



ZONING ORDINANCE

ARTICLE TWO DEFINITIONS

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ARTICLE TWO – DEFINITIONS

201 Purpose

Article Two shall be known as the 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.

202 General Construction of Language

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

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 the Zoning Ordinance.

B. Illustration

In the case of any real or apparent conflict between the text of this Ordinance 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 Beatrice.

203 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.

204 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 primary use residence or building on the same lot or site. (Ord. No. 08-21, Sec. 1, 8-4-08)
3. Accessory Use: A use which is incidental to and customarily associated with a specific principal use on the same site.
4. Addition: Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. Agent of Owner: Any person showing notarized written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
6. Alley: A public right of way which is used as a secondary means of access to abutting property.
7. 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.
8. Attached: Having one or more walls in common with a principal building or connected to a principal building or residence by an integral structural element, such as a structural load bearing wall and common use roof. A trellis or decorative features shall not be considered an integral structural element. (Ord. No. 08-21, Sec. 2, 8-4-08)

205 B

1. Base District: A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
2. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
3. 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 city limits of Beatrice.
4. Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

5. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.
6. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
7. Building Line: The outer boundary of a building established by the location of its exterior walls, along with any adjustments permitted by Article Seven.
8. Building Official: The Chief Building Inspector or his/her designee, responsible for supervision and operation of the building and land use regulations of the City of Beatrice.
9. 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.

206 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 ordinance 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 Beatrice, Nebraska.
4. City Council: The City Council of Beatrice, Nebraska.
5. Collector Street: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
6. Commission: The Planning and Zoning Commission of the City of Beatrice.
7. Common Area: An area held, designed, and designated for common or cooperative use within a development.
8. Common Development: A development under the control of a single owner or management entity, planned and developed as a single unified project. Projects defined as Common Developments may not be divided by a public street, alley, or other public right-of-way.
9. 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.
10. Comprehensive Plan: The duly adopted Comprehensive Development Plan for the City of Beatrice.
11. County: Gage County, Nebraska.

207 D

1. Density: The amount of development per specific unit of a site.
2. Detached: Fully separated from any other building or jointed to another building or dwelling unit in such a manner as not to constitute an enclosed or covered connection. Separation in accordance with current adopted building codes. (Ord. No. 08-21, Sec. 3, 8-4-08)
3. Drive-in Services: Uses which involve the sale of products or provision of services to occupants in vehicles.
4. Driveway: A permanently surfaced area providing vehicular access between a street and an off street parking or loading area.
5. Dwelling Unit (or Housing Unit): A building or portion of a building arranged for an intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

208 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 owner, a utility, or any other agency.
2. Enclosed: A roofed or covered space fully surrounded by walls.

209 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 3 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.
2. Federal: Pertaining to the Government of the United States of America.
 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 premises abutting and parallel to a public street.

210 G

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

211 H

1. 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.
2. 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.

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.

213 J

214 K

215 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, groundcover, and other organic plant material; 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.

2. 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.
3. 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 Gage 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 this Zoning Ordinance. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development.
 - (a) Corner Lot: A lot located at the intersection of two streets or on two segments of a curved street 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.
 - (c) Interior Lot: A lot other than a corner lot.
4. Lot Area: The total horizontal area within the lot lines of a lot.
5. Lot Depth: The average horizontal distance between the front and rear lot lines.
6. 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. For a corner lot, the shorter lot line abutting a street or the line designated as the front lot line on a subdivision plat or parcel map. For a double frontage lot, the lines separating the lot from both streets.
 - (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 or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
7. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the line of the required front yard setback and the side lot lines.

216 M

1. Mobile Home: (a) 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, and which does not have permanently attached to its body or frame any wheels or axles, or (b) a modular housing unit as defined in section 71-1557 of the Nebraska Revised Statutes bearing a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act. Recreational vehicles and travel trailers are excluded from this definition.
2. Mobile 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. Mixed Use Building: A building or structure that incorporates two or more use types within it.
4. Mixed Use Development: A single development which incorporates two or more use types within its site boundaries. (Ord. No. 94-69 Sec. 1, 4-3-95; Ord. No. 98-43 Sec. 1, 8-3-98)

217 N

1. Nonconforming Development: A building, structure, or improvement which does not comply with the provisions of this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. Nonconforming Use: A lawful use of land which does not comply with the provisions of this Zoning Ordinance but which complied with applicable regulations at the time the use was established.
3. 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. 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. 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.
3. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

219 P

1. Parcel: A distinct, contiguous piece of land that may or may not be a subdivided, legally described lot.
2. Parking Facility: An area on a lot 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.
3. Parking Spaces: An area on a lot 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.
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 a parcel of land or an aggregation of contiguous parcels 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. Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
7. 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.
8. Property Line: The line separating parcels under different ownerships or between different developments.

220 Q

221 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. 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.

222 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screen techniques include fences, walls, vegetation, berms, or other features.
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 line 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. Spa: A structure containing heating elements intended to be filled with water and used for hydrotherapy, relaxation, or pleasure. This term is interchangeable with “hot tub” and “whirlpool”.
7. Special Use 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 use permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Planning and Zoning Commission.
8. State: The State of Nebraska.
9. Storage Container:
 - (a) any container or vessel originally designed for, or used in, the packing, storage, shipping, movement, or transportation of cargo, freight, goods, equipment, or commodities; or
 - (b) any railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, and similar pre-fabricated items originally built for purposes other than the storage of goods and materials, when such item is used for the storage of goods and materials and is either no longer operable as intended by the manufacturer or no longer being used as intended by the manufacturer. (Ord. No. 18-018, 7-16-18)
10. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.
11. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground. This definition excludes poles used for the support of wires and appurtenant equipment necessary for the supply or distribution of public utilities.
12. Swimming Pool: An outdoor structure that is used to hold water and that is used for swimming and other outdoor recreation. (Ord. No. 18-013; 6-18-18)

223 T

1. Townhouse: Three or more adjacent dwelling units separated by vertical sidewalls in a townhouse structure, each with independent front and rear access to the outside, and neither above nor below any other dwelling unit.
2. Townhouse Structure: A building formed by three or more contiguous townhouse dwelling units with common or abutting walls.

224 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.

225 V

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

226 W

227 X

228 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.
 - (d) Street Side Yard: On a corner lot, a required yard extending the depth of a lot from the front to rear lot lines, between the street side lot line and the street side setback line.

229 Z

1. Zone Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district; and can provide such yards and other open spaces that are required by the district regulations.
2. 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.