

ARTICLE II. Development Definitions

§ 205-9. Purpose.

This article shall be known as the "definitions." The purpose of these provisions is to promote consistency and precision in the interpretation of this chapter. The meanings and construction of words as set forth shall apply throughout this chapter, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

§ 205-10. General construction of language.

The following general rules of construction apply to the text of this chapter.

- A. Headings. Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify or otherwise affect the scope, meaning or intent of any provision of this chapter.
- B. Illustration. In the case of any real or apparent conflict between the text of this chapter and any illustration explaining the text, the text shall apply.
- C. Shall and may. "Shall" is always mandatory. "May" is discretionary.
- D. Tenses and numbers. Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - (1) "And" indicates that all connected items or provisions apply.
 - (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - (3) "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.
- F. Referenced agencies. Unless otherwise indicated, all public officials, bodies and agencies referred to in this chapter are those of the City of Papillion.

§ 205-11. Definition of general terms.

For the purposes of this chapter, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

ABANDONED SIGN -- A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.

ABUTTING -- Having lot lines or district boundaries in common, including property separated by a public street or alley; used interchangeably with "adjacent or contiguous."

ACCESSORY BUILDING -- A building, such as a shed or detached garage, that is incidental to and customarily associated with a specific principal use or building on the same site. An accessory building is an accessory structure.

ACCESSORY STRUCTURE -- A structure that is incidental to and customarily associated with a specific principal use or building on the same site.

ACCESSORY USE -- A use that is incidental to and customarily associated with a specific principal use on the same site.

ACTUARIAL RATES (or "risk premium rates") -- 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.

ADJACENT -- Having lot lines or district boundaries in common, including property separated by a public street or alley; used interchangeably with "abutting or contiguous."

ADDITION -- Any construction which increases the size of a building or structure in terms of site coverage, height, length, width or gross floor area.

AGENT OF OWNER -- Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

ALLEY -- A public right-of-way which is used as a secondary means of access to abutting property.

ALTERATION -- Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site or the appearance of a building or structure.

APARTMENT -- A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multifamily residential buildings.

APPEAL -- A request for a review of the interpretation of the Planning Director or Chief Building Official of any provision of this section or a request for a variance.

ARCHITECTURAL CONCRETE PANELS -- Precast panels with etched or exposed aggregates, scored or inlaid patterns with definition, inlaid thin brick, inlaid architectural concrete block and stone texture and accents. Standard tooled and water/air-blasted concrete finish does not meet this definition. [Added 11-4-2003 by Ord. No. 1414]

ARCHITECTURAL CONCRETE UNITS -- Concrete masonry units of standard mix, design and density with a modified face exposure of a scored pattern, flute, or rock texture. Integral color, marbled color, solid high glaze color patterns and ground faces (exposed aggregate) are part of this definition. [Added 11-4-2003 by Ord. No. 1414]

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 1 to 3 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 floodplain within a community subject to one-percent or greater chance of flooding in any given year.

ATTACHED -- Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, facade wall extension or archway.

ATTACHED SIGN -- A sign which is structurally connected to a building or depends upon that building for support.

AUXILIARY DESIGN ELEMENTS -- Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.

AWNING AND AWNING SIGN -- A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.

BANNER -- Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.

BASE FLOOD -- The flood having one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION -- Elevation indicated in the official floodplain study as the elevation of the one-hundred-year flood.

BASE FLOOD PROTECTION ELEVATION -- An elevation one foot higher than the water surface elevation of the base flood.

BASEMENT -- A level of a building below street level that has at least ½ of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.

BASE ZONING DISTRICT -- A district established by this chapter which prescribes basic regulations governing land use and site development standards. No more than one base zoning district shall apply to any individually platted lot or parcel unless the lot or parcel is part of an overlay district.

BEGINNING OF CONSTRUCTION -- The initial incorporation of labor and materials within the foundation of a building or structure.

BEST AVAILABLE DATA -- Means any hydrologic and hydraulic studies that result in a base flood elevation that is higher than what is shown on the Effective FIRM or Effective FIS. Such study must be completed or approved by the City of Papillion or other pertinent government agency.

BLOCK -- An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.

BLOCK FACE -- The property abutting one side of a street and lying between the two nearest intersecting streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes or the corporate limits of Papillion.

BOARD OF ADJUSTMENT -- A body, established by the city, pursuant to Neb. R.R.S. §§ 19-901 through 19-914, expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this chapter.

