storm water management system.</p> <p>Project should not inhibit development of other properties or create adverse effects on other sites.</p> <p>Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.</p> <p>Project should maximize d preservation and enhancement of natural drainage features on site and should facilitate stormwater storage techniques consistent with the policies of the City.</p>
Public Safety	Project can be adequately served with police and fire protection.
Comprehensive Plan	
Consistency with Development Objectives	Project must be consistent with the city's comprehensive plan, including applicable special area or specific plans. Project design should be consistent with the development standards and objectives of these plans.

ARTICLE 26

TND TRADITIONAL NEIGHBORHOOD DESIGN DISTRICT

11.2601 Purpose

The TND Traditional Neighborhood Design District is intended to encourage innovative mixed use residential environments that reflect the planning and development patterns in place when Seward was initially developed. The TND District produces environments which manage automobiles but maintain a scale and set of linkages that promote pedestrian travel and civic space. These theories of urban design have been classified as “New Urbanism” although they transport the patterns of development of traditional Seward into new settings. The TND regulations included in this section are intended to capture the essence of this design technique, while avoiding excessive requirements that will discourage the use of the concept. The Seward regulations are intended to capture the general concept and vision of traditional neighborhood design, without being so prescriptive as to inhibit the use of the concept or discourage design flexibility.

11.2602 Size

The minimum size of a TND District shall be 10 acres.

11.2603 Application and Approval

- a. The application and adoption process shall be the same as those established by PUD Planned Unit Development Districts.
- b. All applications for a TND Subdivision must be accompanied by a TND Development Plan, in addition to other documents required by this Ordinance. This plan shall illustrate the distribution of land uses throughout the subdivision; the location and design of public spaces, streets, and alleys; the location and nature of special design features; architectural controls; and other information necessary to communicate the concept of the TND subdivision. The TND Subdivision Plan shall be a part of the approved subdivision. Subsequent building and development permits shall be issued by the City only in consistency with the TND Development Plan.
- c. Articles of incorporation and/or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with the TND application.

11.2604 Permitted Land Uses

a. Mixed Land Uses.

1. Retail, service, civic, office, and various types of residential land uses may be combined within a TND development, notwithstanding the use regulations of the underlying zoning district. The distribution and location of land uses shall be consistent with the TND Plan submitted for the subdivision.
2. The gross floor area of commercial area permitted within a TND shall not exceed 10,000 square feet per 100 people projected to live in the development. For the purpose of calculating projected population, the following factors shall be used:

Single-Family Detached:	3.5 people per unit
Single-Family Attached:	2.75 people per unit
Townhouses:	2.5 people per unit
Multi-family:	2.0 people per unit

3. Parks and public open spaces shall make up at least 10% of the total area of the TND development.

11.2605 Density

a. The average site area per unit of a TND shall be established by the underlying zoning district. However, the density of individual parts of the TND may exceed the average density.

b. Overall density permitted by the underlying zoning district of the TND may be increased as follows for specific amenities: 10% for the provision of a centrally located town square of at least one acre for each 25 acres of developed area; 10% for the provision of approved ornamental lighting throughout the TND Subdivision; and 10% for the development of a central community boulevard. Cumulative density bonuses shall not exceed 25% of the density permitted by the underlying zoning district.

11.2606 Lot Dimensions and Setbacks

a. Lot Dimensions.

Individual lot size dimensions, including minimum width, may be reduced to 75% of the requirement of the underlying zoning district. Any savings on lot size shall be devoted to public space, including but not limited to town squares, small parks, greenways, and community facilities.

b. Lot Setbacks

1. Lot setbacks may be varied from those otherwise specified for the zoning district. Typically, the front-yard setback should respect a build-to line that is not less than 5 feet nor greater than 20 feet. Different setbacks may be incorporated as part of the TND district approval. Setback limits must be established on the preliminary and final plat.

2. The distance across a street from building face to building face shall not exceed 100 feet except along a community street or boulevard.

