

SECTION 44 - DEFINITIONS

44.1 For the purpose of this regulation, certain terms and words are hereby defined as follows. Words used in the present tense will include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the words "plot" or "tract"; and the word "shall" is mandatory and not discretionary. Words or phrases used in this regulation shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this regulation its most reasonable application.

ABATTOIR shall mean a place where cattle, sheep, hogs or other animals are killed or butchered for market or for sale, provided, however, that this shall not to be taken to mean or to include poultry.

ABUT shall mean as follows: two adjoining parcels of property, with a common property line, are herein considered as one parcel abutting the other. Except where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than ten (10) feet in a single direction. Abut shall mean the same as adjoin; contiguous.

ACCESS OR ACCESS WAY shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this regulation.

ACCESSORY STRUCTURE shall mean a structure or part of a structure, detached from a principal building and located on the same lot which is subordinate to, and the use of which is incidental to that of the main building, structure or use.

ACCESSORY LIVING QUARTERS, GUEST HOUSE shall mean living quarters within an accessory building located on the same premises as the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented nor otherwise used as a separate dwelling unit. See "Accessory Structure" above.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building in a residential district, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

ACREAGE shall mean any parcel of land between 10 and 79 acres.

ACTUARIAL RATES - or "risk premium rates" shall mean those rates established by the Administrator, pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with 42 U. S. C. §4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

ADJACENT shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent."

AGRICULTURE shall mean the use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

AIRCRAFT shall mean any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air or outer space, including missiles.

AIRPORT shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

ALCOHOL SALES, RETAIL shall mean establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

ALLEY shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or sides of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of these regulations related to frontage on a dedicated street.

ANIMAL DAYCARE shall mean a facility for the caring of animals on a daily or weekly basis providing training, exercise, and socialization.

ANIMAL HOSPITAL shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

ANIMAL UNIT - shall mean the number of animal equivalent to one (1) unit.

2 feeder or calves under 500 lbs	= 1 AU
1 feeder or slaughter steer	= 1 AU
3 swine over 50 pounds	= 1 AU
10 swine under 50 pounds	= 1 AU
1 dairy cow	= 1 AU
10 sheep or goat	= 1 AU
100 layer or broiler	= 1 AU
50 turkeys	= 1 AU
1 horse	= 1 AU
1 non-traditional farm animal	= 1 AU
2 miniature animals	= 1 AU

Any amount of animal units 300 or less shall constitute a farm operation. Any amount over 300 shall be considered a commercial operation.

ANIMAL UNIT DENSITY LIMITATION - those portions of an Acreage devoted to livestock production shall be limited to 1 Animal Unit per acre without a special use permit. This definition shall apply to Agricultural Farming (AG) and Agricultural Development (AGD) zoning districts.

ARCHITECTURAL CONCRETE PANELS shall mean precast panels with etched or exposed aggregates, scored or inlaid patterns with definition; inlaid thin brick, inlaid architectural concrete block and stone texture and accents. Standard tooled or water/air blasted concrete finish does not meet this definition.

ARCHITECTURAL CONCRETE UNITS shall mean concrete masonry units of standard mix design and density with a modified face exposure of a scored patten, flute, or rock texture. Integral color, marbled color, solid high glaze color patterns and ground faces (exposing aggregate), are part of this definition.

ASSESSOR shall mean the County Assessor of Sarpy County, Nebraska.

AREA OF SHALLOW FLOODING means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AUTOMOTIVE/MOTORCYCLE SALES, RENTAL AND SERVICE shall mean establishments or places of business primarily engaged in sale and/or service of automobiles, motorcycles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. Automobile Auction Lots: Sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships.
2. Automotive Rental and Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
3. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
4. Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
5. Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
6. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

AUTOMOBILE TRAILER see "Trailer, Automobile."

AUTOMOBILE WRECKING YARD shall mean 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 of parts and equipment resulting from such dismantling or wrecking.

BASE FLOOD shall mean the flood having one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION shall mean the elevation of the base flood having one percent chance of being equaled or exceeded in any given year.

BASEMENT shall mean any area of the building having its floor sub-grade (below ground) on all sides.

BEST AVAILABLE DATA shall mean any hydrologic and hydraulic studies which result in a base flood elevation that is higher than that shown on the Effective FIRM or Effective FIS. Such study must be in use by the applicable government agencies.

BILLBOARD SIGN A sign which directs attention to a business, activity, commodity, service entertainment or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatted land, City-County boundaries, or adjoining property lines.

