

AGENDA
VALLEY CITY COUNCIL
Tuesday, February 18, 2025
City Hall
203 North Spruce
Valley, NE 68064
4:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Proof of Publication**
5. **Visitors/Correspondence**

Anyone desiring to speak on any item or issue not on the agenda or any item on the agenda that does not include a public hearing may do so, but shall be limited to three (3) minutes. Persons should identify themselves by name and address. Persons speaking should not expect the Planning Commission to engage in back-and-forth dialogue regarding their comments. Unless an agenda item includes a public hearing, no person may speak during the business portion of the meeting; provided, however, persons speaking during a public hearing are limited to between five (5) and twenty (20) minutes.

The public is advised that a copy of the Open Meetings Act is located on the north wall of the Council Chamber, and one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

6. **Approval of Agenda**
7. **Consent Agenda**

All agenda items on the consent agenda will be acted on in a single motion. Consent agenda items are being forwarded to the Commission Members. Any individual item may be removed by a commission member for special discussion and consideration.

7.A. Approve Minutes of December 17, 2024 meeting

8. **Public Hearings**

8.A. Public Hearing to recommend adopting 2021 International Building Code, 2021 International Residential Code, 2021 International Plumbing Code, 2021

The City Council reserves the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the City Council to take up the items on the agenda in sequential order. However, the City Council reserves the right to take up matters in a different order to accommodate the schedules of the City Council members, persons having items on the agenda, and the public.

International Mechanical Code, 2021 International Property Maintenance Code, and 2018 International Energy Conservation Code.

- Open Public Hearing
- Public comments: proponents and opponents
- Close Public Hearing
- Discussion and questions by Planning Commission Members
- Vote on recommendation to City Council

8.B. Public Hearing to recommend Ordinance change to amend shouse / barndominium rules, definition, and allowances in specific zoning districts

- Open Public Hearing
- Public comments: proponents and opponents
- Close Public Hearing
- Discussion and questions by Planning Commission Members
- Vote on recommendation to City Council

8.C. Public Hearing to recommend Ordinance change to amend Floodplain Regulations

- Open Public Hearing
- Public comments: proponents and opponents
- Close Public Hearing
- Discussion and questions by Planning Commission Members
- Vote on recommendation to City Council

9. **Adjourn**

The City Council reserves the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the City Council to take up the items on the agenda in sequential order. However, the City Council reserves the right to take up matters in a different order to accommodate the schedules of the City Council members, persons having items on the agenda, and the public.

CITY OF VALLEY
VALLEY PLANNING COMMISSION MINUTES
December 17, 2024

1 and 2. Roll Call and Call to Order: Larry Bottger, Chairman, Scott Burke, Kyle Anderson, Mark Conrey, Greg Sunde, Jim Tomanek, and Danielle Lowry. Absent: Brian Foutch and Jeremy Mayer. Also present: Clerk Christie Donnermeyer, Building Inspector Rune van den Boogaart, City Engineer Greg Perry, and City Attorney Jeff Farnham.

Chairman Bottger noted the location of the open meetings act, and stated one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

3. Pledge of Allegiance: The Pledge of Allegiance was recited.

4. Proof of Publication: The Proof of Publication was on the desk.

5. Visitors/Correspondence: No one spoke.

6. Approval of Agenda: Member Anderson moved to approve the agenda. Conrey seconded. YES: Bottger, Anderson, Conrey, Sunde, Tomanek and Lowry. NO: no one. ABSENT: Foutch and Mayer. Motion carried.

7. Consent Agenda: Member Tomanek moved to approve the consent agenda. Conrey seconded. YES: Bottger, Anderson, Conrey, Sunde, Tomanek, and Lowry. NO: no one. ABSENT: Foutch and Mayer. Motion carried. Items on the consent agenda: November 19, 2024 meeting minutes.

8. Public Hearings:

Public hearing to recommend Bailey Property Investments, LLC (Valley Lakes Business Park) Redevelopment Plan to council. The agenda item was removed at the request of the applicant. No action was taken.