3. The setback from any garage entrance to any circulation way, including an alley, must be at least 20 feet unless the project design makes other specific provisions for dedicated off-street parking. Garage access from the rear of lots by way of an alley is encouraged.

11.2607 Street System Design

a. Street Continuity.

All streets within a TND District connect to other streets within the district, forming a continuous network. All streets and alleys shall terminate at other streets within the TND District and shall connect to other streets on the edge of the district.

b. Street and Block Characteristics

1. The design of the street system shall create an open network that creates blocks with a length of no more than 660 feet.
2. Street loops and cul-de-sacs may be included as part of the street system design. However, no street with a single point of access onto a connecting street should be longer than 200 feet.
3. Street or right-of-way widths may be varied within for local streets within TND Subdivisions as provided in Section 40, Circulation System Design.

c. Pedestrian System

Each project within a TND District shall include a complete pedestrian system, providing access to all residential lots or sites and major activity centers within the project. In addition, each project shall provide direct access to any public multiuse recreational trails that run through or are adjacent to the project site.

d. Community Streets and Boulevards.

Community streets and boulevards are streets that are designed as central open space features within a TND development. The incorporation of these facilities within a TND is strongly encouraged and receives a density bonus, as provided in Section 11.2605. Characteristics of such a street include:

1. Alignment that generally runs more than 50% of the longest dimension of the development.
2. Orientation to a main activity center in the development, including parks and neighborhood greens, civic facilities, commercial activity centers, or designed landmarks.
3. Extensive street landscaping and parallel sidewalks and trails.
4. Thematic lighting and street furniture.
5. A street section which incorporates a median or wide sidewalk setbacks. A median's width should be equal to 1.00 times the width of either individual street channel. If the road channel is undivided, the distance between sidewalk and curb should be equal to at least 50% of the curb-to-curb width.

ARTICLE 27

RC RURAL CONSERVATION DEVELOPMENT OVERLAY DISTRICT

11.2701 Purpose

The RC Rural Conservation Development Overlay District is intended to require development design standards and techniques in sensitive environmental areas around Seward that preserve unique landforms and the character of land. The techniques of the RC district require that the natural landforms determine the design and character of new residential development in these sensitive areas. Areas of environmental sensitivity and potential application of the RC Overlay District may be established by the city's comprehensive development plan.

11.2702 Process

Subdivisions in an RC Overlay district generally follow the approval procedures outlined in Article 44, establishing the process for preliminary and final plat approval. Projects which do not require subdivision follow approval procedures appropriate to the specific project, including Special Use Permits, zoning amendments, site plan review, or other applicable measures. The requirements and standards included in this section are in addition to those established procedures.

11.2703 Permitted Land Uses

Land uses permitted in an RC District are the same as those permitted in the underlying base district.

11.2704 Permitted Density Yield

Developments in RC Overlay districts are permitted the same density on developable area as would be allowed to conventional residential development in the underlying zoning district. Yield in housing units (Y) is calculated by the formula:

$$Y = \frac{.90(TA - UA)}{SA}$$

where:

TA = Total parcel area

UA = Undevelopable areas, defined as the sum of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding 20%, floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Soil Conservation Service, is subtracted from the total parcel area.

.90 = an allowance for the typical percentage of land available after deducting the area of public streets and right-of-ways serving a low-density residential development.

SA = Minimum site area per unit required by the underlying zoning district.

11.2705 Minimum Percentage of Open Space

- a. The minimum percentage of land that shall be designated as permanent open space, not to be further

subdivided, and protected through a conservation easement held by the City of Seward, Seward County, a Homeowners Association, or a recognized land trust or conservancy, shall be a minimum of 35% of the Net Developable Area, defined as .90(TA-UA)

- b. The above areas shall generally be designated as undivided open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.
- c. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the City and duly recorded in the Seward County Register of Deeds Office.
- d. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, and for “spray fields” for spray irrigation purposed in a “land treatment” sewage disposal system. However, “mound” systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.
- e. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground pipelines. However, land within the rights-of-way of high tension power lines shall not be included as comprising part of the minimum required open space.

