

02

ARTICLE TWO  
DEFINITIONS

2-1 Purpose

Article Two shall be known as "Definitions." The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 General Construction 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 Plattsmouth.

2-3 Definitions of Terms

For the purposes of this Zoning Ordinance, 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 meanings or meanings implied by their context shall apply.

2-4 A

- 1. Abutting: Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
- 2. Accessory Structure: A structure which is incidental to and customarily associated with a specific principal use or building on the same site.

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3. Accessory Use: A use which is incidental to and customarily associated with a specific principal use on the same site.
4. Adjacent: Having lot lines or district boundaries in common, including property separated by a public street or alley; used interchangeably with "abutting or contiguous."
5. Addition: Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
6. Agent of Owner: Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. Alley: A public right-of-way which is used as a secondary means of access to abutting property.
8. Alteration: Any construction to the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
9. 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.

2-5 B

1. Basement: A level of a building below street level that has at least one-half 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.
2. Base Zoning District: A district established by this Ordinance to prescribe basic regulations governing use and site development standards. No more than one base district shall apply to any individually platted lot or parcel.
3. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
4. 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.
5. Block Face: The property abutting one side of a street and lying between the two nearest intersection 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 Plattsmouth.
6. Board of Adjustments: A body, established by the city, pursuant to Nebraska 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.
7. Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
8. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.
9. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

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10. 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.
11. Building Line: The outer boundary of a building established by the location of its exterior walls.
12. Building Official: The designee of the City Council, responsible for supervision and operation of the building and land use regulations of the City of Plattsmouth.
13. Business: Activities that include the exchange or manufacture of goods or services on a site.
14. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

### 2-6 C

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.
2. Change of Use: The replacement of an existing use by a new use.
3. City: The City of Plattsmouth, Nebraska.
4. City Council: The City Council of Plattsmouth, Nebraska.
5. 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.
6. 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.
7. Collector Street: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
8. Common Area: An area held, designed, and designated for common or cooperative use within a development.
9. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
10. 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.
11. 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.
12. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Plattsmouth.
13. 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.

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14. Conservation Subdivision: A type of cluster subdivision that maintains environmentally-sensitive areas as common or private open space, while clustering development in areas that have fewer environmental limitations.
15. County: Cass County, Nebraska.
16. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.
17. 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.
18. Cul-De-Sac: A local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turnaround.

### 2-7 D

1. Density: The amount of development per specific unit of a site.
2. Drive-in Services: Uses which involve the sale of products or provision of services to occupants in vehicles.
3. Detached: Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
4. Driveway: A permanently-surfaced area providing vehicular access between a street and an off-street parking or loading area.
5. 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.

### 2-8 E

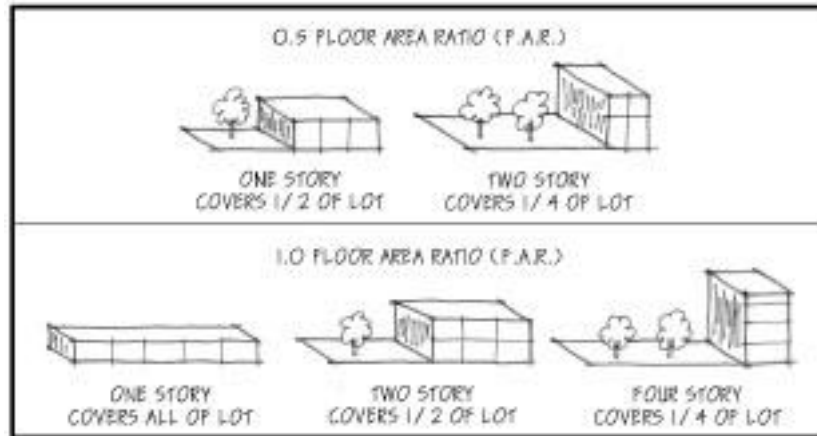
1. Easement: A privilege or right-of-use granted on, above, under, or across a particular tract of land by one owner to another.
2. Enclosed: A roofed or covered space fully surrounded by walls.

### 2-9 F

1. 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 eight persons under 19 years of age, residing in a foster house licensed or approved by the state of Nebraska.
  - d. Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
  - e. Person(s) living with a family at the direction of a court.
2. Federal: Pertaining to the government of the United States of America.

