

# CHAPTER 1: GENERAL PROVISIONS AND DEFINITIONS

## ARTICLE 1: INTRODUCTION

### **1-1.1. SHORT TITLE**

These regulations constitute and may be referred to as “The Clearwater Zoning Ordinance”.

## ARTICLE 2: PURPOSE AND INTENT

### **1-2.1. PURPOSE**

In order to promote the health, safety, morals, and the general welfare of the Village of Clearwater, Nebraska, this is an ordinance that gives authority to the Village of Clearwater to control planning and zoning within their corporate limits and within a jurisdiction beyond their corporate limits. These Zoning Regulations divide the Village into districts to regulate and restrict the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of the buildings and other open spaces, the density of population, the location and use of buildings, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry and residence or other purpose; and the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

### **1-2.2. DESIGN**

These regulations are made in accordance with Chapter 19, Article 9 and Chapter 17, Article 10, of the Revised Statutes of the State of Nebraska, and amendments thereto, and in accordance with the Comprehensive Development Plan of the Village of Clearwater and are designed to:

- A. Lessen congestion in the streets,
- B. Secure safety from fire, panic and other dangers,
- C. To promote the health and the general welfare,
- D. To provide adequate light and air,
- E. To avoid undue concentration of population,
- F. To prevent the overcrowding of land, and
- G. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

These regulations are organized in form by Chapter, Article, and Section. The first number shall represent the chapter, the second number shall represent the Article and the third and fourth numbers shall represent the Section.

### **1-2.3. CONSIDERATION**

These regulations are made with reasonable consideration of the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encourage the most appropriate use of land throughout the Village of Clearwater and the area lying within the Village’s Extra-Territorial Jurisdiction (ETJ).

## ARTICLE 3: GENERAL PROVISIONS

### **1-3.1. JURISDICTIONAL AREA**

The provisions of these regulations shall apply to all structures and land in the incorporated area of Clearwater, Nebraska; and the full jurisdiction of the Village of Clearwater which includes a one-mile radial jurisdiction extending past the corporate limits of the Village. The Village’s full jurisdiction is as shown on the Official Zoning Maps.

- A. The jurisdictional area shall be shown on the Official Zoning District Map and filed in the office of the Village Clerk.
- B. All land which may hereafter be annexed to the Village of Clearwater shall be classified as “R-1” Residential district unless otherwise changed by ordinance.

- C. Upon automatic extension of the one (1) mile Extra-Territorial Jurisdiction (ETJ), the unincorporated area which may hereafter fall under the jurisdiction of the Village of Clearwater because of an increase in the jurisdictional area shall be classified as “A-1” Agricultural District unless otherwise denoted or changed by ordinance.

**1-3.2. INVALIDITY IN PART**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**1-3.3. CONFLICTING ORDINANCE**

Where this ordinance conflicts with any other local, State, or Federal ordinance or regulation, the most restrictive ordinance or regulation shall apply.

**1-3.4. CLASSES OF DISTRICT**

For the purpose of these regulations, the Village of Clearwater, Nebraska, and the suburban area which includes a one-mile radial jurisdiction extending past the corporate limits of the Village is divided into the following districts in accordance with a “Official Zoning Map – Clearwater, Nebraska” and “Official ETJ Zoning Map – Clearwater, Nebraska”:

- A. “A-1” Agricultural District
- B. “TA” Transitional Agriculture District
- C. “LLR” Large Lot Residential District
- D. “R-1” Single-Family Residential District
- E. “M-U” Mixed Use Development District
- F. “C-1” General Commercial District
- G. “C-2” Highway Commercial District
- H. “FP” Floodplain Overlay District

**1-3.5. ZONING DISTRICT MAP**

Said Districts are bounded and defined as shown on a map entitled “Official Zoning Map – Clearwater, Nebraska”, and “Official ETJ Zoning Map – Clearwater, Nebraska” adopted as a part of these regulations. The zoning maps shall be kept and maintained by the Village of Clearwater and shall be available for inspection and examination by members of the public at all reasonable times as that of any public record.

