

ARTICLE 3

GENERAL DEFINITIONS

3.1 GENERAL PROVISIONS

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.

3.1.1 TENSE: Words used in the present tense include the future tense.

3.1.2 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.

3.1.3 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissive.

3.1.4 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

3.2 GENERAL TERMINOLOGY

The word "City" shall mean the City of Randolph, Nebraska. The word "Governing Body" shall mean the City Council of Randolph, Nebraska. The words "Planning Commission" shall mean the Planning Commission of Randolph duly appointed by the governing body of the City of Randolph.

Words or terms not herein defined shall have their ordinary meaning in relation to the context.

3.3 DEFINITIONS

For the purpose of this Ordinance certain words and terms used herein are defined as follows;

ACCESSORY BUILDING OR USE: A building or use that exhibits the following:

1. Constructed or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.

2. Clearly incidental to, subordinate in purpose and area to, and serves the principal use.

AGRICULTURAL FARM OR OPERATION: A tract of land used for the purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of or the produce of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and any other agricultural or horticultural use. In contrast to a livestock feeding operation, as hereinafter defined in the definition of Intensive Livestock Facilities/Operations/Feedlots (LFO), any person or entity operating within the following categories shall be considered to be a farming operation and shall not be considered as operating a LFO unless the operation exceeds the following:

- a. One (1) Animal Unit (AU), as defined in the definition for Animal Unit herein, per acre for a parcel less than forty (40) acres in size;
- b. One and one-half (1 1/2) AU per acre for a parcel of land greater than forty (40) acres, but less than eighty (80) acres; or
- c. Two (2) AU per acre for parcels over eighty (80) acres.

Notwithstanding the provisions of a through “c” above, any time the number or combination of Animal Units (AU) exceeds two hundred fifty (250), regardless of the size of the parcel of land, the operation shall be considered a LFO in these regulations.