11.2706 Conservation Areas as Open Space

- a. The location of open space shall be consistent with the policies contained in the City of Seward’s Comprehensive Development Plan, and with the recommendations contained in this section and the following section (“Evaluation Criteria”).
- b. Open space shall be comprised of two types of land; “Primary Conservation Areas” and “Secondary Conservation Areas.” All lands within both Primary and Secondary Conservation Areas shall be protected by a permanent conservation easement prohibiting future development, and setting other standards safeguarding the site’s special resources from negative changes.
 - 1. Primary Conservation Areas. This category consists of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding 20%, floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Natural Resources Conservation Service.
 - 2. Secondary Conservation Areas. Secondary Conservation Areas comprise at least 35 percent of the Net Developable Area and shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site. Secondary Conservation Areas are determined by specific project design and typically include all or some of the following kinds of resources:

- (a) A 100-foot deep greenway buffer along all waterbodies and watercourses, and a 50-foot greenway buffer alongside wetlands soils classified as “very poorly drained” in the medium intensity county soil survey of the USDA Natural Resources Conservation Service). These areas must be conserved as Secondary Conservation Areas but are considered as Developable Areas for the purpose of calculating yield.
- (b) 100-year floodplains.
- (c) woodlands, individual specimen trees, or small stands of significant trees
- (d) aquifer recharge areas and areas with highly permeable (“excessively drained”) soil
- (e) significant wildlife habitat areas
- (f) Class I and Class II farmlands
- (g) historic, archaeological or cultural features listed (or eligible to be listed) on the National Register of Historic Places or the Historic Resources Surveys of the Nebraska State Historical Society.
- (h) slopes in excess of 15%
- (i) ridgelines and view corridors
- (j) land with soils that do not support residential development.

11.2707 Location Standards for Open Space

a. Access to Residential Lots

Undivided open space shall be directly accessible to the largest practicable number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses, or trail links.

b. Interconnection of Open Spaces

Protected open spaces in each new subdivision are encouraged to adjoin each other, ultimately forming an interconnected network of Primary and Secondary Conservation Areas across the county. The only elements of the network that would necessarily be open to the public are those lands that have been required to be dedicated for public use and typically configured in a linear fashion as an element of Seward’s long-range open space network through the Comprehensive Development Plan.

11.2708 Special Processes for Conservation Developments

The review and approval process for subdivisions in the RC Overlay District is the same as that for conventional subdivisions, as set forth in Article 38. Additional provisions and approval processes are set forth in this section.

a. Existing Features Plan

1. Plans analyzing each site's special features are required for all proposed subdivisions. The Existing Features Plan shall include at a minimum (1) a contour map based at least upon topographical maps published by the U.S. Geological Survey; (2) the location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100 year floodplains, and all rights-of-way and easements; (3) soil boundaries as shown on USDA Natural Resources Conservation Service medium- intensity maps; and (4) the location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails.
2. The Existing Features Plan shall identify both Primary Conservation Areas and Secondary Conservation Areas, as described in Section I.C.1 and I.D.1 of this ordinance. The Existing Features Plan shall form the basis for the Conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section 11.2708b below.

b. Conceptual Preliminary Plan

A sketch plan or a Conceptual Preliminary Plan shall be submitted for all proposed subdivisions to the Zoning Administrator before submission of a formal preliminary plat application. A Conceptual Preliminary Plan presents a conceptual layout for greenway and open lands, house sites, and street alignments. Each Conceptual Preliminary Plan shall follow a four-step design process, as described below. Applicants shall be prepared to demonstrate to the Zoning Administrator that these four design steps were followed in the preparation of the plan.

