

VILLAGE OF PLATTE CENTER
PLATTE CENTER, NEBRASKA

ZONING ORDINANCE
ORDINANCE No. 3-7-2006-A

ADOPTED BY THE VILLAGE OF PLATTE CENTER, NEBRASKA

MARCH 7, 2006

Prepared 2005-2006 By:



*Northeast Nebraska
Economic Development District*

111 South 1st • Norfolk, NE 68701 • (402) 379-1150

ORDINANCE NO. 3-7-2006-A

AN ORDINANCE OF THE VILLAGE OF PLATTE CENTER, NEBRASKA TO ADOPT THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS FOR THE VILLAGE OF PLATTE CENTER, NEBRASKA AS PREPARED BY THE NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT, DATED MARCH 7, 2006, FOR THE VILLAGE OF PLATTE CENTER; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HERewith; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE CHAIRMAN AND VILLAGE BOARD OF THE VILLAGE OF PLATTE CENTER, NEBRASKA:

Section 1. That the Zoning Ordinance and Subdivision Regulations for the Village of Platte Center, Nebraska, dated March 7, 2006, and prepared by the Northeast Nebraska Economic Development District for the Village of Platte Center, Nebraska, be and the same is hereby adopted as the official Zoning Ordinance and Subdivision Regulations of the Village of Platte Center, Nebraska.

Section 2. That three copies of the Zoning Ordinance and Subdivision Regulations of the Village of Platte center, Nebraska, are on file and shall be kept in the office of the Village/Clerk of the Village of Platte Center, Nebraska, and shall be available to the public.

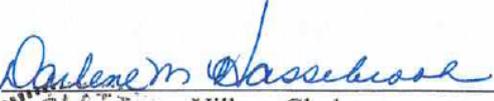
Section 3. That all Ordinances previously adopted by the Chairman and Village Board of the Village of Platte Center, Nebraska, which are inconsistent with this Ordinance are hereby repealed and without further force of effect.

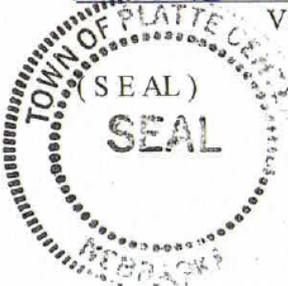
Section 4. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this 7 day of march, 2006.

ATTEST:


Chairman of the Village Board


Village Clerk



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1

ARTICLE ONE - GENERAL PROVISIONS

101 Title

This title of the Platte Center Municipal Code shall be known as the Zoning Ordinance of the Village of Platte Center.

102 Jurisdiction

The provisions of this chapter shall be applicable to all property within the corporate limits of the Village of Platte Center and its one mile extra-territorial jurisdiction as provided by Sections 19-901 through 19-914, Revised Statutes of Nebraska, 1943.

103 Purpose

The purposes of the Zoning Ordinance of the Village of Platte Center are to:

1. Serve the public health, safety, and general welfare of the village and its jurisdiction.
2. Classify property in a manner that reflects its suitability for specific uses.
3. Provide for sound, attractive development within the village and its jurisdiction.
4. Encourage compatibility of adjacent land uses.
5. Protect environmentally sensitive areas.
6. Further the objectives of the Comprehensive Development Plan of the Village of Platte Center.

104 Consistency with Comprehensive Development Plan

The Village of Platte Center intends that this Zoning Ordinance and any amendments to it shall be consistent with the Village's comprehensive Development Plan. It is the Village's intent to amend this ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Development Plan.

105 Conflicting Provisions

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the Village of Platte Center, or any applicable State or Federal law, the more restrictive provision shall apply.

106 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

107 Severability of Provision

If any chapter, section, clause, or phrase of this Zoning Ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

108 Publication

This Ordinance shall be published in book or pamphlet form and shall, together with the maps being a part hereof, shall be filed with the Village Clerk of the Village of Platte Center, Nebraska.