BUFFERYARD -- A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

BUILDING -- A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support or enclosure for persons or property.

BUILDING COVERAGE -- The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies and similar features.

BUILDING ENVELOPE -- The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

BUILDING LINE -- The outer boundary of a building established by the location of its exterior wall.

BUILDING MARKER -- A historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface wall.

BUILDING OFFICIAL -- The designee of the City Council, responsible for the enforcement of the Uniform Building Code.

BUSINESS -- Activities that include the exchange or manufacture of goods or services on a site.

BUSINESS CENTER -- A building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.

BUSINESS CENTER IDENTIFICATION SIGN -- A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.

CANOPY -- A projecting nonmovable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.

CANOPY SIGN -- A sign which is attached or made an integral part of a canopy.

CERTIFICATE OF OCCUPANCY -- An official certificate issued by the Chief Building Official or his/her designee, upon finding of conformance with the Unified Building Code, and upon receipt of a certificate of zoning compliance.

CERTIFICATE OF ZONING COMPLIANCE -- An official certificate issued by the Planning Director or his/her designee, which indicates that the proposed use of building or land complies with the provisions of this chapter.

CHANGE OF USE -- The replacement of an existing use by a new use.

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.

CITY -- The City of Papillion, Nebraska.

CITY COUNCIL -- The City Council of Papillion, Nebraska.

CLEARANCE -- The distance from the bottom of a sign face elevated above grade and the grade below.

CLUSTER -- A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space or the preservation of historically or environmentally sensitive features.

CLUSTER DEVELOPMENT -- A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space or the preservation of historically or environmentally sensitive features.

CLUSTER SUBDIVISION -- Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback or other site development regulations, provided that there is no increase in the overall density permitted for a conventional subdivision in a given zoning district and the remaining land area is used for common space.

COLLECTOR STREET -- A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.

COMMERCIAL VEHICLE (HEAVY) -- Any vehicle other than a Personal Vehicle or Recreation Vehicle as defined herein. Heavy commercial vehicles, include but are not limited to,

Class A motor homes, farm machinery, tractor trailers, trailers over 20 feet in length, and vehicles over 10 tons gross weight.

COMMERCIAL VEHICLE (LIGHT) -- A personal vehicle used for home occupations, home-based businesses, or any other business purposes as indicated by the display of logos, business names, and/or modification of the vehicle to carry business-related equipment.

COMMON AREA -- An area held, designed and designated for common or cooperative use within a development.

COMMON DEVELOPMENT -- A development proposed and planned as one unified project not separated by a public street or alley.

COMMON OPEN SPACE -- Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

COMMUNITY -- Any state or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the area within its jurisdiction.

COMPATIBILITY -- The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

COMPREHENSIVE PLAN -- The duly adopted Comprehensive Development Plan of the City of Papillion.

CONDOMINIUM -- A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces or commercial spaces.

CONTIGUOUS -- Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

COUNTY -- Sarpy County, Nebraska.

COURTYARD -- An open, unoccupied space, bounded on two or more sides by the walls of the building.

CONVENTIONAL SUBDIVISION -- A subdivision which literally meets all nominal standards of Chapter 170, Subdivision of Land, for lot dimensions, setbacks, street frontage and other site development regulations.

CREATIVE SUBDIVISION -- A subdivision which, while complying with Chapter 170, Subdivision of Land, diverges from nominal compliance with site development regulations in this chapter. Creative subdivisions imply a higher level of preplanning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of creative subdivisions include cluster subdivisions and traditional neighborhood districts.

DENSITY -- The amount of development per specific unit of a site.

DETACHED -- Fully separated from any other building or joined to another building in such a manner as not to constitute an enclosed or covered connection.

DETACHED GARAGE -- A structure that is accessory to a single- or two-family dwelling that is used for the parking and storage of vehicles owned and operated by the residents thereof, is connected to a street or alley by a driveway, and is not a separate commercial enterprise available to the general public. A detached garage is an accessory structure.

DETACHED SIGN -- A sign which is self-supporting and structurally independent from any building.

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

DIRECTIONAL SIGN -- A sign which serves only to designate the location or direction of any area or place.

DOUBLE-FACED SIGN -- A sign consisting of no more than two parallel faces supported by a single structure.