1. *Step One: Designating the Open Space.* During the first step, all potential conservation areas (both primary and secondary as defined above) are identified, using the Existing Features Plan.
2. *Step Two: Location of House Sites.* During the second step, potential house sites are located. Subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than 100 feet from Primary Conservation Areas, but may be situated within 50 feet of Secondary Conservation Areas, in order to enjoy views of the latter without negatively affecting the former.
3. *Step Three: Street and Lot Layout.* The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be

maintained and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with “hammerheads” facilitating three-point turns. In TND districts, the location of house sites follows the location of streets and squares.

4. *Step Four: Lot Lines.* The fourth step is simply to draw in the lot line (where applicable). These are generally drawn midway between house locations and may include L-shaped “flag lots” meeting the city’s minimum standards for the same.

5. *Review and Comments.* The Zoning Administrator and the Public Works Director shall return written comments on the Conceptual Preliminary Plan to the applicant within 30 days of submittal. These comments should recommend changes to be made prior to submittal of a Preliminary Plat application.

11.2709 Ownership and Maintenance of Common Open Space

Developments in the RC Overlay District shall provide for ownership and maintenance of common open space. Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the City.

a. Offer of Dedication

The City of Seward, Seward County, or the Natural Resources District shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The City or other public agency may, but shall not be required to accept undivided open space provided: (1) such land is accessible to the residents of the county; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and (3) the county agrees to and has access to maintain such lands. Alternatively, a public agency may accept an easement, subject to the above conditions.

b. Homeowners Association

The undivided open space and associated facilities may be held in common ownership by a homeowners’ association. The association shall be formed and operated under the following provisions:

1. The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.
2. The association shall be organized by the developer and shall be operated with financial assistance from the developer, before the sale of any lots within the development.
3. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

4. The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
5. The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
6. In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners' association, or of the assumption of maintenance of undivided open space land by a public agency, notice of such action shall be given to all property owners within the development.
7. The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands.

c. Condominiums

The undivided open space and associated facilities may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the state statute. All undivided open space land shall be held as a "common element."

d. Transfer of Easements to a Private Conservation Organization.

An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and /or natural resources, provided that:

1. The organization is acceptable to the City, and is a bona fide conservation organization with perpetual existence;
2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. A maintenance agreement acceptable to the commission is entered into by the developer and the organization.

11.2710 Maintenance Standards

a. Financial Responsibility

The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.

b. Maintenance Enforcement

1. In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the City may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
2. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this ordinance.
3. Should any bill or bills for maintenance of undivided open space by the City or County be unpaid, a late fee of fifteen percent shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

11.2711 Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission and City Council as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purpose of this ordinance:

- a. Protection of floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as may be approved for essential infrastructure or active or passive recreation amenities.
- b. Preservation and maintenance of woodlands, existing fields, pastures, meadows, and orchards, and sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- c. Maintenance of buffers at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- d. Design around existing treelines between fields or meadows, and minimal impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat.
- e. Maintenance of scenic views.
- f. Avoidance of new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- g. Protection of wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
- h. Design around and preserves sites of historic, archaeological, or cultural value, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.
- i. Protection of rural character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
- j. Landscaping of common areas if appropriate.

- k. Provision of active or passive recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- l. Inclusion of a pedestrian circulation system providing access between properties, activities, or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails.
- m. Provision of open space that is reasonably contiguous, avoiding fragmented open spaces.

ARTICLE 28

HD HISTORIC AND NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

11.2801 Purpose

The HD Neighborhood Conservation Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Seward. The District recognizes the importance of historically and architecturally significant districts to the character of Seward and provides for their conservation. The HD district applies standards and procedures to existing neighborhoods that analogous to those applied to new development in PUD districts.

11.2802 Application and Use

The HD Overlay District provides an opportunity to establish and apply special development controls and standards for areas in Seward with special physical or design characteristics. Examples of these standards may include but not be limited to:

- a. Variations or substitutions of development regulations, including revised minimum and maximum setbacks, lot sizes, heights, and other regulations, based on the unique characteristics of the neighborhood.
- b. Requirements for building design, materials, features, and orientations.
- c. Special requirements or permissions for signage.
- d. Limitations on maximum size and scale of buildings.
- e. Limitations on location of parking, driveways, and other features that have an impact on the fabric of a traditional neighborhood.