BLOCK FRONTAGE shall mean all property fronting on one (1) side of a street between a street and right-of-way, waterway, or between intersecting or intercepting streets, the end of a dead-end street, or city or County boundary measured along a street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

BOARD shall mean the County Board of Commissioners of Sarpy County, Nebraska.

BOARD OF ADJUSTMENT shall mean the Board of Adjustment of Sarpy County, Nebraska.

BOARDING, LODGING OR ROOMING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation.

BREEZEWAY shall mean a roofed passageway, open on at least two (2) sides, where the roof is structurally integrated with the structure of the main building.

BUFFER ZONE shall mean open spaces, landscaped areas, fences, walls, berm, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary." Trailers, with or without wheels, shall not be considered as buildings.

BUILDING, AREA OF shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

BUILDING, HEIGHT OF shall mean the vertical distance from the established grade to the highest point of the coping of a flat roof, to the decline 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.

BUILDING, MAIN shall mean a building within which is conducted the principal use permitted on the lot, as provided by these regulations.

BUILDING SETBACK LINE shall mean the minimum distance as prescribed by these regulations between any property line and the closest point of the building line or face of any building or structure related thereto.

BUILDING SITE shall mean the ground area of a building together with all of the open space required by these regulations.

BUSINESS SERVICES shall mean those offices that provide services to businesses and the general public including but not limited to attorneys' offices, architects and engineers offices, insurance offices, corporate offices, general offices, but not including medical and dental offices.

CAMP, PUBLIC shall mean any area or tract of land used or designed to accommodate two (2) or more camping parties including tents or other camping outfits but not including trailer parks. Such camp may be publicly or privately owned and operated.

CARPORT shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, cinerariums, crematoriums and mausoleums.

CHANNEL shall mean a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct flowing water continuously or periodically. Channel flow thus is that water which is flowing within the limits of a defined channel.

CHILD CARE FACILITY shall mean Day-care services for children that follow a facility classification system established by the State of Nebraska:

- (A) Family Child Care Home I. A Program in the home of a provider, maximum capacity is eight children of mixed ages and two additional school age children during non-school hours for a maximum occupancy of 10 children.
- (B) Family Child Care II. A program in the home of a provider, maximum capacity is twelve children with two providers.
- (C) Child Care Center. A program in the home of the provider or in a dedicated facility, licensed for at least 13 children.
- (D) Preschool. A program providing educational services where children do not nap and are not fed a meal. Preschools can be located in the residence of the licensee or in a dedicated facility. The State of Nebraska licenses preschools into two categories based on capacity:
 - 1. Less than 30
 - 2. More than 30May also be known as Day Nursery, Nursery School, or Child Care Nursery.

CHURCH – See Religious Facility.

CLINIC shall mean a place for group medical services not involving overnight housing of patients.

CLUB shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

COLLEGE AND UNIVERSITY shall mean an educational institution offering advanced instruction in any academic field beyond the secondary level, including trade schools or business colleges.

COMMERCE shall mean the purchase, sale or other transaction involving the handling or disposition (other than that included in the term "industry" as defined herein) of any article, substance or commodity for profit or a livelihood, but not including dumps and junk yards.

COMMERCIAL COMPOSTING shall mean the controlled, biological decomposition of selected solid organic waste materials under aerobic conditions resulting in an innocuous final product.

COMMERCIAL DISTRICT shall mean designated areas for business and service establishments.

COMMERCIAL OFFICE shall mean any administrative or clerical office maintained as a business and any office established by a public service over which these regulations has jurisdiction.

COMMERCIAL SPORTS AND RECREATION FACILITIES (CONTROLLED IMPACT) shall mean a private business or other organization that may or may not be commercial by structure or by nature, primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Controlled Impact Commercial Sports and Recreation uses typically take place entirely within enclosed buildings or, when outdoors, have limited effects related to lighting, hours of operation, or noise. Typical uses include indoor skating facilities, indoor gymnasiums, and other indoor sports and training facilities.

COMMERCIAL SPORTS AND RECREATION FACILITIES (HIGH IMPACT) shall mean a private business or other organization that may or may not be commercial by structure or by nature, primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. High Impact Commercial Recreation uses are typically located outdoors and have operating effects caused by lighting, noise, traffic, or hours of operation that create substantial environmental impacts. Typical uses include lighted driving ranges, go-kart tracks, race tracks, and other outdoor sports and training complexes.

COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development, or condominium development.