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ARTICLE TWO - DEFINITIONS

201 Purpose

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.

202 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

1. 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, intent of any provision of the Zoning Ordinance.
2. Illustration: In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.
3. Shall and May: "Shall" is always mandatory. "May" is discretionary.
4. 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.
5. Conjunctions: Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected items or provisions apply.
 - b. "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - c. "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.
6. Referenced Agencies: Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the Village of Platte Center.
7. Persons: Includes a corporation, members of a partnership or other business organizations, a committee, a board, Board, commission, trustee, receiver, agent, or other representative.
8. Undefined Words: Include words or terms not herein defined shall have their ordinary meaning in relation to the context.

203 Definition 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 meaning or meanings implied by their context shall apply.

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A

1. Abandonment: To cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
2. Abutting: Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
3. Accessory Living Quarters: Living quarters within an accessory building for use by temporary guests of the occupant of the premises, such quarters have no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
4. Accessory Structure: Permanent structure, one-hundred-one (101) square feet or larger, which is incidental to and customarily associated with a specific principal use or building on the same site.

5. Accessory Use: A use which is incidental to and customarily associated with a specific principal use on the same site.
6. Acreage: Any tract of land that does not qualify as a farm, development, or platted village lot.
7. Addition: Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
8. Adult Establishment: Any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "special sexual activities" or "specified anatomical areas," including without limitation, adult bookstores, adult companionship establishments, adult motion picture theaters, adult saunas, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
 - a. Adult Bookstore: A bookstore offering its customers books, movies, or other novelty items characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "special anatomical areas."
 - b. Adult Companion Establishment: An establishments which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "special anatomical areas."
 - c. Adult Hotel or Motel: A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "special anatomical areas."
 - d. Adult Massage Parlor, Adult Health Club: A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "special anatomical areas."
 - e. Adult Mini-Motion Picture Theater: A business premises with an enclosed building with a capacity for less than fifty (50) persons used for presenting visual media material is such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction, description of "specified sexual activities" or "special anatomical areas" for observation by patrons therein.
 - f. Adult Motion Picture Theaters: A business premises within an enclosed building with a capacity of fifty (50) or more persons used for presenting visual media material is such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction, description of "specified sexual activities" or "special anatomical areas" for observation by patrons therein.
 - g. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are depiction, description of "specified sexual activities" or "special anatomical areas" for observation by patrons therein.
 - h. Adult Novelty Business: A business that has as a principal activity the sale of devices that stimulate human genitals or devices that are designed for sexual stimulation.
 - i. Adult Sauna: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "special anatomical areas."
9. Agent of Owner: Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
10. Agricultural Buildings: Any building or structure which is necessary or incidental to the normal conduct of a farming operation.

11. Agriculture: The use of land for agricultural purposes, for obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sales of, or the production of, livestock, fur-bearing animals, or honeybees, or for dairying and the sales of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.
12. Alley: A public right of way which is used as a secondary means of access to abutting property.
13. 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.
14. Amendment: A change in the wording, context, or substance of this Ordinance, or an addition, deletion or change in the district boundaries or classification upon the Official Zoning Map.
15. Apartment: A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
16. Appropriate: Fitting the context of the site and the whole community.
17. 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.
18. Automobile Wrecking Yard: Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale parts and equipment resulting from such dismantling or wrecking.