11.2803 Procedure for Adoption

a. Proposal

The creation of an HD Overlay District may be initiated by the Planning Commission, the City Council, or by petition of the owner or owners of 51% of the property area within the proposed district.

b. Requirements for Application

An application for the creation of an HD Overlay District must include:

1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district

2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries.
3. An inventory of the land uses, buildings or historically important sites located within the boundaries of the proposed district.
4. A future land use plan for the district.
5. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

11.2805 Adoption of District

- a. The Planning Commission, and City Council shall review and evaluate each HD Overlay District application.
- 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 HD 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 an HD Overlay District.
- f. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Nebraska state statutes, and amendments thereto.

11.2806 Building Permits

Building or other development permits issued by the City in an HD District shall be consistent with the adopted HD District Ordinance and shall follow all procedures for review that are established by the City.

ARTICLE 29

FP/FW FLOODPLAIN/FLOODWAY OVERLAY DISTRICT

11.2901 Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize losses to property by applying the provisions of this ordinance to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands that are unsuitable for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program when identified by the Federal Insurance Administration as a flood prone community.

11.2902 Floodplain and Floodway Overlay Districts: Findings Of Fact

a Flood Losses Resulting from Periodic Inundation

Flood hazard areas of the City of Seward, Nebraska, are subject to inundation that results in loss of life or property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1. General Causes of These Flood Losses

These flood losses are caused by (a) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities, (b) the occupancy of flood areas by uses vulnerable to floods or hazardous to other which are inadequately elevated or otherwise protected from flood damages.

2. Methods Used to Analyze Flood Hazards

This ordinance uses a reasonable method of analyzing flood hazards that consists of a series of interrelated steps.

- a) Selection of a base flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The base flood selected for this ordinance is representative of large floods that are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to

have a one (1 %) percent chance of occurrence in any one year, as delineated by applicable Flood Insurance Studies and the Federal Emergency Management Administration's Flood Insurance Rate Maps and Flood Boundary and Floodway Map, or any subsequent effective Flood Insurance Studies, Rate Maps, and Flood Boundary and Floodway Maps issued after the effective date of this ordinance and adopted by the City of Seward.

- b) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
- c) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
- d) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- e) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the base flood.

b. Land to Which Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction of the City of Seward identified on the Flood Insurance Rate map (FIRM) as numbered and unnumbered A zone and/or within the Overlay Districts FP and FW established in this ordinance. In all areas covered by this ordinance, no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community as contained in the City Code.

c. Enforcement Officer

The Chief Building Official of the City of Seward is hereby designated as the City Council's duly designated Enforcement Officer under this ordinance. Unless otherwise provided by the City Council, the Central Platte or Tri-Basin Natural Resources District shall assist the City of Seward on interpretation of floodplain/floodway rules and regulations. The Enforcement Officer shall obtain comments from the NRD as part of his/her review of all proposed activity in this Overlay District.

d. Rules for Interpretation of District Boundaries

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The base flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

e. Compliance

No development located within known flood hazard areas of the community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

f. Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

g. 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 City of Seward and shall not be deemed a limitation or repeal of any other powers granted by state statute.

h. 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 man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Seward 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.

i. 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.

j. Application for Appeal

Where a request for a permit to develop is denied by the Chief Building Official, the applicant may apply for such permit or variance directly to the Board of Adjustment. Procedures for appeals to the Board of Adjustment shall proceed as set forth by Section 11.4408 through 11.4410 of this Ordinance.