COMMUNICATION EQUIPMENT BUILDINGS shall mean buildings housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel.

COMPREHENSIVE PLAN shall mean the Sarpy County Comprehensive Plan, as adopted by the Planning Commission and the Board of County Commissioners in accordance with the laws of the State of Nebraska.

CONDOMINIUM shall mean the definition in the Nebraska Revised §76-801-76-823 (Reissue 1990 and Supp. 1994) (The Condominium Law), whereby four or more apartments are separately offered for sale.

CONSTRUCTION AND DEMOLITION WASTE shall mean waste building materials concrete, asphalt, wood, metals and rubble which result from the construction or demolition of structures. Such waste shall also include trees.

CONTRACTORS/TRADE OFFICES AND YARDS shall mean establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

COUNTY shall mean Sarpy County, Nebraska.

COUNTY ATTORNEY'S OFFICE shall mean the County Attorney's Office of Sarpy County, Nebraska.

COUNTY CLERK shall mean the County Clerk of Sarpy County, Nebraska.

COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such buildings.

COURT, APARTMENT shall mean a group of dwellings arranged for two (2) or more sides of a court on a lot which opens into a dedicated street.

COURT, ENCLOSED shall mean a court surrounded on all sides by exterior walls of a building and lot lines on which fences, hedges or walls are permitted.

COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

COURT, OUTER shall mean a court enclosed on all but one (1) side by exterior walls of a building or buildings or lot lines on which fences, hedges, or walls are permitted.

DAIRY FARM shall mean any place or premises upon which milk is produced for sale or other distribution and where more than two (2) cows or six (6) goats are in location.

DATA CENTER shall mean a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure without actually being part of the physical network. A data center may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment. A data center may include, but shall not be limited to, accessory uses that include offices for data center staff and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. Typical uses include data processing centers and server farms.

DAY shall mean calendar day.

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

DIRECTOR OF PLANNING shall mean the Director of Planning of Sarpy County, Nebraska or his/her designated representative.

DISTRICT shall mean an area, region, or zone with specific permitted and special uses.

DORMITORY shall mean a building intended or used principally for sleeping accommodations, where such building is related to an educational or public institution, including religious institutions and fraternities and sororities.

DRAIN WAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; watercourse or drain way, it shall be presumed to be a watercourse.

DRINKING ESTABLISHMENT shall mean a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

DRIVE-IN MOVIE shall mean any lot or portion of a lot used for the parking of automobiles for the purpose of the occupants viewing a motion picture or other entertainments.

DRIVE-IN RESTAURANT shall mean any building or structure in which food and drink are prepared for service to customers within such structure or occupying vehicles outside of such structures, and including self-service restaurants for take-out food.

DWELLING shall mean a building or portion thereof designed and used exclusively for residential occupancy and permitted home occupations, including one (1) family, two (2) family and multiple family dwellings, but not including hotels, motels, boarding or lodging houses, or trailers (with or without wheels).

DWELLING, SINGLE FAMILY shall mean a detached building designed or used exclusively for the occupancy of one (1) family, and having kitchen and toilet facilities for only one (1) family; residence.

DWELLING, TWO (2) FAMILY, DUPLEX shall mean 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, being on a single lot and under the control of one owner.

DWELLING, GROUP DWELLING, MULTIPLE; APARTMENT HOUSE shall mean two (2) or more dwelling units located on a single lot and each having separate kitchen and toilet facilities.

DWELLING UNIT shall mean two (2) or more rooms in a dwelling or dwelling group designed for or occupied by one (1) family for living or sleeping purposes and having only one (1) kitchen but separate toilet facilities.

EASEMENT shall mean a space on a lot or parcel of land reserved for or used for public utilities or public or private uses.

EDUCATIONAL INSTITUTIONS shall mean public and other non-profit institutions conducting regular academic instruction at pre-school, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, non-profit research institutions and religious

institutions. Such institutions must either (1) offer general academic instructions equivalent to the standards prescribed by the State Board of Education; or (2) confer degrees as a college or university of undergraduate or graduate standing; or (3) conduct research; or (4) give religious instruction.

ELECTRIC DISTRIBUTION SUBSTATION shall mean an electric substation with a primary voltage of less than 161 KV (Kilovolts), with distribution circuits.

ELECTRIC TRANSMISSION SUBSTATION shall mean an electric transformation or switching station with a primary voltage of more than 161 KV (Kilovolts) without distribution circuits.