**1-3.6. EXEMPTIONS**

The following structures and uses shall be exempt from the provision of these regulations:

- A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the ground.
- B. Retaining walls.
- C. Public signs as defined in these regulations.

**ARTICLE 4: RULES AND DEFINITION**

**1-4.1. RULES OF WORDS**

In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:

- A. Words used in the present tense shall include the future tense.
- B. Words in the singular number include the plural number, and words in the plural number include the singular number.

- C. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
- D. The words “shall” and “must” are mandatory.
- E. The word “may” is permissive or discretionary.
- F. The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
- G. The word “Board” means the Clearwater Board of Adjustment.
- H. The word “Commission” shall mean the Planning Commission of Clearwater.
- I. The words “Village Board” shall mean the Clearwater Village Board.
- J. Unless otherwise specified, all distances shall be measured horizontally.
- K. The Word “Village” means Village of Clearwater, Nebraska.
- L. The abbreviation N/A means not applicable.

Any word or phrase, which is defined in this article or elsewhere in these regulations, shall have the meaning as so regulations, unless such definition is expressly limited in its meaning or scope.

**1-4.2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts on the zoning map, the following rules shall apply:

- A. Where district boundary lines are indicated as approximately following streets and alleys, highways or railroads, such boundaries shall be construed as following the centerlines thereof.
- B. Where district boundary lines are indicated, as approximately following lot lines, or section lines, such lines shall be construed to be said boundaries.
- C. Where a boundary of a district follows a stream, lake or other body of water, said boundary line should be deemed to be at the limit of the jurisdiction of the Village of Clearwater unless otherwise indicated.
- D. Where a district boundary line divides a lot, or un-subdivided property, and the dimension are not shown on the zoning map, the location of such boundary shall be as indicated upon the zoning map using the scale appearing on such map.

**1-4.3. INTERPRETATION**

- A. Minimum Requirements. In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- B. Overlapping or Contradictory Regulations. Except as specifically herein provided, it is not intended to repeal, abrogate, annul, or in any way impair or interfere with any existing law or ordinance of the Village of Clearwater, or any easement, covenant or other agreement between parties; provided, however, that where these regulations impose a greater restriction upon the use of buildings or requires larger building site areas, yards or open spaces that are imposed or required by any such other law, ordinance, easement, covenant or agreement, than the provision of these regulations shall control.
- C. Private Agreements. These regulations are not intended to abrogate, annul, enforce, or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenant or other private agreements or legal relationships, the provisions of these regulations shall govern.
- D. Unlawful Uses. The adoption of these regulations shall not be interpreted as retroactively legalizing a use or structure which was illegal under previous law.

#### **1-4.4. SEPARABILITY**

It is hereby declared to be the intention of the Village that the provisions of these regulations are separable, in accordance with the following rules:

- A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgement shall not affect any other provisions of these regulations.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgement shall not affect the application of said provisions to any other property or structure.

#### **1-4.5. CONFORMITY REQUIREMENTS**

Except as otherwise provided herein, it shall be unlawful to use any land or building for any purpose other than is permitted in the district in which such land or building is located. No building shall thereafter be erected, reconstructed, relocated or structurally altered to have a greater percentage of lot area, to accommodate or have a greater number of facilities, to have narrower or smaller yards, courts, or open spaces than permissible under the limitations set forth herein for the district in which such building is located.

- A. No part of yard, or other open space required about any building, existing or hereafter provided for a building or use and necessary to meet or partially meet the requirements of this regulation, shall be included as part of a yard or other open space required for another building.
- B. No lot, held under ownership at the effective date of this regulation shall be reduced in dimension or area in relation to any building thereon so as to be smaller than that required by this regulation; if already less, the dimensions or area shall not be further reduced.
- C. No building shall hereafter be erected, reconstructed, relocated or structurally altered on any lot or parcel unless such lot or parcel faces a publicly dedicated street or right-of-way. Where a building is in existence, no such required dedicated street or right-of-way shall be vacated so as to eliminate the required access to a publicly dedicated street or right-of-way.