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B

1. Bar: Any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)
2. Base Flood: A flood, from whatever source, having a one percent (1%) chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.
3. Base Flood Elevation: That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once every 100 years, or which is subject to a one percent (1%) or greater chance of flooding in any given year.
4. Base Zoning District: A district established by this Ordinance 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 a Planned Unit Development.
5. Basement: A level of a building below grade 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.
6. Bed and Breakfast: A house, or portion thereof, where short-term lodging rooms and meals are provided, and the operator of which shall live on the premises.
7. Bedroom: A room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

8. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
9. Berm: A raised form of earth to provide screening or to improve the aesthetic character.
10. Billboard: (See Sign, Billboard.)
11. Block: An area of land that is entirely bounded by streets, or by waterways, right-of-ways, unplatted land, Village/County boundaries, or adjoining property lines.
12. 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 Platte Center.
13. Board: Shall refer to the Platte Center Village Board.
14. Board of Adjustment: A body, pursuant to Section 19-901 through 19-914 of the Nebraska Revised Statutes, expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this Ordinance. The Village Board will serve in this capacity.
15. Boarding or Rooming House: A building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided for compensation with or without meals.
16. Broadcasting Tower: A structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located. Non-commercial radio towers not exceeding fifty feet (50') in height shall not be considered broadcast towers.
17. Buffer: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
18. 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.
19. Building Footprint: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
20. 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.
21. Building Height: The vertical distance above grade to the highest point of the coping of a flat roof or the ridgeline of a mansard roof or pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five feet (5') horizontal distance of the exterior wall of the building.
22. Building Line: The outer boundary of a building established by the location of its exterior walls.
23. Building Setback Line: The minimum distance, as prescribed by this regulation, between any property line and the closest point of the building line or face of any building or structure related thereto.
24. Business: Activities that include the exchange or manufacture of goods or services on a site.
25. 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.

C

1. Carport: A permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.
2. Certificate of Zoning Compliance: An official certificate issued by the Planning Director or his/her designee, when a zoning/building permit is not necessary, which indicates that the proposed use of building or land complies with the provisions of the Zoning Ordinance.
3. Change of Use: The replacement of an existing use by a new use.
4. Child Care Center: An establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for nine (9) or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
5. Child Care Home: An operation in the provider's place of residence which serves at least four (4), but not more than eight (8) children at any one time, from families other than that of the provider. A Family Child Care Home provider may be approved to serve no more than two (2) additional school-age children during non-school hours. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.
6. Church, Storefront: A religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation. Structures adapted for congregations including barns, stores, warehouses, old public buildings, and single-family dwellings.
7. Clear View Zone: The area of a corner lot closest to the intersection, which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.
8. 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.
9. Code: The Municipal Code of the Village of Platte Center, Nebraska.
10. Collector Street: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
11. Commercial Feedlot (Confined Animal Feeding Operation): A lot or building or combination of lots and buildings intended to be used for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure.
12. Commission: The Platte Center Planning Commission.
13. Common Area: An area held, designed, and designated for common or cooperative use within a development.
14. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
15. 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.

16. Compatibility: Shall mean harmony in the appearance of two or more external design features in the same vicinity.
17. Compatible Use: 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.
18. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the Village of Platte Center.
19. Conditional Use: A use conditionally allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
20. Conditional Use Permit: A permit issued by the Village Board that authorizes the recipient to make a conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.
21. 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.
22. Conflicting Land Use: The use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy or unsightly views.
23. Conservation 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.
24. Conservation Easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
25. Conservation Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
26. Convenience Store: A one-story, retail store containing less than three-thousand (3,000) square feet of gross floor area is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket") It is dependent on, and its designed to attract and accommodate large volumes of stop-and-go traffic.
27. Contiguous: Shall mean the same as "Abut."
28. Corporate Limits: All land, structures and open space that has been annexed into the Village's jurisdiction. This does not include the extraterritorial jurisdiction of the Village.
29. County: Platte County, Nebraska.
30. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.
31. Conventional Subdivision: A subdivision which literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

32. Creative Subdivision: A subdivision which, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning 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.
33. Cul-De-Sac: A short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

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D

1. Density: The amount of development per specific unit of a site.
2. Detention Basin: A Facility for the temporary storage of stormwater runoff.
3. Developer: Any person, corporation, partnership, or entity that is responsible for any undertaking that requires a zoning/building permit, conditional use permit or sign permit.
4. Development: Any manmade 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 for which necessary permits may be required.
5. District or Zone: A section of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces established.
6. Drive-in Services: Uses which involve the sale of products or provision of services to occupants in vehicles.
7. 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.
8. Driveway: A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.
9. Duplex: A two-family residential use in which the dwelling units share a party or common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
10. Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes, excluding mobile homes.
 - a. Dwelling, Manufactured Home: 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 US Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:
 - i. The home shall have at least 900 square feet of floor area;
 - ii. The home shall have an exterior width of at least 18 feet;
 - iii. The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run.