ENCROACHMENT shall mean advancement or intrusion beyond the lines or limits as designated and established by this regulation, and to infringe or trespass into or upon the possession or rights of others without permission.

ENFORCEMENT OFFICER shall mean the Director of Planning of Sarpy County, Nebraska or his/her designated representative.

EXISTING CONSTRUCTION (for the purposes of the flood plain regulations) shall mean structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACTORY-BUILT HOUSE shall mean a housing unit wholly or partially fabricated off-site and to be assembled on-site but not to include mobile homes or cabin trailers.

FAMILY shall mean an individual or two (2) or more persons related by blood, marriage or adoption, with or without the addition of not more than three (3) persons, excluding servants, who are not related by blood marriage or adoption to the resident persons, living together in a single dwelling unit.

FARM shall mean any parcel of land utilized for agricultural purposes and containing a minimum of 80 acres which produces \$1,000.00 or more of farm products each year.

FEEDLOT OR FEED YARD, COMMERCIAL shall mean a parcel of land with a minimum of 40 acres where the principal business is the feeding of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feed lot is a part. They must be located at least one-half mile from another residence and shall require a Special Use Permit.

FENCE shall mean any structural device forming a physical barrier, enclosure or boundary.

FENCE, OPEN shall mean a fence, including gates, which has, for each one (1) foot wide segment extending over the entire length and height of the barrier, fifty percent (50%) or more of the surface area in open space to afford direct views through the fence.

FENCE, SOLID OR PRIVACY is any fence, including gates, which has insufficient surface area to affect a direct open view through the barrier.

FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, or
- (2) The usual and rapid accumulation of runoff of surface waters from any source.

FLOOD FRINGE is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

FLOOD INSURANCE RATE MAP (FIRM) or Effective FIRM shall mean an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

FLOOD INSURANCE STUDY (FIS) or Effective FIS shall mean the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN means any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPLAIN MANAGEMENT shall mean the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works, and flood plain management regulations.

FLOOD PROTECTION SYSTEM shall mean those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

FLOOD-PROOFING (DRY) shall mean any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOOD-PROOFING (WET) shall mean any combination of structural and non-structural additions, changes or adjustments to structures, allowing flood waters to enter while having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOODWAY or Regulatory Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA shall mean whenever the term "floor area" is used in these regulations as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

FREEBOARD means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

FRONTAGE shall mean that portion of a parcel of property which abuts a dedicated public street or highway.

FRONT WALL shall mean the wall of a building or structure nearest the street which the building fronts, but excluding certain architectural features such as cornices, canopies, eaves, or embellishments.

GARAGE, REPAIR shall mean a building other than a private garage used for the care, repair, or storage of equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

GARBAGE shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

GOLF COURSE shall mean a lot or portion of a lot used for the playing of golf, including pitch and putt courses, but shall not include driving ranges, miniature golf courses or other similar commercial enterprises.

GROUP HOUSES shall mean two (2) or more separate buildings, each containing one (1) or more dwelling units.

GUEST shall mean any transient person who occupies a room for sleeping purposes.

GUEST RANCH shall mean a building or buildings housing guests, providing meals and rooms, and having recreational activities of one or more types for compensation.

GUEST ROOM shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

HALF-STORY shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three (3) feet above the floor of such story.

HEALTH CARE FACILITY shall mean a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

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

HIGHWAY SETBACK LINE shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from the centerline of this future right-of-way line.

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

HOG FARM shall mean any premises where five (5) or more weaned hogs are maintained.

HOME FOR THE AGED shall mean the same as "Rest Home."

HOME OCCUPATION shall mean an "in-home" or "home based" business, industry or service operating from a residential dwelling, or within an accessory structure on the same property in a residential or agricultural zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property in all residential zoning districts. Occupations defined as Home Occupation I below require approval of a Special Use Permit. Occupations defined as Home Occupation II below are exempt from a Special Use Permit. Home Occupations I and II shall satisfy the standards set forth in Section 35.11 of these regulations.

1. **HOME OCCUPATION I (MAJOR):** shall include any business or use with a part time or full time employee not residing on the premises and/or any business which involves customer visits to the location. Examples may include art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/tattoo), renting of rooms for residential purposes, or other similar uses with on-site sales and services or employees traveling to and from the premises. Uses not allowed include welding, vehicle body repair, or dismantling and rebuilding of vehicles.
2. **HOME OCCUPATION II (MINOR):** shall include any business or use in which an office in the home, including such things as a home phone, computer, etc. are used for telecommuting and/or in deriving other income or sales. Such occupations shall have no customers or part-time or full-time non-resident employees coming to or from the residence as part of the business operation. This includes business offices for services such as construction, repair and cosmetic services/sales rendered at other locations, internet businesses, and other similar uses.