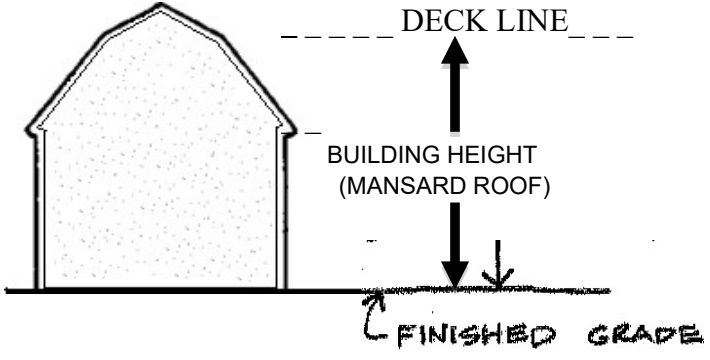
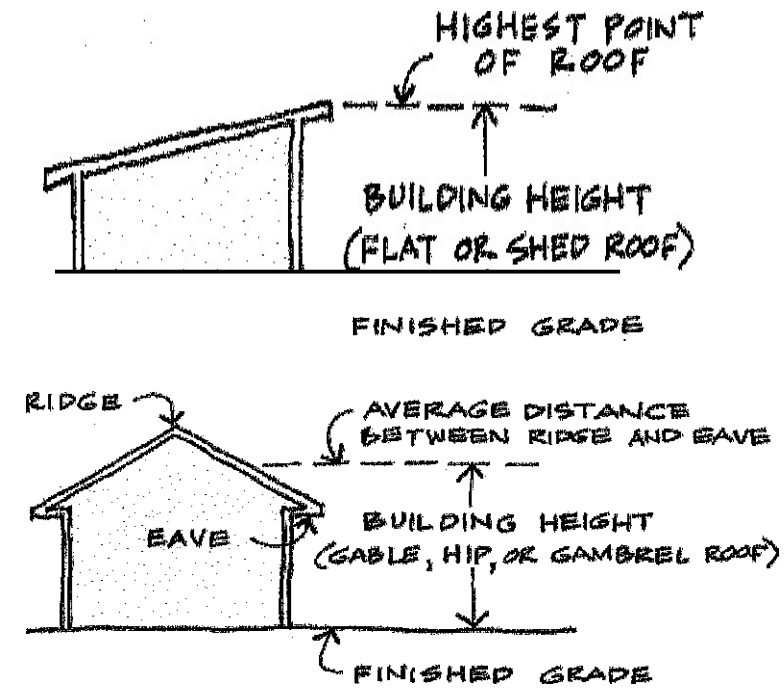
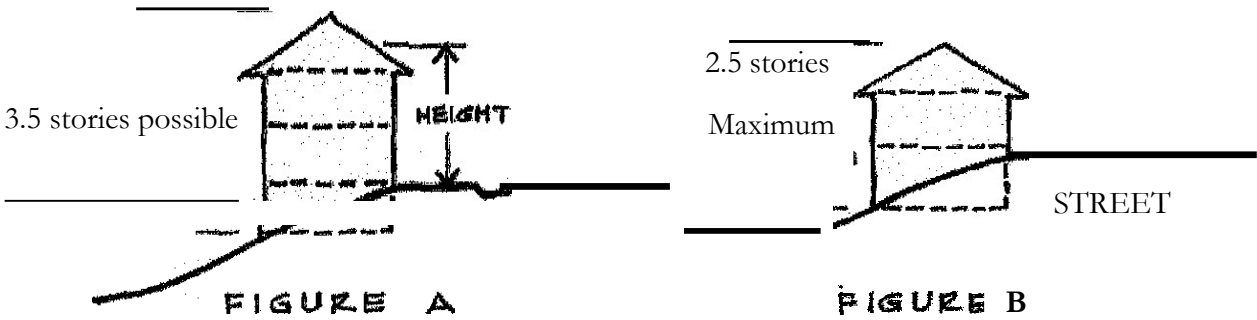
ANIMAL UNIT: One animal unit shall equal one (1) head of slaughter or feeder cattle, seven• tenths (0.7) head of mature dairy cattle (whether milked or dry cows), two and five-tenths (2.5) swine each weighing over 55 pounds, twenty-five (25) weaned pigs each weighing less than 55 pounds, five-tenths (0.5) head of horses, ten (10) sheep or lambs, fifty-five (50) turkeys, one hundred (100) laying hens or broilers if the facility has continuous overflow watering, thirty (30) laying hens or broilers if the facility has a liquid manure system, and/or five (5) ducks.

BED AND BREAKFAST: A building other than a hotel or motel, where, for compensation and by pre-arrangement for definite periods, meals, lodging, or lodging and meals are provided. This includes bread and breakfast facilities and tourist homes accommodating not more than twenty persons.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building. "Building" includes "structure."

BUILDING HEIGHT: The vertical distance to the highest point of the roof structure; measured from the base of the building.



BUILDING HEIGHT

CAMP GROUNDS: Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers.

CHILD CARE CENTER: A facility, which is or should be licensed by the Nebraska Department of Social Services under the authority of Sections 71-1908 through 71-1918, Revised Statutes of Nebraska, as provided and defined under the Title 474 of the Nebraska Administrative Code, Chapter 6, Section 002.

CHILD CARE HOME: A private home providing care (for children) for compensation, which is or should be licensed by the Nebraska Department of Social Services.

CLUB: Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

CONDITIONAL USE: A use that is allowed in a zone when specified conditions have been complied with as identified for each district as a conditional use. A conditional use permit is reviewed and issued by the zoning administrator.

DWELLING: Any building or portion thereof that is designed and used exclusively for residential purposes.