- iv. 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;
 - v. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - vi. Permanent utility connections shall be installed in accordance with local regulations;
 - vii. The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
 - viii. The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.
- b. Dwelling, Mobile Home: Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp, car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.
- i. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers' recommendations.
 - ii. Permanent Foundation: Base on which building rests, to be constructed from either poured concrete or laid masonry block or crick on a footing to be placed a minimum of forty-two inches (42") below the final ground level.
- c. Dwelling, Modular: Any dwelling whose construction consists entirely of, or the major portions of its construction consist of, a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities, pursuant to the Nebraska Uniform Standards for Modular Housing Units Act, as set forth in Neb. Rev. Stat. §§ 71-1557 to 71-1568.01 (Cum. Supp. 2000). Further, such dwelling must also meet or be equivalent to the construction criteria set forth in the Nebraska Uniform Standards for Modular Housing Units Act. Such dwelling is considered to be considered a mobile home.
- d. Dwelling, Multiple Family: A building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.
11. Dwelling, seasonal: A dwelling designed and used as a temporary residence and occupied less than six months in each year.
12. Dwelling, Single Family: A building having accommodations for or occupied exclusively by one family, which meets all the following standards:
- a. The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
 - b. The home shall have no less than an eighteen feet (18') exterior width;
 - c. The roof shall be pitched with a minimum vertical rise of two and one-half inches (2½") for each twelve inches (12") of horizontal run;
 - d. The exterior material shall be of a color, material and scale comparable with existing site-built, single family residences located in Platte Center, Nebraska;
 - e. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, rock, painted tin, or others as requested by the village;
 - f. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
 - g. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.

- h. The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of forty-two inches (42") below the final ground level.
13. Dwelling, Single Family Attached: A portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.
14. Dwelling, Townhouse: A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).
15. Dwelling, Two (2) Family: A building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.
16. 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.

208

E

1. 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.
2. Educational Institution: A Public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, and religious institutions. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, and commercial or private trade schools are not included in this definition.
3. Effective Date: The date this ordinance was adopted, amended, or the date land areas became subject to the regulations contained in this ordinance as a result of such adoption or amendment.
4. Enclosed: A roofed or covered space fully surrounded by walls.
5. Encroachment: An obstruction or illegal or unauthorized intrusion into a delineated floodway, right-of-way, or adjacent property.
6. Erected: Constructed upon or moved onto a site.
7. Extraterritorial Jurisdiction: The one-mile area beyond the corporate limits of the Village, in which the State has granted the Village the power to excise zoning jurisdiction and building regulations.