DRIVE-IN SERVICES -- Uses which involve the sale of products or provision of services to occupants in vehicles.

DRIVEWAY -- A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.

DWELLING UNIT -- One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT -- A privilege or right of use granted on, above, under or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.

ELECTRONIC IDENTIFICATION OR ADVERTISING SIGN -- A sign using changing electronic displays, including programmed lighting, light-emitting diodes, or other mechanisms, to display the name of businesses on or off-premise, or other messages advertising commercial products or a business or premises.

ELECTRONIC INFORMATION SIGN -- A sign using changing electronic displays, including programmed lighting, light-emitting diodes, or other mechanisms, to display time, temperature, and messages limited to civic, nonprofit, or noncommercial programs.

ENCLOSED -- A roofed or covered space fully surrounded by walls.

EXISTING CONSTRUCTION -- For the purposes of determining flood insurance 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."

FAMILY -- One or more persons living together and sharing common living, sleeping, cooking and eating facilities within an individual housing unit, no more than three of whom may be unrelated. The following persons shall be considered related for the purpose of this chapter:

- A. Persons related by blood, marriage or adoption.
- B. Persons residing with a family for the purpose of adoption.
- C. Not more than nine persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
- D. Person(s) living with a family at the direction of a court.

FEDERAL -- Pertaining to the government of the United States of America.

FLAG, BUSINESS -- A flag displaying the name, insignia, emblem, or logo of a profit-making entity.

FLAG, PUBLIC -- A flag displaying the name, insignia, emblem, seal, or pattern of a nation, State, county, municipality, or nonprofit organization.

FLOOD or FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

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

FLOOD INSURANCE RATE MAP (FIRM) or Effective 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 (FIS) or Effective FIS -- 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.

FLOODPLAIN (FP) -- Any land area susceptible to being inundated by water from any source (see definition for flooding).

FLOODPLAIN 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 floodplain management regulations.

FLOODPROOFING -- Any combination of structural and nonstructural 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.

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.

FLOODWAY (FW) OR REGULATORY FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA RATIO -- The quotient of gross floor area divided by gross site area.

FREEBOARD -- A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the 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.

FRONTAGE -- The length of a property line of any one lot or premise abutting on a public or private street that provides principal access to the lot, measured from the points at which the side lot lines intersect the street property line.

GRADE -- The horizontal elevation of the finished surface of ground, paving or sidewalk adjacent to any building line.

- A. For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
- B. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
- C. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GROSS FLOOR AREA -- The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, air spaces above atriums and enclosed off-street parking and loading areas serving a principal use.

GROUND SIGN -- A freestanding, other than a pole sign, in which the entire bottom is in contact with or appears to be in contact with the ground.

HARD SURFACE -- A ground surface covered with cobblestones, flagstone, bricks, sectional paver units, poured concrete, asphalt, asphaltic concrete, or other material that provides a stable, relatively impervious surface. Sectional pavers that include perforations permitting the growth

of grasses or vegetation (such as *grasscrete*) and porous concrete also fall under the definition of hard surfaces. A graded natural surface or a surface overlaid with loose gravel or granulated stone is not considered a hard surface.

HEIGHT -- The vertical distance from the established grade to the highest point of the coping of a flat roof, to the deckline of a mansard roof or to the average height between eaves and the ridge for gable, hip, shed or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

HIGHEST ADJACENT GRADE -- The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE -- Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: [1] By an approved state program as determined by the Secretary of the Interior or [2] Directly by the Secretary of the Interior in states without approved programs.

HOME-BASED BUSINESS/HOME OCCUPATION -- An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

HOT TUB/SPA -- A body of water in an artificial or semi-artificial receptacle or other container, such as a hot tub, a whirlpool designed for recreational use, or a therapy pool for medical use which is designed not to be drained, cleaned, and refilled after each individual use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof. Any hot tub/spa that exceeds 95 inches in width or length and/or 36 inches in depth shall be considered a swimming pool.

HOUSING UNIT OR DWELLING UNIT -- A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

ILLUMINATION (SIGN) -- Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.

IMPERVIOUS COVERAGE -- The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area.

The surface water area of pools, ponds, creeks, streams, and other natural or engineered bodies of water are excluded from this definition.

INFLATABLE SIGN – Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

INFORMATIVE SIGN -- An on-premise sign that provides a instruction or direction to the public, but contains no other advertising, message, or decoration.