DWELLING, MULTI-FAMILY: A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: shall mean a building having accommodations for or occupied exclusively by one family. Any residential structure shall meet the following criteria:

1. Shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes; to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

2. Shall have at least one habitable room with not less than 120 sf of gross floor area.
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens.
4. Habitable rooms shall have not less than seven feet in any horizontal dimension.
5. Ceiling height effect on room area: A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor; B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
8. Shall have a kitchen area and sink.
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
10. All electrical shall be in compliance with all local, state and/or federal electrical codes.
11. The unit shall meet all egress requirements found in local, state, and/or federal codes.
12. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineering by a licensed architect and/or engineering.
13. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
14. The home shall have no less than 800 square feet of living space, above grade, for single story construction.
15. The home shall have no less than 18-foot exterior width.
16. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run.
17. The exterior material shall be of a color material and scale comparable with existing site-built, single-family residences.
18. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock. However, standing seam roofs are allowable provided it's non-reflective.

DWELLING, TWO-FAMILY: A residential building containing two (2) dwelling units entirely surrounded by open space on the same lot.

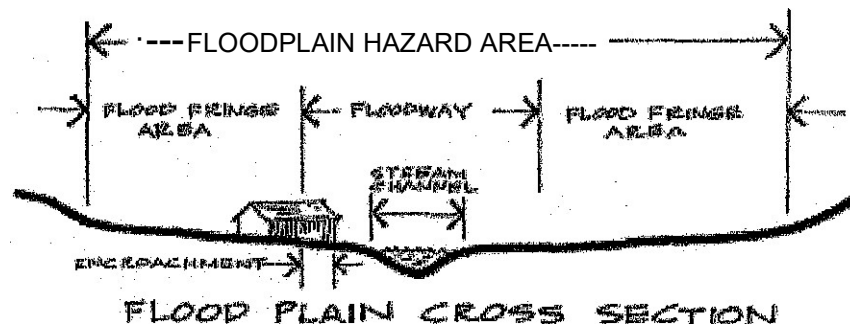
EASEMENT: A grant by the property owner to the public, a corporation or persons for the use of a tract of land for a specific purpose or purposes.

FARM: (see Agricultural Farm or Operation)

FARM RESIDENCE: Residential dwellings located on a farm, including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.

FARMSTEAD: Any building site that includes at least two (2) buildings that have combined assessed valuation for tax purposes of at least \$5,000 as of the date on which these regulations go into effect.

FLOOD PLAIN: Those lands within the zoning jurisdiction of the City that are subject to a one percent (1%) or greater chance of flooding in any given year. The regulatory flood plain for this Ordinance shall be based on the official Flood Hazard Boundary Map or Flood Insurance Administration, U.S. Department of Housing and Urban Development and any revision thereto. The City of Randolph participates in the National Flood Insurance Program regulation of floodplain development and complies with "Nebraska Minimum Standards for Floodplain Management Programs." Copies of said map, are on file and available in the Office of the City Clerk.



HOME OCCUPATION: An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents.

INOPERABLE MOTOR VEHICLE: Any motor vehicle which (1) does not have a current state license plate or (2) which may or may not have a current state license plate, but is disassembled or wrecked in part or in 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 which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

INTENSIVE LIVESTOCK FACILITIES/OPERATIONS/FEEDLOTS (LFO): Facilities/operations shall mean a lot or portion of a lot used for the enclosing and feeding of livestock for market. The confined feeding of animals in buildings, lots or pens which are not used for the raising of crops or the grazing of animals. Except for temporary confinement such as during seasonal adverse weather any of these terms "intensive livestock facilities; or, operations; or, feedlots" shall include the confined animal feeding operation of: (1) Livestock for other than farm operator, or (2) Livestock when not in conjunction with a farming operation or (3) exceeding two Animal Units (AU) per acre for parcels over eighty (80) acres or two hundred fifty (250) total Animal Units as defined herein.

KENNELS: Commercial Kennel shall mean an establishment where four (4) or more dogs or cats or any combination thereof, or other household pets are groomed, bred, boarded, trained or sold as a business.

Private Kennel shall mean any premises used for the keeping of (3) or less dogs or (5) cats or (5) poultry a combination thereof by the owner/occupant or occupant of the premises for the purpose of show, hunting, or as pets. The dogs, cats, and chickens shall belong to the owner/occupant or occupant and their keeping shall be accessory to the main use of the premises.