209

E

1. Façade: The exterior wall of a building exposed to public view from the building's exterior.
2. Family: One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 2 of whom may be unrelated. The following persons shall be considered related for the purpose of this title:
- 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.
3. Farm: An area containing at least twenty (20) acres or more which is used for growing or storage of the usual farm products, as well as for the raising thereon of the usual farm poultry and farm animals, and which produces revenue of no less than \$1,000 annually.
 4. Farmstead: A tract of land of not less than three (3) acres and not more than twenty (20) acres upon which a farm dwelling and other out-buildings and barns and is used for single-family residential purposes.
 5. Federal: Pertaining to the Government of the United States of America.
 6. Fence: A structure serving as an enclosure, barrier or boundary above ground.
 - a. Fence, Open: A fence, including gates, which has fifty percent (50%) or more of the surface area in open spaces, which affords direct views through the fence.
 - b. Fence, Solid: Any fence, which does not qualify as an open fence.
 7. Footprint, Building: The square feet of floor space within the outside line of the walls, including porches, attached garages, carports, or any other structure attached to the main building.
 8. Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the, (1) The overflow of inland waters, or (2) The usual and rapid accumulation of runoff of surface waters from any sources.
 9. Flood Plain: Any land area susceptible to being inundated by water from any source.
 10. Flood Proofing: Any combination or structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
 11. Floodway: The channel of a 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 a designated height.
 12. Floor Area: The square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.
 13. Foundation: That part of a building or wall, wholly or partly below grade that constitutes a structural base for such building or wall.
 14. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

210

G

1. Garage, Private: A detached accessory building or a portion of a main building, including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling.
2. Garage, Public: Any garage other than a private garage.

3. **Garage, Repair:** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.
4. **Garbage:** Any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
5. **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.
6. **Greenway:** A parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set-aside for a walk-way, bicycle trail, bridle path, or other similar access-way.
7. **Ground Cover:** Plant material used in landscaping which remains less than twelve inches (12") in height at maturity.
8. **Ground Water:** Water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
9. **Group Care Home:** A home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.
10. **Group Home for the Handicapped:** A dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.

211

H

1. **Half-Story:** A story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet (3') above the floor of such story.
2. **Halfway House:** A licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.
3. **Hazardous Waste:** Any discarded material, refuse, or waste products, in solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.
4. **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 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.

5. Home Based Business/Home Occupation: An "in-home" or "home based" or entrepreneurial business operating from a residential dwelling within Platte Center's zoning jurisdiction. Home occupations are considered conditional uses to properties in all zoning districts. Any portion of a residential property, including a home phone, computer, mailing address, etc., used in deriving income or sales, will require a resident to obtain a Home Occupation Permit. Child Care Homes, Child Care Centers, and farming operations are exempt from Home Occupation Permits except for any signage restrictions.
6. Homeowners Association: A private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.
7. Household Pet: An animal that is customarily kept for personal use or enjoyment within the home. Household shall include and is limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.
8. 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.

212

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 percent of site area. The surface water area of pools is excluded from this definition.
2. Incidental Use: A use, which is subordinate to the main use of a premise.
3. Industry: The manufacture, fabrication, processing, reduction or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.
4. Inoperable Motor Vehicle: Any motor vehicle which: (1) Does not have valid state license plates ; or (2) Which may or may not have valid license plates, but is disassembled or wrecked in part or whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

213

J

1. Junk: Any worn-out, cast-off, old, or discarded articles of scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked vehicles, or parts thereof, and other old or scrap ferrous or nonferrous material.
2. Junk or Salvage Yard: Any lot, land parcel, building, or structure thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard."

K

1. Kennel, Commercial: An establishment where four (4) or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four (4) months of age are groomed, bred, boarded, trained, or sold as a business.
2. Kennel, Private: Any premises used for keeping of less than four (4) dogs, cats, or a combination thereof by the owner/occupant of the premises for the purposes of show, hunting, or as pets. The dogs and/or cats shall belong to the owner/occupant or occupant and their keeping shall be accessory to the main use of the premises.

L

1. 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.
 - i. 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.
 - ii. 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 Madison County Register of Deeds, as provided for by Sections 16-902, 16-903, 19-916, 19-918, and 19-921 Revised Statutes of Nebraska, 1943. 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.
 - c. 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 degrees.
 - d. 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 ordinance. (Also known as a Through Lot)
 - e. Interior Lot: A lot other than a corner lot.
 - f. 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 ordinance.
2. Lot Area: The total horizontal area within the lot lines of a lot.
3. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
4. 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.

5. Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.
 - a. For an interior lot, the lot line separating the lot from the right-of-way or easement.
 - b. 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.
 - c. 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.
6. Rear Lot Line: The lot line which is opposite and most distant from the front line.
7. Side Lot Line: Any lot line that is neither a front or 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 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.

216

M

1. Manufacturing: Uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment.
2. Miscellaneous Structures: Structures other than buildings, visible from public ways. Examples are memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.
3. 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.
4. Mixed Use Development: A single development which incorporates complementary land use types into a single development.
5. 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 Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
6. Mobile Home Park: A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient 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.
7. 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.

8. Motor Vehicle: Every self-propelled land vehicle not operated upon rails, except self-propelled wheel chairs.

217

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 zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
3. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
4. Nonconforming Structure: A structure which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.
5. Nonconforming Use: A land use which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the land use.
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.

218

O

1. Official Zoning District Map: A map delineating the boundaries of zoning districts which, along with the zoning text is officially adopted by the Platte Center Village Board.
2. Off-Street Parking Area: All off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
3. 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.
4. Open Space, common: A separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.
5. 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.
6. 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.

7. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

219

P

1. Parcel: A lot or contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.
2. Parking Area, Private: An area, other than a street, used for the parking of automotive vehicles capable of moving under their own power, and restricted from general public use.
3. Parking area, Public: An area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free of for remuneration.
4. 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 townhouse residential uses shall be considered to have a means of access to a public street.
5. Party Wall: A common wall without doors, windows or openings, dividing two individual residential units. This wall can also divide the ownership of the residential units between or more individuals.
6. Party Wall Agreement: An agreement establishing a party wall between two residential units.
7. Paved: Permanently surfaced with poured concrete, concrete pavers, or asphalt.
8. Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.
9. Permanent Foundation: A base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
10. 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.
11. Planning Commission: The Madison County Joint Planning Commission, as authorized pursuant to Sections 19-924 through 19-929, inclusive of Nebraska Revised State Statutes.
12. Plant Materials: Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs, and other such vegetation.
13. Plat: A map showing the location, boundaries, and legal description of individual properties.
14. Policy: A statement or document of the Village, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.
15. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
16. Premises: A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

17. Principal Structure: The main building or structure on a lot, within which the main or primary use of the lot or premises is located.
18. 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.
19. Promotional Device: Any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered a promotional device.
20. Property Line: See "Lot Line."
21. Protected Zone: All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulations.
22. Public Water Supply: A water supply system designed to provide public piped water fit for human consumption, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals.

220

Q

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.
2. Recreational Vehicle (RV) Park: A tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
3. Regulation: A specific requirement set forth by this Zoning Ordinance which must be followed.
4. Remote Parking: A supply of off-street parking at a location not on the site of a given development.
5. Residence: A building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.
6. Retention Basin: A pond, pool, or basin used for the permanent storage of stormwater.
7. Reverse Spot Zoning: An arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from down-zoning a tract of land to a less intensive use classification than that imposed on nearby properties.
8. Rezoning: An amendment to or change in the zoning regulations either to the text or map or both.
9. Rezoning, Piecemeal: The zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

10. Right-Of-Way: The strip of land on which a public street is built.
11. Road, Private: A way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties.
12. Road, Public: All public rights-of-way reserved or dedicated for street or road traffic.

222

S

1. Satellite Dish Antenna: A round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.
2. 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 ordinance.
3. Selective Clearing: The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
4. Self-Service Storage Facilities: A building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
5. Septic Site: The area bounded by the dimensions required for the proper location of the septic tank system.
6. Setback Line, Front Yard: The line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.
7. Setback Line, Rear Yard or Side Yard: The line which defines the width or depth of the required rear or side yard. Said setback shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.
8. Setback Line Measurement: The shortest perpendicular distance between any property line and the face of the building, at grade level.
9. Sight Triangle: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½') and ten feet (10') above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersections of the centerline of the streets, ninety feet (90') in each direction along the centerline of the streets.
10. 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.
11. 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 ordinance.
12. 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 Village in order that an informed decision can be made on the associated request.