Request for Conditional Use Permit from Beefcake Jerky/Dux Bux for warehouse distribution. Chairman Bottger opened the public hearing. Building Inspector van den Boogaart addressed the commission clarifying the request of warehouse distribution along with retail. Chairman Bottger closed the public hearing. After discussion, Conrey moved to recommend approval of the Conditional Use Permit to Council. Sunde seconded. YES: Bottger, Anderson, Conrey, Sunde, Tomanek and Lowry. NO: no one. ABSENT: Foutch and Mayer. Motion carried.


Request for Conditional Use Permit from Jerry Smith for an accessory building or accessory structure exception. Chairman Bottger opened the public hearing. Building Inspector van den Boogaart addressed the commission regarding the applicant not obtaining a permit before the accessory building/structure was constructed. Of the nine requirements for an accessory

building/structure, Mr. Smith meets all but one except for applying for a permit before construction of the building/structure. Chairman Bottger closed the public hearing. After much discussion, member Conrey moved to recommend council not approve the conditional use permit of Jerry Smith for an accessory building or accessory structure exception. Bottger seconded. YES: Bottger, Anderson, Conrey, Tomanek and Lowry. NO: Sunde. ABSENT: Foutch and Mayer. Motion carried.

Ordinance No. 806 amending Ordinance NO. 806 to include enclosed trailer storage in residential. Chairman Bottger opened the public hearing. Building Inspector van den Boogaart addressed the commission with the proposed addition to the Ordinance. Member Sunde moved to recommend approval to Council with the Building Inspector's proposed changes. Anderson seconded. YES: Bottger, Anderson, Conrey, Sunde, Tomanek and Lowry. NO: no one. ABSENT: Foutch and Mayer. Motion carried.

Discussion was held regarding the Building Inspector working on updated building codes.

Member Sunde moved to adjourn. Anderson seconded. YES: Bottger, Anderson, Conrey, Sunde, Tomanek and Lowry. NO: no one. ABSENT: Foutch and Mayer. Motion carried.



Christie Donnermeyer, City Clerk

Current

9.22.06 Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally

Proposed

9.22.06 Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent **continuous** foundation and said foundation shall meet local, state, and/or federal building codes;
2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
17. **When building a shouse in a residential zone, all building materials need to be consistent with residential construction materials.**
18. **No garage side walls shall exceed 16 feet in height.**
19. **The garage space square footage shall be limited to one and a half times the living space square footage. .**
20. **A minimum of a one-hour firewall shall be constructed between any living spaces abutting garage space.**

Current

Section 2.03 Definitions

DWELLING UNIT, SPECIAL TYPES shall mean any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that is not meet the typical construction style of traditional stick framed structures.

1. Cargo Container Dwelling: a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping and meeting the definition of dwelling unit above.
2. Grain Bin Dwelling Unit: A dwelling unit constructed of one or more grain bins, new or used meeting the definition of Dwelling Unit above.
3. Quonset home: A home constructed beneath and in a structure referred to as a Quonset.
4. Shouse: A combination of a dwelling unit and machine shed under a common or connect roofing system. For purposes of a Shouse, these structures when on a farm, agricultural operation, or acreage shall not be classified as a farm building. In addition, the residence portion of the facility shall meet the definition of Dwelling Unit above.

Proposed

Section 2.03 Definitions

DWELLING UNIT, SPECIAL TYPES shall mean any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that is not meet the typical construction style of traditional stick framed structures.

1. Cargo Container Dwelling: a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping and meeting the definition of dwelling unit above.
2. Grain Bin Dwelling Unit: A dwelling unit constructed of one or more grain bins, new or used meeting the definition of Dwelling Unit above.
3. Quonset home: A home constructed beneath and in a structure referred to as a Quonset.
4. Shouse: **A structure that combines a living space with a shop or garage, and is primarily used as a dwelling. Shouses are often made of steel or wood, and can be built in a variety of sizes and designs. A dwelling where the garage square footage exceeds the living square footage. Also known as: Barndominium. See: 9.22.06**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND EXISTING SECTIONS OF THE CITY OF VALLEY ZONING REGULATIONS RELATING TO SHOUSES, ALSO KNOWN AS BARNDOMINIUMS; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. Section 2.03 (Definitions) of the City of Valley Zoning Regulations shall be amended so that the definition of a **DWELLING UNIT, SPECIAL TYPES**, shall read as follows:

DWELLING UNIT, SPECIAL TYPES shall mean any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that is not meet the typical construction style of traditional stick framed structures.

1. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping and meeting the definition of dwelling unit above.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of Dwelling Unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A structure that combines a living space with a shop or garage, and is primarily used as a dwelling. Shouses are often made of steel or wood, and can be built in a variety of sizes and designs. A dwelling where the garage square footage exceeds the living square footage. Also known as a Barndominium. See 9.22.06.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses can be either portable, on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure of the unit is based on one or more tree clusters.

Section 2. That existing Section 9.22.06 of the City of Valley Zoning Regulations is hereby repealed.

Section 3. That a new Section 9.22.06 of the City of Valley Zoning Regulations shall be inserted and shall read as follows:

9.22.06 Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent continuous foundation and said foundation shall meet local, state, and/or federal building codes;
2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers’;
14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
17. When building a shouse in an area zoned residential, all building materials shall be consistent with residential construction materials.
18. No garage side walls shall exceed 16 feet in height.
19. The garage space square footage shall be limited to one and one-half times the living space square footage.

20. A minimum of one-hour firewall shall be constructed between any living spaces abutting garage space.

Section 4. That a portion of the existing Section 5.06 (Land Use Categories/Matrix) of the City of Valley Zoning Regulations relating to Shouses is hereby repealed.

Section 5. That a new portion of Section 5.06 (Land Use Categories/Matrix) relating to Shouses is hereby added to the City of Valley Zoning Regulations as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

Section 6. This Ordinance shall take effect and be in force after its passage and approval, as provided by law.

Section 7. If any section, clause, provision or part or portion of any section, clause or provision of this ordinance or the application thereof to any person or circumstance is held unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part or portion of this ordinance.

Section 8. All ordinances, sections, or parts thereof in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 11th DAY OF MARCH, 2025.

CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA

Cindy Grove, Mayor

ATTEST:

Christie Donnermeyer, City Clerk

AMENDMENT RELATING TO ORDINANCE NO. _____

AMENDMENT NO. _____

BE IT RESOLVED BY THE City Council OF THE City of Valley, NE, NEBRASKA
THAT THE FOLLOWING AMENDMENT BE ENACTED:

That Ordinance No. _____, enacted by City Council on the _____, be amended in the following manner:

That Section 5.21.04 Item 1 of Ordinance No. _____ be amended as follows:

SECTION 5.21.04 Item 1

This ordinance shall apply to all lands within the jurisdiction of the City of Valley, Nebraska identified on the Flood Insurance Rate Map (FIRM) 31055C0135H, 31055C0145H, 31055C0153H, 31055C0161H, 31055C0165H, 31055C0154J, 31055C0155J, 31055C0160J, 31055C0162J dated May 19, 2014; 31055C0170L dated March 25, 2025, and any revisions thereto, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in Sections 5.21.05 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the governing body or its duly designated representative under such safeguards and restrictions as the governing body or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.21.06 through 5.21.08.

Commented [AC1]: Added FIRM panel which shows floodplain in ETJ

That Section 5.21.02 Item 3A of Ordinance No. _____ be amended as follows:

SECTION 5.21.02 Item 3A

Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this ordinance. It is representative of large floods which 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 percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study 31055CV001E, 31055CV002E, 31055CV003E, and 31055CV004E dated 03/25/2025, as amended, and any future revisions thereto.

That Section 5.18.07 Item 4A of Ordinance No. _____ be amended as follows:

SECTION 5.18.07 Item 4A

- A. Design and anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Commented [AC2]: Changing language from "Design or anchorage..." to "Design and anchorage..."

That Section 5.21.08 Items I1 and I2 of Ordinance No. _____ be amended as follows:

SECTION 5.21.08 Item I

- 1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
- 2) All new construction and substantial improvements of non-residential structures shall:
 - a. Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.

That Section 5.21.14 of Ordinance No. _____ be amended to include the following:

- **Base Flood Elevation** means the elevation to which floodwaters are expected to rise during the base flood.
- **Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- **Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.
- **New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- **Obstruction** means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water

Commented [AC3]: Added definition

are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (Nebraska Revised Statutes 46-1601 to 46-1670 as amended).

- **Post-FIRM Structure** means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated March 18th, 1980, whichever is later.
- **Pre-FIRM Structure** means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated March 18th, 1980, whichever is later.
- **Regulatory Flood Elevation** means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.
- **Violation** means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- **Water Surface Elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal and riverine areas.