11.2903 Floodplain and Floodway Permits and Administration

a. Permit Required

No person, firm, or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this section.

b. Administration

1. The Chief Building Official is hereby appointed to administer and implement the provisions of this ordinance.
2. Duties of the Chief Building Official shall include, but not be limited to:
 - a) Review of all development permits to assure that sites are reasonable, safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - b) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or Local Governmental agencies from which prior approval is required.
 - c) Notify adjacent communities and the appropriate Natural Resources District prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration when participating in the National Flood Insurance Program.
 - d) Notify the appropriate Natural Resources District of any proposed construction and development activity in floodplain areas, and/or upon land situated within the Floodplain/Floodway Overlay Zoning District.
 - e) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - f) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - g) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
 - h) When flood-proofing is utilized for a particular structure, the Chief Building Official shall be presented certification from a registered professional engineer or architect.

c. Application for Permit

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit.
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 for the proposed construction.

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Give such other information as reasonably may be required by the Chief Building Official.

11.2904 Establishment of Zoning Districts

The mapped flood plain area within the jurisdiction of this ordinance are hereby divided into the two following districts: A Floodway Overlay District (FW) and a Floodplain Overlay District (FP) as identified in the official Flood Plain Study. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM when identified in the Flood Insurance Study provided by the Federal Insurance Administration.

11.2905 Standards for Floodway Overlay District and Floodplain Overlay District

- a. No permit for development shall be granted for new construction, substantial improvement or other improvements including the placement of manufactured homes within the identified flood plain unless the conditions of this section are satisfied.
- b. All areas identified as unnumbered A Zones by the Federal Insurance Administration are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study Data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction. Further, in cases of proposed development within unnumbered "A" zones, the developer's engineer shall be required to conduct the necessary studies to determine the 100 year flood elevation and its extent in relation to such development.
- c. New construction, subdivision proposals, substantial improvement, prefabricated buildings, placement of manufactured homes and other development shall require:
 1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effect of buoyancy.
 2. New or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. All utility and sanitary facilities be elevated or flood proofed one foot above the regulatory flood elevation. Such flood proofing is permitted only for non-residential properties.

5. That until a floodway has been designated, no development including landfill, may be permitted within the identified flood plain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1') foot on the average cross-section of the reach in which the development or landfill is located as shown in the official flood plain study incorporated by reference herein.

6. Storage of Materials and Equipment

a) The storage of processing of materials that are in time of flooding buoyancy, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

b) Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

7. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, are required to assure 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.

d) Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, include within such proposals the regulatory flood elevation.

11.2906 Floodplain Overlay District: Regulations

a. Permitted Uses

Any use permitted in the underlying base district shall be permitted in the Floodplain Overlay District. No use shall be permitted in the district unless the standards of this section are met.

b. Standards for the Floodplain Overlay District

1. Any new construction or substantial improvements of residential structures shall have the lowest floor, including basement elevated one foot above the base flood elevation.

2. Any new construction or substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall be flood proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Enforcement Official. Such flood-proofing is permitted only for non-residential properties.

3. All new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize hydro-static flood forces or exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by the registered professional engineer or architect or meet or exceed the following minimum criteria: 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 be not 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.

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

5. **Manufactured Homes**

a) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(i) Over -the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.

(ii) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.

(iii) All components of the anchoring system shall be capable of carrying a force of 4800 lbs.

(iv) Any additions to manufactured homes shall be similarly anchored.

b) All manufactured homes to be placed within Zones AL-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Uniform Building Code.

c. AO Zones: Special Regulations

Located within the areas of special flood hazard are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply with AO Zones:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as 1 foot above the depth number specified in feet on the community's FIRM.
2. All new construction and substantial improvements of nonresidential structures shall:
 - a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as 1 foot above the depth number specified in feet on the community's FIRM; or
 - b) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. Such certification shall be provided to the official as set forth in Section 11.2903.
 - c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

11.2908 Floodway Overlay Districts

a. Permitted Uses

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided that they do not require structures fill or storage of materials or equipment. No use shall increase the flood levels of the base flood elevation. These uses are subject to the standards of Sections 11.2905 and other applicable sections.