IRREGULAR LOT -- A lot in which the side lots lines are not parallel to each other and/or the front and back lot lines are not parallel to each other; or a lot that has more or less than four lot lines.

LANDSCAPED AREA -- The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

A. **PERIMETER LANDSCAPED AREA** -- Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

B. **INTERIOR LANDSCAPED AREA** -- Any landscaped area within a site exclusive of required perimeter landscaping.

LOADING AREA -- An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

LOT -- A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Sarpy County Register of Deeds, as provided for by Neb. R.R.S. §§ 16-902, 19-903, 19-916, 19-918 and 19-921. Each individual lot is subject to the provisions of a particular base zoning district and shall have a minimum frontage of 20 feet, except as provided in an approved planned unit development and/or creative subdivision.

A. **CORNER LOT** -- A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135°.

B. **DOUBLE FRONTAGE LOT** -- A lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this chapter. (Also known as a "through lot.")

C. **INTERIOR LOT** -- A lot other than a corner lot.

D. **COMMON DEVELOPMENT LOT** -- When two or more contiguous lots are developed as part of a planned unit development, these lots may be considered a single lot for purposes of this chapter.

LOT AREA -- The total horizontal area within the lot lines of a lot.

LOT DEPTH -- The mean horizontal distance measured between the front and rear lot lines.

LOT LINE -- A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.

A. FRONT LOT LINE -- The lot line separating a lot and a public or private street right-of-way or easement.

(1) For an interior lot, the lot line separating the lot from the right-of-way or easement.

(2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Planning Director, or as may be noted on the final plat.

(3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Planning Director at the time of application for the original building permit for the lot, or as may be noted on the final plat.

B. REAR LOT LINE -- The lot line which is opposite and most distant from the front line.

C. SIDE LOT LINE -- Any lot line that is neither a front nor rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT WIDTH -- The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

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 -- For the purposes of Floodplain Regulations, 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 attached to the required utilities. The term "manufactured home" does not include recreational vehicles.

MANUFACTURED HOME DWELLING -- A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards

promulgated by the United States Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:

- A. The home shall have at least 900 square feet of floor area;
- B. The home shall have an exterior width of at least 18 feet;
- C. The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run;
- D. The exterior material is of a color, material and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;
- E. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock;
- F. Permanent utility connections shall be installed in accordance with local regulations;
- G. The home shall have all wheels, axles, transporting lights and towing apparatus removed; and
- H. The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

MARQUEE -- A permanent roofed structure attached to and supported by a building and extending over the public right-of-way.

MAXIMUM PERMITTED SIGN AREA -- The maximum permitted combined area of all signs allowed on a specific property.

MIXED-USE BUILDING -- A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual base zoning district in which the building or structure is to be located.

MIXED-USE DEVELOPMENT -- A single development which incorporates complementary land use types into a single development.

MOBILE HOME -- A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the United States Department of Housing and Urban Development; or not otherwise satisfying the definition of "manufactured home dwellings."

MOBILE HOME PARK -- A unified development under single ownership, developed, subdivided, planned and improved for the placement of mobile home units for nontransient use. Mobile home parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter and other services; but do not include mobile home sales

lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale or storage.

MOBILE HOME SUBDIVISION -- A development subdivided, planned and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile home subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale or storage.

MONUMENT SIGN -- A freestanding sign with the appearance of a solid base. The width of such base shall be at least the width of the sign.

MOVING SIGN -- A sign which conveys its message through rotating, changing or animated elements.

NEW CONSTRUCTION -- For the purposes of floodplain regulation, structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NONCONFORMING DEVELOPMENT -- A building, structure or improvement which does not comply with the regulations for its zoning district set forth by this chapter but which complied with applicable regulations at the time of construction.

NONCONFORMING LOT -- A lot which was lawful prior to the adoption, revision or amendment of this chapter but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this chapter. No action can be taken which would increase the nonconforming characteristics of the lot.

NONCONFORMING SIGN -- A sign that was legally erected prior to the adoption, revision or amendment of this chapter but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this chapter.

NONCONFORMING STRUCTURE -- A structure which was lawful prior to the adoption, revision or amendment of this chapter but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this chapter. No action can be taken which would increase the nonconforming characteristics of the structure.

NONCONFORMING USE -- A land use which was lawful prior to the adoption, revision or amendment of this chapter but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this chapter. No action can be taken which would increase the nonconforming characteristics of the land use.