#### **1-4.6. DEFINITIONS**

- A. For the purpose of this Ordinance, certain terms and words used herein shall be used, interpreted, and defined as set forth in this section. Words or terms not herein defined shall have their ordinary meaning in relation to the context.
- B. For the purpose of this Ordinance, the following words and phrases shall have the following meaning:
  - 1. **Abutting.** To touch, border on or be contiguous to.
  - 2. **Abutting Owner.** Two persons or parties having property or district lines in common.
  - 3. **Accessory Building.** A subordinate building which (1) serves a function customarily incidental to that of the main building; (2) is subordinate in area, extent, and purpose to the principal use; and (3) is located on the same lot and in the same zoning district as the principal use. Also may be referred to as Accessory Structure.
  - 4. **Accessory Use.** A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel and in the same zoning district as the principal use. A use that contributes to the comfort, convenience, or necessity of the principal use and is subordinate in area, extent, and purpose to the principal use.
  - 5. **Addition.** Any construction which increases the size of the building or structure in terms of site coverage, height, length, width, or gross floor area.
  - 6. **Administrative Subdivision.** (Also known as Administrative Plat or Minor Subdivision). Any subdivision that does not result in the creation of more than three (3) lots from any single parcel of land; requires no extension of streets, sewers, utilities, or other municipal facilities; no dedication of easements, rights-of-way, or annexation; complies with all pre-existing zoning requirements; and has not been subject to a previous administrative subdivision.

7. **Adult Use, Adult Entertainment Business.** (1) Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, an establishment providing nude dancing or other live or recorded performances, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. (2) A business that utilizes a significant portion of its display areas to sell, rent, or lease any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the male or female genitals which predominantly pruriently, shamefully, or morbidly depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse.
8. **Adult Use, Specified Anatomical Areas.** Less than completely and opaquely covered anal region, buttock, female breasts below a point immediately above the top of the areole, human genitals, pubic region, or human male genitals in a discernible turgid state, even if completely and opaquely covered.
9. **Adult Use, Specified Sexual Activities.** (1) Human genitals in a state of sexual stimulation or arousal; or (2) acts of human masturbation, sexual intercourse, or sodomy; (3) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast; or (4) excretory functions as part of or in connection with any of the activities set forth above.
10. **Agricultural Use.** A tract of land or a combination of tracts of land utilized primarily for crop production or raising of livestock.
11. **Airport.** Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant, areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.
12. **Alley.** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, and has a right-of-way twenty (20) feet or less in width.
13. **Alteration.** Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.
14. **Apartment.** A room or suite of rooms in a multiple dwelling or where more than one living unit is established in any building, Intended, designed, used or suitable for use by one or more persons as a place of residence with culinary accommodations.
15. **Approving Authority.** The Village Board of Clearwater, Nebraska or its designee.
16. **Attached.** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; façade wall extension; or archway.
17. **Barndominium.** A steel or wood frame structure with sheet metal siding used as a dwelling for one family. Specific structure requirements include:
  - a. Metal siding must be attached horizontally and be of one color, except for trim. Trim, window sash, and doors may be a compatible color.
  - b. The roof must have a minimum fourteen (14) inch overhand and minimum 5:12 pitch.
  - c. The front side shall have residential door(s) and window(s).
  - d. Sixty percent (60%) of the length of the front side shall have an attached covered porch.