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3. Floor Area Ratio: The quotient of gross floor area divided by gross site area.



4. Frontage: The length of a property line of any one lot or premise abutting on a public street or other public or private street or way that provides principal access to the lot, measured from the points at which the side lot lines intersect the street property line. On corner lots, each yard adjacent to a street is a front yard.

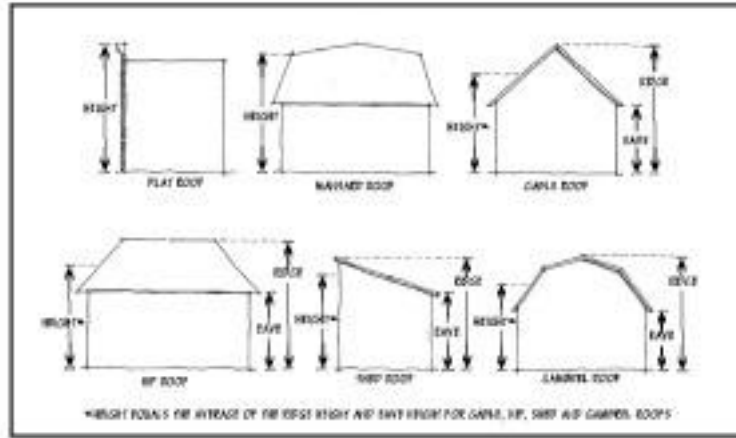
### 2-10 G

1. Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
- 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.
  - 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.
  - 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.
2. 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, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

### 2-11 H

1. 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) 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.
2. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, shed, or gambrel roofs. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.

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3. 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.
4. Housing Unit or 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.

### 2-12 I

1. 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 percentage 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.
2. Irregular Lot: A lot in which the side lot 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.

### 2-13 J

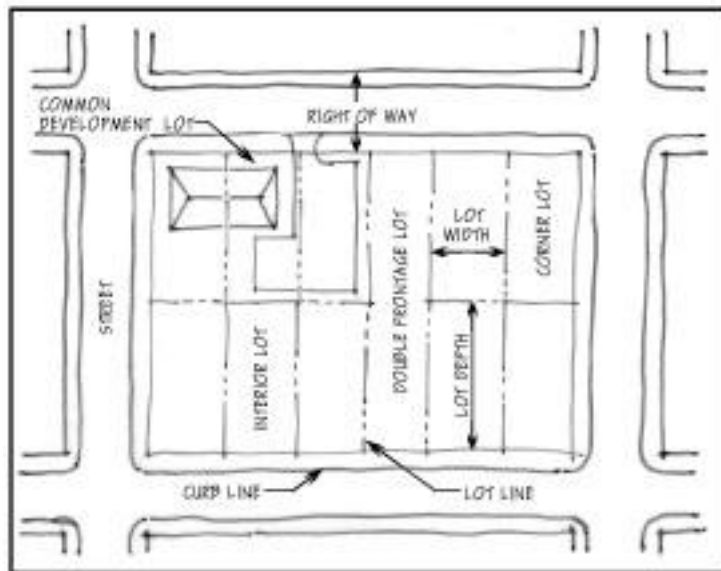
### 2-14 K

### 2-15 L

1. Landscape Plan: A plan, drawn to scale, showing dimensions and details for revegetating an area, including maintenance and protection measures.
2. 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, groundcover, 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.

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3. Legal Access: A dedicated right-of-way that connects a subdivision to another dedicated right of way that is external to the subdivision and connects to the rest of the community's transportation system.
4. 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.
5. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Cass County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking, shall be considered a single lot for purposes of these zoning regulations. A lot shall have a minimum frontage of 20 feet, except as provided in an approved planned unit development and/or cluster subdivision.
  - a. Corner Lot: A lot located at the intersection of two streets, private ways, or courts, or on two segments of a curved street, private way, or court forming an angle of no more than 135 degrees.
  - 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.