NUISANCE -- An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious or offensive.

OFF-PREMISE ADVERTISING SIGN -- A sign that identifies or directs attention to:

- (1) A profession, business, service, activity, product, campaign or attraction manufactured, sold, offered or conducted at a location other than upon the premises where such sign is located; and/or
- (2) The ideological or non-commercial views of a party who is not an occupant of the premises.

Off-premises advertising signs are subject to all of the restrictions on detached and/or attached signage of the district in which it is located.

ON-PREMISE IDENTIFICATION SIGN -- A sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.

ONE-HUNDRED-YEAR FLOOD -- The base flood having a one-percent chance of annual occurrence.

OPEN SPACE -- Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies or plant materials.

OUTDOOR STORAGE -- The storage of materials, parts or products that are related to the primary use of a site for a period exceeding three days.

OVERLAY DISTRICT -- A district established by this chapter to prescribe special regulations to be applied to a site only in combination with a base district.

OWNER -- An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

PARKING BLOCK -- Portion of a surface parking lot that is defined by pedestrian paths, landscaping, and buildings. Large parking lots for commercial and office uses are broken up into parking blocks.

PARKING FACILITY -- An area on a lot and/or within a structure, including one or more parking spaces, along with provision for access circulation, maneuvering and landscaping, meeting the requirements of this chapter. Parking facilities include parking lots, private garages and parking structures. Vehicle storage is distinct from parking and is regulated by provisions in §§ 205-20HH, 205-21 and 205-22J, and Table 205-38. Vehicle storage is also governed by the provisions of Article XXXVI, Off-Street Parking.

PARKING SPACES -- An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall." Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached and townhome residential uses shall be considered to have a means of access to a public street.

PAVED -- Permanently surfaced with poured concrete, concrete pavers or asphalt.

PERMITTED USE -- A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this chapter.

PLANNED UNIT DEVELOPMENT -- A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements.

PERSONAL VEHICLE ---- A passenger car, passenger van, minivan, sport utility vehicle, pickup truck, and/or motorcycle that is:

- (1) licensed for use on public streets,
- (2) designed primarily for the transportation of people as opposed to equipment, freight, or other vehicles, and
- (3) sold primarily to individuals for personal use.

PLANNING COMMISSION -- The Planning Commission of the City of Papillion, as authorized pursuant to Neb. R.R.S. §§ 19-924 through 19-929, inclusive.

PLANNING DIRECTOR -- The designee of the City Council responsible for the interpretation and administration of this chapter.

POLE SIGN -- An on-premises sign built on a freestanding frame, mast or pole(s) with a clearance greater than three feet, and where the support encompasses less than 100% of the width of the sign.

PORCH, UNENCLOSED -- A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than 30 inches above its floor other than wire screening and a roof with supporting structure.

PORTABLE SIGN -- Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.

PREMISES -- A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

PRINCIPALLY ABOVE GROUND -- At least 51 percent of the actual cash value of the structure is above ground.

PRIVATE GARAGE -- A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

PROJECTING SIGNS -- A sign other than a wall sign that is attached to and projects from a building face.

PROPERTY LINE -- See "lot line."

RECREATIONAL VEHICLE -- A vehicular-type unit which is designed primarily for recreational or travel use, and has its own motive power or is mounted on or drawn by another vehicle. This definition shall include Class B motor homes, Class C motor homes, trailers under 20 feet in length, ATV's, boats, and personal watercraft.

REGULATION -- A specific requirement set forth by this chapter which must be followed.

REMOTE PARKING -- A supply of off-street parking at a location not on the site of a given development.

RESIDENTIAL SIGN -- A small detached or attached sign located on a residential premises, conveying a message communicated by the owner of the property.

RETAINING WALL -- A structure that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures.

ROOF SIGN -- Any sign or part of sign erected upon, against or directly above a roof or on top of or above the parapet or cornice of a building.

A. **INTEGRAL ROOF SIGN** -- A roof sign positioned between an eaves line and the peak or highest point on a roof, substantially parallel to the face of a building.

B. **ABOVE-PEAK ROOF SIGN** -- A roof sign positioned above the peak of a roof or above a parapet or cornice.

SCREENING -- The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features as may be permitted by the landscape provisions of this chapter.

SETBACK -- The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.