18. **Base Zoning District.** A district established by this Ordinance which prescribes basic regulations governing land use and site development standards. No more than one (1) Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
19. **Basement.** That portion of a building having more than one-half of its height below finished grade. This portion shall serve as a substructure or foundation for the remainder of the building.
20. **Bed and Breakfast.** A house or portion thereof where short – term lodging rooms and meals are provided. (See also, Short-Term Lodging).
21. **Block.** An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse, lake, railroad, or other significant natural or man-made barrier, and which has been designated as such on a plat for the purposes of legal description of a property.
22. **Block Face.** The property abutting one (1) side of a street and lying between the two (2) nearest intersection streets, or between the one (1) nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Clearwater.
23. **Board of Adjustment.** That Board which has been created by the Governing Body to hear and determine appeals and variances to the zoning regulations.
24. **Boarding or Lodging House.** A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not to exceeding 60 persons.
25. **Bufferyard.** A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
26. **Building.** An enclosed structure, anchored to a permanent foundation, and having a roof support by columns or walls, intended, designed, used, or suitable for use for the support, enclosure, shelter, or protection 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.”
27. **Building Coverage.** The area of a site covered by buildings or roofed area, excluding allowed projecting eaves, balconies, and similar features.
28. **Building Envelope.** The net cubic, three (3) dimensional, space that remains for placing a structure on a site after building line, height, and bulk regulations are observed.
29. **Building, Height.** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the peak of a gable, hip or gambrel roof.
30. **Building Line.** A building line, parallel or nearly parallel, to either the street line or the lot line not abutting the street, at a specific distance from the front, rear and side boundaries of a lot beyond which a structure cannot lawfully extend.
31. **Building – Main.** A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in the residence district is a main building.
32. **Building Official.** The person or persons designated by the governing body to administer this subdivision ordinance whether such person or persons by entitled Building Official, Building Inspector, Administrative Official, or Zoning Administrator.
33. **Building Permit.** A document that must be issued by the Village prior to erecting, constructing, enlarging, altering, moving, improving, removing, converting, or demolishing any building or structure on a platted lot or parcel.

34. **Building Site.** The land area, consisting of one or more lots or parcel of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory buildings, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these regulations.
35. **Business.** Activities that include the exchange or manufacture of goods or services on a site.
36. **Business Center.** A building containing more than one (1) commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.
37. **Campgrounds.** 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.
38. **Carwash.** An area of land and/or a structure with machine-or-and operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.
39. **Cat.** Feline species over 3 months of age.
40. **Certificate of Occupancy.** An official certificate issued by the Village of Clearwater, prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this Ordinance.
41. **Change of Use.** The replacement of an existing use type by a new use type.
42. **Child Care Center.** A facility which is or should be licensed by the Nebraska Department of Health and Human Services.
43. **Child Care Home.** A private home providing care (for children) for compensation which is or should be licensed by the Nebraska Department of Health and Human Services.
44. **Commercial/Utility Wind Energy Systems (Large).** Shall mean a wind energy system of equal to or greater than 100 kW in total generating capacity.
45. **Commercial Venture.** An activity undertaken as a primary means of income or which provides a substantial supplement to a primary income.
46. **Common Area.** An area held, designed, and designated for common or cooperative use within a development.
47. **Common Open Space.** That undivided land in a subdivision which may be jointly owned by all property owners of the subdivision, for the benefit of the owners of the individual building sites of said development.
48. **Common Sewer System.** A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Quality for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.
49. **Common Water System.** A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis which is in public ownership.
50. **Communications Tower.** A tower, pole, or other similar structure that supports a telecommunications antenna or antenna used for the transmission or broadcast of radio, television, radar, or microwaves.
51. **Community Center.** A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreation programs generally open to the public and designed to accommodate and serve significant segments of the community.
52. **Comprehensive Plan.** The long-range development plan adopted by the Clearwater Village Board.

53. **Conditional Use.** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.
54. **Conditional Use Permit.** A permit used to give approval of a conditional use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Planning Commission and Village Board.
55. **Condominium.** A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.
56. **Confined Animal Feeding Use.** (See Intensive Livestock, Confinement Facilities/ Operations.)
57. **Convalescent Care.** (See Nursing Home.)
58. **Covenant.** Written promise or pledge.
59. **Cul-De-Sac.** A local street with only one (1) outlet and with an opposite end providing for the reversal of traffic.
60. **Culvert.** A transverse drain that channels water under a bridge, street, or driveway.
61. **Curb.** A vertical or sloping edge of a roadway, intended to define the edge of the cartway or street and to channel or control drainage.
62. **Day Care Center.** (See Child Care Center.)
63. **Day Care Home.** (See Child Care Home.)
64. **Development Agreement.** An agreement between the Village and Subdivider whereby the Subdivider guarantees to complete all improvements and terms for payment of costs for same.
65. **District or Zone.** A section or sections of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are herein established.
66. **Dog.** Any canine species over six (6) months of age.
67. **Drive-in Service.** A type of retail sales which encourages, recognizes, or permits patrons or customers to call for service by the flashing of lights or by the parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers.
68. **Duplex.** Any building containing exactly two dwelling units which are side by side with a common wall and roof, situated on a single lot.
69. **Dwelling.** Any building or portion thereof, not including mobile homes but including modular homes, which is designed and used exclusively for residential purposes.
70. **Dwelling Single Family.** A dwelling having accommodations for and occupied exclusively by one family.
71. **Dwelling, Single-Family Attached or Townhouse.** A portion of a dwelling having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of the other portions.
72. **Dwelling, Two-family.** A building or semi-detached building or portion thereof designed or occupied exclusively by two families living independently of each other.