1. Agricultural uses such as general farming, pasture, nurseries, forestry.
2. Accessory residential uses such as lawns, gardens, parking and play areas.
3. Nonresidential areas such as loading areas, parking, and airport landing strips.
4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. New placement of residential structures including manufactured homes is prohibited with the identified floodway (FW) area.
5. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or Local sources in meeting the standards of this section.

11.2909 Request For Variances From District Requirements

- a. The Board of Adjustment, as established by the City of Seward, shall hear and decide appeal 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 Chief Building Official 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 by Nebraska State Statutes.
- d. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger of life and property due to flooding or erosion damage.
 3. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on 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 use.
 7. The compatibility of the proposed use with existing and anticipated development.
 8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
 9. The safety of access to the property in time of flood for ordinance and emergency vehicles.
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effect of wave action, if applicable, expected at the site.
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- e. Conditions for Variance
 1. 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 terms 2. through 6. below have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. In addition to the criteria for variances set forth in Section --- of this Ordinance, 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 the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11.2910 Zoning Regulations For Nonconforming Uses

a. Continuance of Nonconforming Uses

A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expended, changed, enlarged, or altered in a way that increases its nonconformity.
2. 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 Building Inspector in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.
3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue a nonconforming uses.

b. Replacement of Residential Uses

If any residential nonconforming use of structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred within those areas identified as floodway (FW). This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or

regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

c. Replacement of Non-Residential Uses

If any non-residential nonconforming use of structure is destroyed by any means, including flood, it should not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except 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, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

11.2909 Definitions

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

Actuarial Rates. Or "risk premium rates" are those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

Appeal. A request for a review of the Chief Building Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding. A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual 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.

Area of Special Flood Hazard. The land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

Base Flood Elevation. Elevation indicated in the official flood plain study as the elevation of the 100-year flood.

Base Flood Protection Elevation. An elevation one foot higher than the water surface elevation of the base flood.

Channel. A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.

Community. Any state or area or political subdivision thereof which has authority to adopt and enforce flood plain management regulations for the area within its jurisdiction.

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.

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".

Flood or Flooding. 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 of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Flood Plain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to, emergency preparedness plan, flood control works, and flood plain management regulations.

Flood Protection System. Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound engineering standards.

Flood-proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

Floodplain (FP). That area of the flood plain, outside of the floodway, that on an 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.)

Floodway (FW). The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the heights calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For 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.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction. Structures for which the "start of construction or substantial improvement" is commenced on or after the effective date of the FIRM.

100-Year Flood. The base flood having a one percent chance of annual occurrence.

Overlay District. A district which acts in conjunction with the underlying zoning district or districts.

Start of Construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. Law 97-348) includes substantial improvement, and means the date the building permit was issued, providing the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of street and/or walkways, nor does it include excavation for a basement, footings, or foundations or the erection of temporary forms, nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include

either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

ARTICLE 30

AV AVIATION OVERLAY DISTRICT

11.3001 Purpose

The AV Aviation Overlay District is intended to provide for the safe operation of aircraft into and out of Seward Municipal Airport, located in Section 5, Township 10 North, Range 3 East in Seward County, Nebraska . The district provides special regulations to maintain adequate clearance and to eliminate potential hazard, safety, and development conflicts between airport operations and surrounding development. The following additional regulations shall apply to such lands within the corporate limits of Seward, Nebraska and its two-mile zoning jurisdiction within the area of three (3) miles in all directions from boundaries of any airport. This area within three (3) miles of the boundaries of said airport shall be known as the airport hazard area, and shall be regulated as follows:

11.3002 Boundaries and Zone Descriptions

a. Detailed Description of Hazard Area.