SHED -- An accessory structure or building used primarily for storage purposes and not a separate commercial enterprise available to the general public.

SIGN -- A symbolic, visual device fixed upon a building, vehicle, structure or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate or political idea.

SIGN TYPE -- A functional description of the use of an individual sign; includes owner identification, advertising, directional, electronic message and temporary.

SITE -- The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this chapter.

SITE PLAN -- A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site

development features proposed for a specific parcel of land; and any other information that may be reasonably be requested by the city in order that an informed decision can be made on the associated request.

SPECIAL FLOOD HAZARD AREA -- The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

SPECIAL USE PERMIT -- A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special use permits are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.

STATE -- The State of Nebraska.

START OF CONSTRUCTION -- [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of 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 streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STORY -- The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.

STREET FACADE -- Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.

STREET, PRIVATE -- A right of way, outlot, or other area, designated in a plat and protected by a permanent easement, established to provide vehicular access within a development. A private street is not dedicated or intended to be dedicated to the city.

STREET, PUBLIC -- A right-of-way, dedicated to public use that affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Nebraska statute.

STREET, INTERSECTING AND PRINCIPAL -- In regard to a site, the principal street shall be the street to which the majority of lots on a blockface are oriented; the intersecting street shall be a street other than a principal street.

STREET, LOCAL -- A street which is used primarily for access to the abutting properties.

STREET MAJOR -- A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials or expressways by the Comprehensive Development Plan.

STRUCTURE -- Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.

SUBSTANTIAL DAMAGE -- Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -- Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SWIMMING POOL -- a body of water in an artificial or semi-artificial receptacle or other container either located indoors or outdoors, used or intended to be used by the public, semipublic or private swimming by adults, children or both adults or children, operated and maintained by any person or entity whether as an owner, lessee, operator, licensee or concessionaire including a family pool (a swimming pool used or intended to be used solely by the owner, operator or lessee thereof and his or her family, and by friends invited to use it without payment of any fee). This definition includes structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool. A swimming pool is an accessory structure.

TEMPORARY SIGNS -- A sign, flag, banner, pennant or valance constructed of lightweight materials which is not permanently attached to building or land and which is intended for display for a limited period of time.

TOWNHOUSE -- A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

TOWNHOUSE STRUCTURE -- A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

TRAILER -- Every vehicle without motive power designed to carry property and be drawn by a motor vehicle. Trailers up to 20 feet in length as measured from the tongue to the rear of the trailer shall be considered Recreation Vehicles. Trailers that exceed 20 feet as measured from the tongue to the rear of the trailer shall be considered Heavy Commercial Vehicles. Trailers are typically categorized as:

- (1) **FIFTH-WHEEL TRAILER** -- A travel trailer designed to be affixed to, and towed by, a vehicle with a special hitch that attaches near the axel of the vehicle.
- (2) **FOLDING CAMPER TRAILER** -- A light-weight unit with sides that collapse for towing or storage, and is sometimes referred to as a fold-down camper, pop-up trailer or tent trailer.
- (3) **HAULING TRAILER** -- A flatbed or box trailer designed to carry property and to be drawn by a motor vehicle, excluding a boat trailer with a boat on it.
- (4) **TRAVEL TRAILER** -- A trailer designed and constructed to be used primarily for temporary living quarters for recreational purposes.

USE -- The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

UTILITIES -- Installations, either above or below ground, necessary for production, generation, transmission, delivery, collection, treatments or storage of water, solid or fluid wastes, stormwater, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

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

VIOLATION -- A failure of a structure or other development to be fully compliant with the provisions of this ordinance.

YARD, REQUIRED -- That portion of a lot which lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this chapter.

- A. **FRONT YARD** -- The space extending the full width of a lot, lying between the front lot line and the front setback line.
- B. **REAR YARD** -- The space extending the full width of a lot, lying between the rear lot line and the rear setback line.
- C. **SIDE YARD** -- The space extending from the front yard to rear yard, lying between the side yard setback line and the interior lot line.

D. STREET SIDE YARD -- On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

WALL SIGN -- A sign attached to and parallel with the side of a building.

WINDOW SIGN -- A sign painted on or installed inside a window for the purpose of viewing from outside the premises.

ZONE LOT -- A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

ZONING DISTRICT -- A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this chapter.

§ 205-12. (Reserved)

§ 205-13. (Reserved)