LANDFILL: A disposal site employing an engineering method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

LOT: A parcel of land occupied or intended for occupation in this Ordinance and fronting upon a street or road.

LOT, CORNER: A lot abutting two or more streets or roads at their intersection.

LOT DEPTH: The average horizontal distance between the front and rear lot

lines.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street or road.

LOT OF RECORD: A lot of which is part of a subdivision recorded in the Office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been so recorded.

LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth.

MEDICAL CLINIC: An organization of specializing physicians, or dentists, or physical therapists, or chiropractors that have their offices in a common building.

MOBILE HOME: A year-round, transportable structure which is a single family dwelling unit suitable for permanent, more than thirty (30) days living quarters, more than eight (8) feet wide and forty (40) feet in length designed and built to be towed on its own chassis and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities.

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, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built to compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes bearing the seal of the Department of Health.

NATIONAL FIRE PROTECTION ASSOCIATION: The standards setting organization for codes followed by these ordinances. In particular, CODE 58, regulating propane and propane tank installation.

NONCONFORMING LOT OF RECORD: Is a recorded lot, lawful at the time of the enactment or amendment of this Ordinance which does not conform to the minimum area, yard or frontage requirements in the district in which it is located.

NONCONFORMING STRUCTURE: Is any building or structure, which, at the time of enactment or amendment of this ordinance, was lawful, but currently:

1. Either does not comply with all the regulations of this Ordinance or with any amendment regarding tile zoning district in which such building or structure is located.
2. Or is designed or intended for a non-conforming use.

NONCONFORMING USE: The use of a structure or parcel of land that was legal at the time of adoption or amendment of these regulations but which does not comply with the use regulation applicable to the zoning district in which use is located.

PARKING SPACE, OFF-STREET: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting tile parking space with a street or road and permitting ingress and egress of an automobile.

PROPANE TANKS: Liquefied petroleum gas containers as specified by CODE 58 of the NFPA for storage of LP gas. No propane within the city limits shall be more than 500 gallons.

RECYCLING CENTER: A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum, and paper; and similar household wastes; no hazardous material as defined by state and federal law is accepted; there is no wrecking or dismantling of salvage material and no salvage material is held outside a building.

RECYCLING COLLECTION POINT: A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

SALVAGE OR JUNK YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, boats or trailers presently in operable

condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing operations.

SETBACK: shall mean the required minimum horizontal distance between the building or structure and the related front, rear or side lot line. (Also see Yard)

SHOPPING CENTER: shall mean a grouping of retail business and service uses on a single site with common parking facilities.

SIDE YARD: (see Yard, side)

SIGHT TRIANGLE: shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within these regulations. Sign shall mean any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, logo, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter illumination device, constructed, attached, erected, fastened, manufactured or painted in any manner whatsoever so that the same shall be used for the attraction of the public, performance, article, machine or merchandise whatsoever, and displayed in any manner cut of doors for recognized advertising purposes, or any letter, figure, character, etc. as set forth herein that is permanently painted on or adhered to any doors or windows of building or structures. (Also see Sign, billboard)

SIGN, ARCHITECTURAL CANOPY: shall mean an enclosed, illuminated (backlit awning) or non- illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's copy area integrated into its surface.

SIGN AREA: shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

SIGN, AWNING, CANOPY OR MARQUEE: (see Sign, architectural canopy)

SIGN, BILLBOARD: shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

SIGN, BUILDING: shall mean any sign supported by, painted on or otherwise attached to any building or structure.

SIGN, CLOSED: shall mean a sign in which more than fifty percent (50%) of the entire area is solid or tightly closed or covered.

SIGN, COPY AREA: shall mean all lettering, wording, and accompanying designs, symbols, logos, and trademarks on a sign area. Sign, destination shall mean a sign used to inform and direct the public to important public places and buildings, landmarks and historical sites in the most simple, direct and concise manner possible.

SIGN, DIRECTIONAL: shall mean a sign that provides directional assistance to access an establishment conveniently and safely.