5. Lot Area: The total horizontal area within the lot lines of a lot.
6. Lot Depth: The average horizontal distance between the front and rear lot lines.
7. Lot Line: The lines bounding a lot as herein defined.
  - a. Front Lot Line: For an interior lot, the lot line separating the lot from the street, private way, or court. For a corner lot, the shorter lot line abutting a street, private way, or court, or the line designated as the front lot line on a subdivision plat or parcel map. For a double-frontage lot, the lot lines separating the lot from the right-of-way or

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easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Administrator 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 lot 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.

- 8. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

### 2-16 M

- 1. Manufactured Home/Structure: 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 minimum 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.
- 2. Manufactured Home Park: A unified development under single ownership, providing spaces for rent or lease for the placement of mobile home units. Mobile home parks usually include common areas and facilities for management, recreation, laundry, utility services, storage, and other services.
- 3. Manufactured Home Seal: A device or insignia issued by the Nebraska Department of Health to be displayed on the exterior of a manufactured home/structure or recreational vehicle to evidence compliance with departmental standards. The federal manufactured home label shall be recognized as a seal.
- 4. Mixed-Use Building: A building or structure that incorporates two or more use types.
- 5. Mixed-Use Development: A single development which incorporates two or more use types within its site boundaries.
- 6. Mobile Homes: 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



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Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the United States Department of Housing and Urban Development.

7. Modular Housing Unit: Any structure whose construction consists entirely or in major portions of preassembled units not fabricated on the final site of the unit. Such units are moveable or portable until placed on a permanent foundation and connected to utilities. Modular housing units pursuant to this definition are not included in the definition of manufactured home and, for the purpose of this ordinance, are not distinguished from other forms of permanent construction.
8. Modular Home Seal: A device or insignia issued by the Nebraska State Department of Health to be displayed on the exterior of the modular housing unit to evidence compliance with departmental standards.

### 2-17 N

1. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. 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.
3. 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.
4. 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.
5. Nonconforming Use: A lawful use of land, other than a sign, which does not comply with the use regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time the use was established.
6. 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.

### 2-18 O

1. 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.
2. 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.
3. Overlay District: A district established by this ordinance to prescribe special regulations to be applied to a site only in combination with a base district.
4. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

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### 2-19 P

1. **Parking Facility:** An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
2. **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.
3. **Paved:** Permanently surfaced with poured concrete, concrete pavers, or asphalt.
4. **Permitted Use:** A land-use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
5. **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.
6. **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.
7. **Premises:** A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
8. **Private Garage:** A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.
9. **Property Line:** The line separating parcels.

### 2-20 Q

### 2-21 R

1. **Recreational Vehicle:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers; and van conversions.
2. **Regulation:** A specific requirement set forth by this Zoning Ordinance which must be followed.
3. **Remote Parking:** A supply of off-street parking at a location not on the site of a given development.

### 2-22 S

1. **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.

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2. Setback: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building face may come to that lot line.
3. 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.
4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, a portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley.
5. 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.
6. Special Permit Use: 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 permit uses 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.
7. State: The State of Nebraska.
8. 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.
9. Street, Local: A street which is used primarily for access to the abutting properties.
10. 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 or maintained by the city.
11. Street, Public: A right-of-way, dedicated to public use and maintained by the city, county, or state, 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.
12. Street, Intersecting and Principal: In regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.
13. 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.
14. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.
15. 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, semi-public, 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).

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This definition includes structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool.

### 2-23 T

1. 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.
2. Townhouse Structure: A building formed by two or more contiguous townhouses with common or abutting walls.

### 2-24 U

1. Urban Space Plan: A plan that identifies the nature and programmed use of major open spaces within a development.
2. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
3. Utilities: Installations, either above or below ground, necessary for the 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.

### 2-25 V

1. Value: The estimated cost to replace a structure in kind, based on current replacement costs.

### 2-26 W

### 2-27 X

### 2-28 Y

1. Yard: A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Zoning Ordinance.
  - a. Front Yard: A required yard extending the full width of a lot, between the front lot line and the front setback line.
  - b. Rear Yard: A required yard extending the full width of a lot, between the rear lot line and the rear setback line.
  - c. Interior Side Yard: A required yard extending the depth of a lot from the front to rear lot lines, between the interior side lot line and the side setback line.

### 2-29 Z

1. 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 Zoning Ordinance.