HOSPITAL shall mean any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including nursing homes, sanitariums, alcoholic sanitariums, and institutions for the cure of chronic drug addicts and mental patients.

HOTEL shall mean any building or portion thereof designed, used, or containing six (6) or more guest rooms or suites of rooms, but not including any institutions in which human beings are housed or detained under legal restraint.

INDUSTRIAL DISTRICT shall mean a designated area for manufacturing, trade, and light industrial type businesses that meet rigid environmental specifications.

INDUSTRY shall mean 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, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INTENT AND PURPOSE shall mean that the Planning Commission and County Board of Commissioners, by the adoption of these regulations, have made a finding that the health, safety, and welfare of the community will be served by the creation of the Districts and by the regulations and regulations prescribed therein.

JUNK shall mean any worn out, cast off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

JUNK YARD shall mean any lot, or the use of any portion of a lot, for the dismantling of machinery, farm machinery, and including motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking, for the storage or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard."

KENNEL shall mean any lot or premises on which more than four (4) dogs or cats or any combinations thereof are kept.

LABOR CAMP, PERMANENT FARM shall mean living quarters, dwellings, boarding houses, bunkhouses, automobile trailers or other permanent housing accommodations maintained in connection with any farm work or place where farm work is being performed, provided for the housing of five (5) or more farm employees.

LIVESTOCK FARM shall mean any parcel of land utilized for the raising of livestock with 300 or less animal units. See definition.

LOADING shall mean the removal or placement of any commodity in, or from, a vehicle of any type.

LOADING SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

LOT shall mean: A parcel or tract of land which is or may be occupied by a use herein permitted, together with yards and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of these regulations, or a parcel of real property delineated on an approved record of survey, lot-split, or

sub-parceling map as filed in the office of the Register of Deeds and abutting or having access to at least one (1) public street or right-of-way.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT, CORNER shall mean a lot located at the intersection or intersections of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot."

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

LOT, CURVE shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of three hundred (300) feet or less.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT LINE shall mean the property line bounding a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or a rear lot line.

LOT, NONCONFORMING shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof, whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of these regulations.

LOT, SUBLot shall mean subordinate and integral part of a lot. The subplot shall be identified on the subdivision plat for the purpose of constructing a single townhouse unit.

LOT, THROUGH shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.

LOT OF RECORD shall mean a lot held in separate ownership as shown on the records of the Register of Deeds at the time of the passage of a regulation establishing the zoning district in which the lot is located

LOT WIDTH shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOWEST FLOOR shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building-access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MOBILE HOME shall mean a transportable structure usually treated as a chattel, of one or more sections designed to be towed as a transportable unit on an undercarriage or chassis which is a permanent or an integral structural part of the floor or body of the unit and designed to be used with or without a permanent foundation to permit year-round occupancy and containing similar water supply, waste disposal, and electrical conveniences as permanent residential units. It does not include recreational vehicles or travel trailers.

MOBILE HOME PARK shall mean a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.

MINI-STORAGE shall mean indoor storage primarily for personal effects and household goods within areas having individual access excluding workshops, hobby shops, manufacturing and commercial activity.

MONUMENT SIGN shall mean a sign which is completely or principally supported by a short wall typically constructed of masonry material which is a minimum of seventy-five percent (75%) of the width of the sign, and is not attached to the principal building on the property, and is anchored in or upon the ground.

MOTEL shall mean a building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers, including groups designed as auto cabins, motor courts, motor hotels, tourist court and similar designations.

NEW CONSTRUCTION For floodplain management purposes, "new construction" shall mean those structures where the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

OFFICES, CORPORATE shall mean a site for administrative, processing, or research offices, which generally does not provide service to clientele from Sarpy County and the surrounding region. Corporate offices are destinations for commuters drawn from a relatively wide region around Sarpy County, as well as from the community itself. Typical uses include corporate headquarters offices, telemarketing, or information processing offices.

OFFICES, GENERAL shall mean a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.

OFFICES, MEDICAL shall mean a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Nebraska.

OFFICES, PROFESSIONAL shall mean any building or portion of a building used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, optometrist, accountant and other similar professions, but shall not include, for the purposes of these regulations, the practice of any type of medicine or dentistry.

OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OUTDOOR STORAGE shall mean keeping goods not intended for use by, or sale to, the public, outside of any building.

OUTLOT shall mean a parcel of real property having access to at least one public street or private roadway, but not presently designated for a primary structure or occupancy, but permitting an accessory use as permitted by the zoning district, or reserved for open space and common facilities.

OVERLAY DISTRICT shall mean a district in which additional requirements act in conjunction with the underlying zoning district or districts.

PARKING AREA shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power.

PARKING STALL shall mean the 9' x 18' asphalt or concrete hard surfaced area reserved for parking of uses on the associate lot. Other surfacing materials may be approved by the County Board or by the Planning Director if the material is found to meet the intent of the Regulations and Comprehensive Plan.

PARK shall mean publicly owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, county, special

district, or any other group or combination acting as an entity, except that it shall not include Sarpy County, Nebraska .

PERSONAL SERVICES shall mean those services for the public including but not limited to barber shops, beauty salons, shoe repair, nail salons, tanning salons, photographic studios, fitness centers, tailors and seamstress businesses, and other similar type uses.

PET STORES shall mean a retail establishment where animals and animal supplies are sold. It may include a veterinary clinic as a secondary use, but no boarding of animals is permitted, except those kept for sale, and no outdoor runs are allowed.

PETROLEUM BULK PLANT shall mean a local wholesale distribution facility designed to serve the needs of the immediate surrounding area.

PLANNING COMMISSION shall mean the Planning Commission of Sarpy County, Nebraska.

PLANNING, DEPARTMENT OF, shall mean the Department of Planning in Sarpy County, which provides administrative support to the Planning Commission and serves as the office of the Planning Commission.

PLAZA shall mean an open area often featuring walkways and shops and usually located near urban buildings.

POLE SIGN shall mean a sign which is completely or principally supported by one or more posts or other support of which thirty percent (30%) is visually or physically attached to the ground, which is not attached to the principal building on the property, and is anchored in or upon the ground.

PRINCIPALLY ABOVE GROUND means that at least 51 percent of the actual cash value of the structure is above ground.

PUBLIC VIEW shall mean visible to the general public.

QUARRY shall mean any premises from which rock, sand, gravel and similar resources are being removed or are intended to be removed.

QUASI-PUBLIC ORGANIZATIONS shall mean any non-government organization that is devoted to public service and welfare.

RAILROAD shall mean the land use including the right of way (R.O.W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RECREATIONAL VEHICLE shall mean 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. A recreational vehicle is "ready for highway use" if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

REGISTER OF DEEDS shall mean the Register of Deeds of Sarpy County, Nebraska.

REGULATION shall mean the Zoning Regulations, and subsections thereof, of Sarpy County, Nebraska.

RELIGIOUS FACILITY shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements.

RESEARCH AND DEVELOPMENT shall mean an establishment or facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place, for one (1) or more families.

RESTAURANT shall mean a use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use. Typical uses include cafes, coffee shops, and restaurants.

REST HOME, CONVALESCENT HOME, OR HOME FOR THE AGED shall mean premises used for the housing of and caring for the ambulatory, aged or infirm, which premises require a license from the State or County.

RETAIL STORES shall mean a business selling goods, wares or merchandise directly to the ultimate consumer. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

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

SANITARY LANDFILL shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means, of any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial processes.

SCHOOL, ELEMENTARY, JUNIOR HIGH, OR HIGH shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.

SCHOOL, PRIVATE shall mean an institution conducting regular academic instruction at kindergarten, elementary, and secondary levels operated by a non-governmental organization.

SCHOOL, TRADE shall mean schools offering preponderant instruction in the technical, commercial, or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians' schools, and similar commercial establishments operated by a non-governmental organization.

SCREEN/SCREENING shall mean to hide, shelter, or protect visually from the general public.

SEASONAL HOME shall mean a one (1) family dwelling occupied on a seasonal basis.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SERVANTS-QUARTERS (SEPARATE) shall mean complete living quarters either attached or detached from that of the main dwelling including kitchen facilities but not rented nor used for permanent or temporary living quarters by members of the family.

SERVICE STATION shall mean an occupancy which provides for the servicing of motor vehicles in retail sale of oil, tires, batteries, and new accessories; and operations including washing, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting automotive parts.

SETBACK LINE, FRONT YARD shall mean 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.

SETBACK LINE, REAR YARD OR SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed there from by the perpendicular distance prescribed for the yard in the district.

SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product, activity, service, or any interest, except the following: Signs less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State, the County, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

Flash Sign shall mean a sign designed to give an electrical light flash intermittently or with a revolving beacon light.

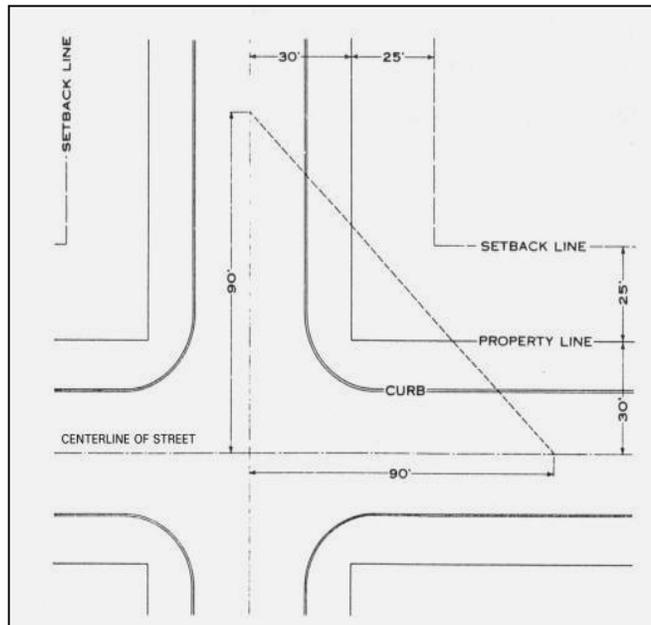
Projecting Sign shall mean a protruding sign attached to a building.

Roof Sign shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of a building.

Sign Surface shall mean the entire area of a sign.

Wall Sign shall mean a sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than eighteen (18) inches from the face of the building wall.

SIGHT TRIANGLE is 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 three (3) feet and eight (8) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or other arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. Trees in this area shall be trimmed up eight (8) feet above the curb and shrubs shall not exceed three (3) feet in height.



Example of 90' Sight Triangle

SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensions, all of the uses proposed for a specific parcel of land.

SLUDGE shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial waste-water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.

SOLID WASTE shall mean any garbage, refuse, household waste, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial and mining operations, and from community activities, but solid waste shall not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Clean Water Act, as amended, 33U.S.C. 1251 et seq., or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 68 Stat. 923.

SOLID WASTE COMPOST SITE shall mean a tract of land, location, area or premises used for composting solid waste.

SOLID WASTE DISPOSAL shall mean the disposal of solid waste, including any household waste, commercial solid waste, fossil fuel combustion ash, nonhazardous sludge, industrial solid waste, or construction and demolition waste.

SOLID WASTE DISPOSAL AREA shall mean a discrete area of land or excavation which receives solid waste and includes all contiguous land and structures within the surveyed legal description of the permitted area, other appurtenances and improvements on the land used for the disposal of solid wastes or improvements necessary to carry out the disposal of solid wastes. Solid waste disposal areas shall include, but not be limited to the following disposal areas: municipal solid waste disposal areas, construction and demolition disposal areas, fossil fuel combustion ash disposal areas, industrial disposal areas, delisted hazardous waste disposal areas and land application units for repeated disposal or treatment of special wastes.

SOLID WASTE MANAGEMENT FACILITY shall mean a public or private site, location, tract of land installation or building which has been used for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste, and shall include solid waste disposal areas and solid waste processing facilities.

SOLID WASTE PROCESSING shall mean the process by which solid wastes are physically or chemically changed, temporarily stored, or salvaged prior to being transferred to a solid waste disposal area or to a secondary materials recovery facility.

SOLID WASTE PROCESSING FACILITIES shall mean any facility where solid wastes are processed, and shall include, but not be limited to solid waste compost sites, materials recovery facilities, recycling centers and solid waste transfer stations.

SOLID WASTE TRANSFER STATION shall mean any site, location tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off of the premises of the facility from vehicles or containers, into other vehicles or containers for transportation to a solid waste disposal area or solid waste processing facility.

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

STABLE, PRIVATE shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for enumeration, hire, or sale.

START OF CONSTRUCTION (for purposes of the flood plain regulations) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or, if there be not floor above, then the space between such floor and the ceiling or roof above.

STORY, ONE-HALF shall mean the same as "Half-Story."