73. **Dwelling, Multiple-family.** A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may or may not have joint services or facilities or both. The term includes dormitories and lodging and boarding houses but does not include hotels, motels, and tourist courts.
74. **Dwelling for the Elderly and/or Handicapped.** A two-family or Multiple-family dwelling having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel. Elderly residents are those people who are at least sixty-two (62) years of age. Handicapped Persons are those people having an impairment which is expected to be of long, continuous, and indefinite duration and is a substantial limitation to their ability to live independently.
75. **Earth Sheltered Residence.** A residence designed as a complete structure below or partially below ground level, which was not intended to serve as a substructure or foundation for a building.
76. **Easement.** The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
77. **Engineer.** One, licensed by the State of Nebraska, designated by the Clearwater Village Board to act for the Village.
78. **Family.** One person or more than one person related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus, in either case, usual domestic servants, and/or resident staff. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel, or motel.
79. **Farm.** The use of a tract of land of twenty (20) acres or more for the growing of crops, pasture, nursery, or the raising of poultry and livestock, including the structures necessary for carrying out farming operations and the residence or residences of those owning or operation the premises, or persons employed thereon.
80. **Fascia.** A flat, usually horizontal, portion of a building running along the lower edge of the roof. Fascia is typically fixed directly to the lowers ends of the roof trusses.
81. **Feedlot.** Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, swine and poultry are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
82. **Fence.** Any vertical structure, other than a building or plant material which is for the purpose of obstructing visual observation, or for the purpose of obstructing pedestrian, automotive or animal movement, or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.
  - a. *Open Fence.* A fence where the design contains openings that constitute not less than fifty percent (50%) of the surface area of the fence. The surface area is the product of a length of fence measured from the inside edge of one support post or column to the inside edge of the next adjacent support post or column; times the height of the same section of fence.
  - b. *Closed Fence.* A fence where the design of the fence has more than fifty (50%) percent of the surface area closed.
83. **Floodplain.** Floodplain or flood-prone area means any land area Susceptible to being inundated by water from any source.
84. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.
85. **Floodway Fringe.** All that land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to an inundation by relatively low velocity flows and shallow water depths.

86. **Floor Area, Gross.** The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches or more; as measured from the exterior faces of the walls. It does not include cellars unclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this by law.
87. **Foundation.** The supporting substructure of a building or other structure, including but not limited to, basements and slabs designed to provide a structural system for transferring loads from a structure to the earth.
88. **Foundation, Permanent.** (1) A full, poured concrete or masonry foundation; (2) a poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor; (3) a floating slab for which the municipality may require an engineer's certification; (4) any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings.
89. **Frontage.** The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the street.
90. **Funeral Home.** A building or part hereof used for human funeral Services, such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b.) the performance of autopsies and other surgical procedures; c.) the storage of caskets, funeral urns, and other related funeral supplies; and d.) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
91. **Garage, Private.** A building for the private use of the owner or Occupant of a principal building situated on the same lot or attached to the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.
92. **Garage, Public.** A building designed and used for the storage of Personal property or automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
93. **Garage, Repair.** (See also Service Station.) A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.
94. **Governing Body.** The Village Board of the Village of Clearwater, Nebraska.
95. **Grade.** As the average finished ground level of the land around the building within the area between the building and the property line is more than five feet from the building, between the building and a line five (5) feet from the building.
96. **Green Area.** (See Common Open Space.)
97. **Greenhouse.** A structure devoted to the cultivation and/or the protection of plants. Usually having a roof and/or sides of translucent material.
98. **Group Home.** Means a facility which houses more than five (5) but less than sixteen (16) persons. Those facilities may offer, in addition to lodging, accommodations, meals, resident support services, counseling, guidance and varying levels of medical care. Such facility shall be licensed or approved by the State of Nebraska or other appropriate agency.