13. Solid Waste: Waste materials consisting of garbage, trash, refuse rubble, sewage, offal, dead animals, or paunch manure.
14. Specified Anatomical Areas: Anatomical areas consisting of:
 - a. Less than completely and opaquely human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
15. Specified Sexual Activities: Activities consisting of the following:
 - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the conduct: anilingus, buggery, coprophagy, coprophila, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal, tumescence; or
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, masturbation; or
 - d. Fondling or touching of nude human genitals, pubic region, buttocks, female breast(s); or
 - e. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint of any such persons; or
 - f. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
 - g. Human excretion, urination, menstruation, vaginal, or anal irrigation.
16. Spot Zoning: An arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.
17. Standard System: A sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.
18. Stockpiling: The accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one (1) year.
19. Storage: The keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more that thirty (30) days.
20. Storm Drain: A conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.
21. State: The State of Nebraska.
22. 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.
23. Street: A right of way, dedicated to public use, which 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.
24. 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.

25. Street, Local: A street which is used primarily for access to the abutting properties.
26. 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.
27. Street, Minor: A street whose sole function is to provide access to abutting properties. In cases of double frontage lots, the minor street is the one that serves fewer uses and which is designed to handle fewer auto trips per day than adjacent streets.
28. Street Yard: The area of a lot or parcel which lies between any street property line and the fronting walls of any building or buildings on the parcel. The street yard follows all irregularities or indentations in the building, excluding minor irregularities such as porches or steps.
29. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.
30. Subdivision: the division of a lot, tract, or parcel of land into two (2) or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future, provided the smallest lot created by the division is ten (10) or less acres in size.
31. Surface Waters: All waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

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I

1. Temporary Use: A use intended for limited duration to be located in a zoning district not permitting such use.
2. Tower: A structure situated on a site that is intended for transmitting or receiving television, radio, satellite, or telephone communications. (Also, see Antenna.)
3. Townhouse: A dwelling unit having a party (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.
4. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.
5. Tract: A lot or contiguous groups of lots in a single ownership or under a single control usually considered a unit for purposes of development.

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U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
 - a. Use, Best: The recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.
 - b. Use, Highest: An appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.
 - c. Use, Permitted: Any land use allowed without condition within a zoning district.

- d. Use, Principal: The main use of land or structure, as distinguished from an accessory use.
 - e. Use, Prohibited: Any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
2. Used Materials Yard: Any lot or a portion of any land used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards."
 3. Utilitarian Structure: A structure or enclosure relating to mechanical or electrical services to a building or development.
 4. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.
 5. Utility Easement: The same as "Easement."

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V

1. Variance: A relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.
2. Village: Platte Center, Nebraska.
3. Village Board: The Village Board of Platte Center, Nebraska.
4. Vegetation: All plant life; however, for purposes of this Zoning Ordinance it shall be restricted to mean trees, shrubs, and vines.
5. Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (Also, see Motor Vehicle.)
6. Visual Obstruction: Any fence, hedge, tree, shrub, wall or structure exceeding two (2) feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight (8) feet.

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W

1. Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

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X

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Y

1. 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 ordinance.

- 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 the depth of a lot from the front to rear lot lines, 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.

2. Yard, Street: See Street Yard

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Z

1. Zero Setback Lot Line: A townhouse or duplex separated by a Party Wall and a Party Wall Agreement may have a Zero Setback Lot Line established for the purposes of dividing ownership of the townhouse or duplex.
2. Zoning Administrator: The designee of the Village Board, responsible for the interpretation and administration of Platte Center Zoning Ordinance.
3. 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.
4. Zoning District, Change of: The legislative act of removing one (1) or more parcels of land from one (1) zoning district and placing them in another district on the zoning map of the Village.