

4.5 FLOOD DATA REQUIRED

- A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas 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 or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
- B. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

4.6 VARIANCE AND APPEALS PROCEDURES

- A. The Village Board as established by the Village of Boys Town shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Village Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Village Engineer and Street Superintendent in the enforcement or administration of this ordinance.
- C. Any person aggrieved by the decision of the Village Board or any taxpayer may appeal such decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168.02 (for counties) and *Nebraska Revised Statutes* Section 19-912 (for municipalities).
- D. In evaluating such appeals and requests, the Village Board shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. The danger to life and property due to flooding or erosion damage;
 - ii. The danger that materials may be swept onto other lands to the injury of others;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity of the facility to have a waterfront location, where applicable;
 - vi. The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - vii. The compatibility of the proposed use with existing and anticipated development;