STORMWATER MANAGEMENT REGULATIONS shall mean the Sarpy County Storm Water Management Regulations and the Omaha Regional Storm water Management Design Manual.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in these regulations.

STREET, COLLECTOR shall mean a street or highway, which is intended to carry traffic from minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET, FRONTAGE ACCESS shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and used primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

STREET, MAJOR shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

STREET, MINOR shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, SIDE shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

STREET CENTERLINE shall mean the center line of a street right-of-way as established by official surveys.

STREET LINE shall mean the boundary line between street right-of-way and abutting property.

STRUCTURE shall mean anything constructed or built, a walled or roofed structure including a gas or liquid storage tank, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, TEMPORARY shall mean a structure which is readily movable and used or intended to be used for a period not to exceed six (6) consecutive months.

STRUCTURAL ALTERATION shall mean any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joints, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

SUBDIVISION REGULATIONS shall mean the Subdivision Regulations of Sarpy County, Nebraska.

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

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

SUPERMARKET shall mean any establishment, including groceries and grocery stores, having 10,000 or more square feet of floor area devoted principally to the sale of food.

SWIMMING POOL shall mean any structure intended for swimming or recreational bathing containing water over 24 inches in depth. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, and spas.

SWIMMING (OR WADING) POOL (STORABLE) shall mean any pool that is constructed on or above ground and is capable of holding water with a maximum depth of 42 inches or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimensions.

TOWNHOUSE shall mean a building that has single family dwelling units erected in a row as a single building on adjoining sublots, each unit having an outdoor entrance and being separated from the adjoining unit or units by a party wall or walls extending from the basement floor to the roof along the dividing subplot line, and each such building being separated from any other building by spaces on all sides.

TRADING AREA shall mean the area served by an existing commercial development or to be served by the proposed commercial development and from which said development draws its support.

TRAILER, AUTOMOBILE shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

TRAILER, CABIN shall mean any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares and designed or used for human habitation. A dependent cabin trailer is one not equipped with a toilet for sewage disposal. An independent cabin trailer is one equipped with a toilet for sewage disposal.

TRAILER COURT, OR MOBILE HOME PARK, OR TRAILER PARK shall mean a space or area containing at least 5 acres designed, equipped, or maintained for the harboring, parking, or storing of cabin trailers, mobile homes, house trailers, or house cars which haul such trailers or house cars being used as living or sleeping quarters for humans .

TRAILER, RESIDENTIAL shall mean the same as "Mobile Home" and be used for human habitation only.

TRANSIENT shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than one hundred eighty (180) continuous days in any one (1) year.

TRANSPORTABLE HOUSE shall mean a trailer house, mobile home, double-wide trailer house, or transportable factory-built house constructed to travel on wheels and to be used for human habitation.

TRUCK SERVICE STATION shall mean an occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted for "Service Station".

TRUCK AND TRAILER SALES LOT shall mean an open area where trucks or trailers are sold, leased or rented and where no repairs, repainting or remodeling are done.

UTILITIES, OVERHEAD, OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility, which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV (Kilovolt) from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

UTILITIES, OVERHEAD, OR UNDERGROUND TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE, ETC. shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, relay stations, and treatment plants.

VARIANCES is a grant of relief to a person from the requirements of this regulation which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship as defined by the Nebraska Revised Statutes.

VETERINARY CLINIC shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals.

VIOLATION means a failure of a structure, use or other development to be fully compliant with the community's regulations.

WAREHOUSING shall mean a building or buildings used for the storage of goods, of any type, when such building or buildings contain more than two hundred (200) square feet of storage space, and where no retail operation is conducted.

WATER SUPPLY, COMMUNITY shall mean a water supply provided by a publicly-owned corporation or a private organization which has a permit to serve two (2) or more dwelling units on abutting properties.

WATER SUPPLY, PRIVATE shall mean a water supply provided by a source other than a Community Water Supply.

WHOLESALING shall mean the selling of any type of goods for the purpose of resale.

WIND ENERGY GENERATION SYSTEM shall mean any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

YARD shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for the projections or accessory buildings or structures permitted by these regulations.

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

YARD, SIDE shall mean a space extending from the front yard, or from the front lot line where no front yard is required by these regulations, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

100-YEAR FLOOD shall mean the base flood having a one percent chance of annual occurrence.

ZONE shall mean the same as "District."

ZONING DISTRICT shall mean the same as "District."

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one (1) or more parcels of land from one (1) zoning district and placing them in another zoning district on the zone map of the County.