1. The hazard area consists of approach and operation zones, transition zones, and turning zones. The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the approach and turning zones.
2. The inner boundary of the hazard area is a boundary consisting of a series of intersecting tangents, five hundred (500) feet from and parallel to the center line of the instrument runway or landing strip and two hundred fifty (250) feet from and parallel to the respective center lines of all other runways or landing strips and connecting the inner boundaries of adjacent approach zones at the ends of the runways, landing strips or proposed runways or landing strips.

b. Zone Descriptions

1. An operation zone shall be located at each end of 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. Such approach zones shall begin two hundred (200) feet beyond the ends of their respective strips and at such beginning shall be one thousand (1,000) feet in width for the instrument runway or landing strip and five hundred (500) feet in width for all other runways and landing strips. The approach zones shall begin at the ends of their respective operation zones and shall extend and expand uniformly centered along the extended center line of the respective landing strip, to the outer boundary of the approach zone at a rate of thirty (30) feet of width for each one hundred (100) feet of horizontal length for the instrument runway or landing strip and twenty (20) feet of width for each one hundred (100) feet of horizontal length of all other runways.

The inner area of each approach zone shall be that portion of the approach zone beginning two hundred (200) feet beyond the end of the respective or proposed landing strip and extending to the intersection of the controlling glide angle with a plane one hundred fifty (150) feet above the highest elevations of the end of the respective runway or landing strip. The outer area of each approach

zone shall be the area between the inner area of the approach zone and the outer limit of the approach zone.

2. The transition zones shall be the areas bounded by the inner boundary of the hazard area, the sides of contiguous inner areas of approach zones and the outer limits of the transition zones; said outer limits of the transition zones being the intersections, at elevations of one hundred fifty (150) feet above the highest elevation at the ends or edges of the closest runway or landing strip, or proposed runway or landing strip, of a series of contiguous planes originating from bases established by the inner boundary of the hazard area and the edges of adjacent inner areas of approach zones. Said planes rising from their respective bases at the rate of one (1) foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.

3. The turning zones shall comprise all portions of the hazard area not contained in the approach zones and in the transition zones. The outer limits of the turning zones shall be a series of points forming a line which is a horizontal distance of three (3) statute miles from the nearest points of the airport's property line boundary.

c. Height Regulations

No building, transmission line, communication line, pole, tree, smokestack, 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. In inner areas of approach zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50 and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone to said structure or object;
2. In the outer area of approach zones and in turning zones to a height in excess of one hundred fifty (150) feet above the elevation at the end or proposed end of the nearest runway or landing strip;
3. In the transition zones to a height above the planes forming the transition slopes;
4. In the existing or proposed operation zones to a height above the existing or proposed finished grade of said runways or landing strips or the surface of the ground.

d. Permit Required

It shall hereafter be unlawful to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tree, tower, smokestack, 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 hazard area of said airport without first obtaining a permit from the Building Official of Seward, Nebraska.

e. Exceptions

In the outer area or approach zones and within the turning zones, these height regulations shall not apply to construction or planting which is no higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip.

f. Application Forms

Application for a permit as required under these regulations shall be made upon a form to be available in the office of the Building Official, Seward, Nebraska, 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.

g. Nonconforming Structures

Within the hazard area as hereinbefore defined, no nonconforming building, transmission line, communication line, pole, tree, tower, smokestack, chimney, wires 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; if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of eighty percent (80%) or more, or abandoned for a period of twelve (12) 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 Nonconforming Structures

Whenever the Building Official shall determine, or shall be notified by the Joint Zoning Board or the Nebraska Department of Aeronautics that a specific nonconforming structure or object exists and has existed prior to the passage of these regulations and within the zones area hereinbefore described at such height or in such 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 the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the Building Official and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Building Official. The cost of such marking shall not be assessed against the owner or lessor of said premise.

i. Administrative Agency

The Building Official of the City of Seward, Nebraska, shall administer and enforce these regulations and shall be the administrative agency provided for in Section 3-319, R.R.S. 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Joint Airport Zoning Board.

j. Board of Adjustment

The Board of Adjustment of the City of Seward, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-320, R.R.S. 1943, and such other powers and duties as are conferred and imposed by law.