THIS AMENDMENT IS HEREBY RECOMMENDED FOR PASSAGE BY THE City Council ON THIS ____ DAY OF _____, 2024.

Cindy Grove - Mayor

Christie Donnermeyer - Clerk

THIS AMENDMENT IS HEREBY ENACTED BY THE City Council ON THIS ____ DAY OF _____, 2024.

Cindy Grove - Mayor

Christie Donnermeyer - Clerk

ORDINANCE NO. _____

AN ORDINANCE TO AMEND EXISTING SECTIONS OF THE CITY OF VALLEY ZONING REGULATIONS RELATING TO FLOODPLAIN REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. That existing Section 5.21.04(1) of the City of Valley Zoning Regulations is hereby repealed.

Section 2. That a new Section 5.21.04(1) of the City of Valley Zoning Regulations shall be inserted and shall read as follows:

1. Lands to which ordinance applies.

This ordinance shall apply to all lands within the jurisdiction of the City of Valley, Nebraska identified on the Flood Insurance Rate Map (FIRM) 31055C0135H, 31055C0145H, 31055C0153H, 31055C0161H, 31055C0165H dated December 2, 2005; 31055C0154J, 31055C0155J, 31055C0160J, 31055C0162J dated May 19, 2014; 31055C0170L dated March 25, 2025, and any revisions thereto, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in Sections 5.21.05 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the governing body or its duly designated representative under such safeguards and restrictions as the governing body or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.21.06 through 5.21.08.

Section 3. That existing Section 5.21.02(3)(a) of the City of Valley Zoning Regulations is hereby repealed.

Section 4. That a new Section 5.21.02(3)(a) of the City of Valley Zoning Regulations shall be inserted and shall read as follows:

- a. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of

Commented [AC1]: Added FIRM panel which shows floodplain in ETJ

inundation. The base flood is selected for this ordinance. It is representative of large floods which 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 percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study 31055CV001E, 31055CV002E, 31055CV003E, and 31055CV004E dated 03/25/2025, as amended, and any future revisions thereto.

Section 5. That existing Section 5.21.07(4)(a) of the City of Valley Zoning Regulations is hereby repealed.

Section 6. That a new Section 5.21.07(4)(a) of the City of Valley Zoning Regulations shall be inserted and shall read as follows:

- a. Design and anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Commented [AC2]: Changing language from "Design or anchorage..." to "Design and anchorage..."

Section 7. That existing Section 5.21.08(2)(I)(1) and Section 5.21.08(2)(I)(2) of the City of Valley Zoning Regulations are hereby repealed.

Section 8. That a new Section 5.21.08(2)(I)(1) and a new Section 5.21.08(2)(I)(2) of the City of Valley Zoning Regulations shall be inserted and shall read as follows:

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
2. All new construction and substantial improvements of non-residential structures shall:
 - a. Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
 - b. Together with attendant utility and sanitary facilities be completely floodproofed 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 effects of buoyancy. Such certification shall be provided to the official as set forth in Section [5.21.05\(3\)\(G\)](#).

Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

Section 9. Section 5.21.14 (Definitions) of the City of Valley Zoning Regulations shall be amended to include the following:

- **Base Flood Elevation** means the elevation to which floodwaters are expected to rise during the base flood.
- **Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- **Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.
- **New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- **Obstruction** means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (Nebraska Revised Statutes 46-1601 to 46-1670 as amended).
- **Post-FIRM Structure** means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated March 18th, 1980, whichever is later.

Commented [AC3]: Added definition

- **Pre-FIRM Structure** means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated March 18th, 1980, whichever is later.
- **Regulatory Flood Elevation** means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.
- **Violation** means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- **Water Surface Elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal and riverine areas.

Section 10. This Ordinance shall take effect and be in force after its passage and approval, as provided by law.

Section 11. If any section, clause, provision or part or portion of any section, clause or provision of this ordinance or the application thereof to any person or circumstance is held unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part or portion of this ordinance.

Section 12. All ordinances, sections, or parts thereof in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 11th DAY OF FEBRUARY, 2025.

CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA

Cindy Grove, Mayor

ATTEST:

Christie Donnermeyer, City Clerk