SIGN, ELECTRONIC MESSAGE BOARD: shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, FLASHING: shall mean a sign, which, by method or manner of illumination, flashes on or off; winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off. Sign, freestanding shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building. Sign, illuminated shall mean a sign illuminated in any manner by an artificial light source.

SIGN, LOW PROFILE: shall mean a sign mounted directly to the ground with a maximum height not to exceed six (6) feet.

SIGN, MESSAGE: (see Sign, electronic message board)

SIGN, MONUMENT: (see Sign, low profile)

SIGN, OBSOLETE: shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six (6) months after the termination of the

existence of such business or the termination of sale of the product advertised.

SIGN, OPEN: shall mean a sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

SIGN, PORTABLE: shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

SIGN, PROJECTING: shall mean a display sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

SIGN, ROOF: shall mean a sign that is erected, constructed and maintained above the roof of the building. Sign setback shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN, SUBDIVISION IDENTIFICATION: shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

SIGN, TEMPORARY: shall mean a sign constructed of cloth, fabric or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

SIGN, WALL: shall mean a sign which is painted on or is directly attached to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the fence or wall.

SIGN, WINDOW: shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

SIMILAR USE: shall mean the use of land, building or buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

SITE PLAN: shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

SITE, SEPTIC: shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

SPECIAL USE PERMIT: A written permit issued with authorization of the applicable governing body. The special permit provides permission under specific conditions to make certain special uses of land in certain zoning districts as stipulated under permitted special uses in each of the district zoning regulations. The city may attach whatever conditions it deems necessary; to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance, environmental and safety provisions, bonding requirements, expiration or renewal dates and other similar requirements.

STORAGE: The keeping, in a roofed or unroofed area, any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days

STREET: All property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes.

STREET, CENTER LINE: A line midway between street lines.

STREET LINE: A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including public items such as utility poles, street light fixtures, street signs, bridges and culverts.

STRUCTURAL ALTERATION: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof.

TOWNHOUSE: One of a group or row of not less than two (2) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the

structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

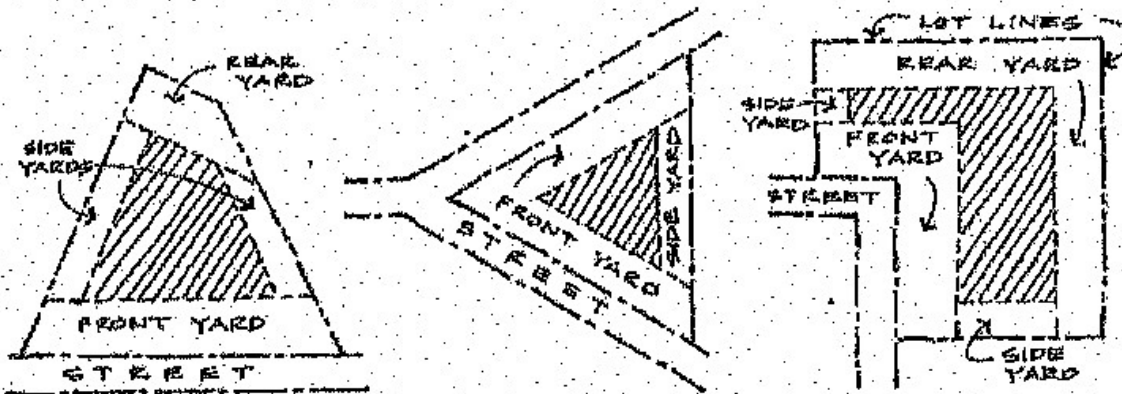
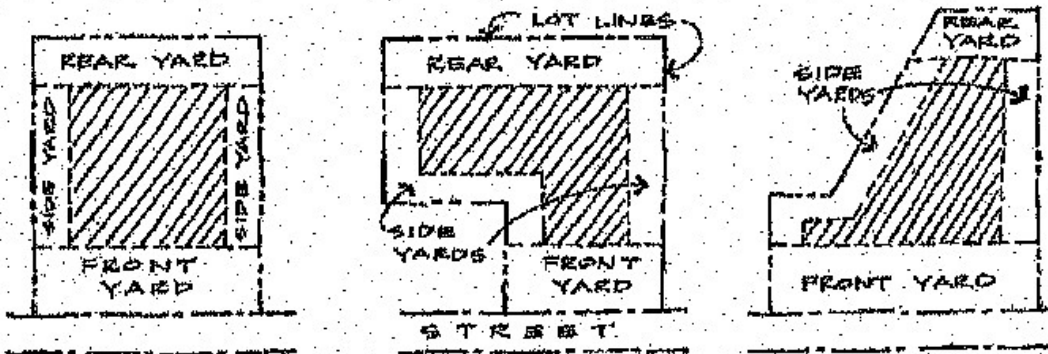
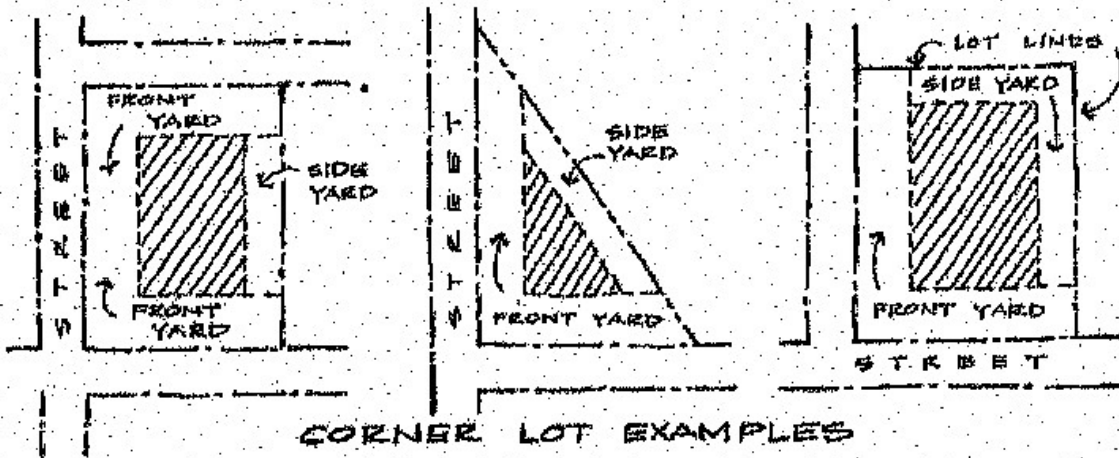
YARD: An open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yards accessories, ornaments, and furniture may be permitted in any yard subject to the district regulations.

YARD, FRONT: A yard extending from the front lot line adjoining a public street to the front of the building between side lot lines.

YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot to the nearest point of the main building.

YARD, REQUIRED: The required minimum open space between the property line and the yard line. The required yard shall contain no building or structure other than the projection of the usual steps, or open porches, or as otherwise provided in these regulations.

YARD, SIDE: A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building.



REQUIRED YARDS



BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

ZONING BOARD OF ADJUSTMENT: The legally appointed county/municipal board empowered to hear and decide appeals from, and to provide interpretations of, the terms of the zoning ordinance and official maps as defined within this ordinance and in accordance with the laws of the State of Nebraska.

ZONING DISTRICT: The term "Zoning District" means an area delineated on a zoning map for which uniform use regulations are specified.

ZONING MAP: The term "Zoning Map" means a map or maps officially enacted by the governing body as part of this ordinance showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the City Clerk as an official record of the City.

ZONING ADMINISTRATOR: The person or persons authorized and empowered by the governing body to administer the requirements of the zoning regulations.

Source of diagrams: Moskowitz, H.S. and Lindbloom, C.B. 1997. *The New Illustrated Book of Development Definitions*. New Brunswick, New Jersey: Center for Urban Policy Research, Rutgers University.