99. **Group Home for the Handicapped.** (See also Family.) A dwelling shared by four or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live independently as possible in order to reach their maximum potential. As used herein, the term “handicapped” shall mean having 1) a physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently; 2) a record of having such an impairment; or 3) being regarded as having such an impairment. However, “handicapped” shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities for serving as an alternative to incarceration.
100. **Hazardous Substances.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.
101. **Health/Recreation Facility.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna, and pro shop.
102. **Height.** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level of the building from the grade in all other cases. For all instances in this regulation the maximum height guidelines shall use the peak as the highest measuring point.
103. **Helistop – Limited Use.** Any landing area used for the taking off or landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.
104. **Hike/Bike/Pedestrian Trail.** A recreational trail prohibiting all non-emergency or public maintenance motorized vehicles.
105. **Historic District.** An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
106. **Hobby.** An activity undertaken as a means of providing relaxation, enjoyment, or a learning experience and where any income is an incidental part of the activity.
107. **Home Occupation.** An occupation carried on in a dwelling unit by the resident thereof; provided that the use is incidental and secondary to a property’s primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements.
108. **Hospital.** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured person, and licenses by state law to provide facilities and services in surgery, obstetrics, and general medical practice.
109. **Hotel or Motel.** A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

110. **Impervious Coverage Area.** The total horizontal area, expressed as a percent of the entire site area, of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water. The surface water area of pools is excluded from this definition.
111. **Impervious Surface.** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.
112. **Improvement.** Street pavement or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.
113. **Inoperable Motor Vehicle.** A motor vehicle that is wrecked, dismantled, or unable to move under its own power or is impounded by a governmental agency or is not currently licensed.
114. **Intensive Livestock, Confinement Facilities/Operations.** Shall mean any building(s), lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals for more than 180 days within any calendar year, beginning January 1st.
115. **Junk.** Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof.
116. **Junk Yard.** A lot, land or structure or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.
117. **Kenel.** An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.
118. **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 and in conformance with the requirements of the Nebraska Department of Environmental Quality and Nebraska Department of Health and Human Service System.
119. **Landscaped Area.** The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
  - a. *Perimeter Landscaped Area.* Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.
  - b. *Interior Landscaped Area.* Any landscaped area within a site exclusive of required perimeter landscaping.
120. **Laundry, Self Service.** A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.
121. **Lean-to.** Building having three (3) sides and a roof, using the wall of another building for the fourth (4th) side; used for storage or a workshop.
122. **Lot.** A parcel of land shown as a unit on a recorded subdivision plat.
123. **Lot Area.** The total horizontal area within the lot lines of a lot.
124. **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection.

125. **Lot Depth.** The average horizontal distance between the front and rear lot lines.
126. **Lot, Double Frontage.** An internal lot having a frontage on two streets.
127. **Lot, Flag.** Lots or parcels that the Village has approved with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.
128. **Lot, Interior.** A lot other than a corner lot which has frontage on one (1) street only.
129. **Lot Line.** The property line bounding the lot.
130. **Lot Line, Front.** (See also Yard, Front.) The property line dividing a lot from a public or private street and from which the required front setback is measured.
131. **Lot, Rear.** The rear of a lot shall be that side opposite the front of the lot.
132. **Lot of Record.** A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.
133. **Lot, Substandard.** A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the ordinance codified in this title.
134. **Lot, Through.** A lot having its front and rear yards each abutting on a street.
135. **Lot, Width.** The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel the minimum width of a lot shall be measured at the front yard setback line, but in no case, shall the front lot line be less than 35 feet in width.
136. **Manufactured Home.** A factory built single-family dwelling structure which is to be used as a place for human habitation, which bears a label certifying that it was manufactured or constructed in 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 a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act, and which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, does not have permanently attached to its body or frame any wheels or axels, and which complies with the following architectural and aesthetic standards listed below. For the purpose of any of these regulations, manufactured home shall be considered the same as a single-family detached dwelling.
  - a. Dwelling units built in compliance with the above may be placed in any zoning district where single-family dwelling units are permitted when the additional requirements outlined in Chapter 3 of this Ordinance are met.
  - b. Manufactured or mobile homes which do not meet all of the standards listed in Chapter 3 of this Ordinance, may be placed in a mobile home park or as permitted by Code, provided the structure is transportable in one (1) or more sections which in the traveling mode are eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, are three hundred twenty (320) or more square feet and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.
137. **Maximum Building Coverage.** This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a twenty thousand (20,000) square foot building on a forty thousand (40,000) square foot site has a building coverage of fifty percent (50%). This is a method of regulating the scale of buildings in an area.

138. **Maximum Impervious Coverage.** This measures the percentage of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quantity of storm water runoff and provide for groundwater recharge.
139. **Medical Office.** Use of 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.
140. **Mini-Warehouse.** (See Self Service Storage Facility).
141. **Minor Subdivision.** (See Administrative Subdivision).
142. **Mobile Home Park.** Any area, tract, site or plot of land where upon a minimum of two (2) mobile homes as herein defined are placed, located or maintained or intended to be placed, located or maintained for dwelling purposes.
143. **Mobile Home.** A building type designed to be transportable in one (1) or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U.S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
144. **Mobile Home, Double-Wide.** A mobile home that consists of two or more sections that are transported separately and assembled at the site into one structure of a width of not less than twenty feet.
145. **Mobile Home Park.** A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
146. **Mobile Home, Single-Wide.** A mobile home that consists of one section which the main body, exclusive of expansions or extensions, is sixteen feet or less in width.
147. **Mobile Home Space.** A plot of ground within a mobile home park which can accommodate one mobile home and which provides the necessary utility services for water, sewerage, and electricity.
148. **Mobile Home Subdivision.** A subdivision where individual lots are sold for the placement of manufactured or mobile homes where the lot and structure are intended, to be owned by the same party.
149. **Modular Home.** "Modular housing unit" shall mean any dwelling whose construction consists entirely of, or the major portions of its construction consists of, a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. Modular housing units shall be taxed as real estate. The term "modular housing unit" shall not include a manufactured home.
150. **Monuments.** Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.
151. **Non-Commercial Wind Energy Systems (Small).** Shall mean a wind energy system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce onsite consumption of utility power.

152. **Nonconforming Building/Structure.** Any building or structure that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being located.
153. **Nonconforming Lot.** A use or activity which lawfully existed prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the use district in which it is located.
154. **Nonconforming Use.** A lawful use of land or building that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.
155. **Nursery.** An area where plants, such as trees and shrubs, are grown for transplanting, for use as stock for budding and grafting or for sale.
156. **Nursing Home – Convalescent Home.** An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.
157. **Open Space.** An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes.
158. **Out Lot.** Property shown on a subdivision plat outside of the boundaries of the land which is developed and which is to be excluded from the development of the subdivision.
159. **Overlay District.** A district which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
160. **Park.** Any public or private land available for recreation, educational, cultural, or aesthetic use.
161. **Parking Area, Public or Customer.** An area other than private parking area, street, or alley, used for the parking of automobiles and available for public or semi-public use.
162. **Parking Space, Off-Street.** Off-street parking shall mean an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress. A surfaced area of not less than two hundred (200) square feet on private or public property, either within or outside a building, suitable in size and location to store one standard automobile.
163. **Pedestrian Ways.** A tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets and properties.
164. **Pervious Coverage.** Area maintained in its natural condition, or covered by material that permits infiltration or percolation of water into the ground. Any material that permits absorption of water into the ground.
165. **Planned Development.** Special development of certain tracts of land, planned and designed as a unit for one (1) or more land uses under the regulations and procedures contained in this Article.
166. **Planning Area.** The statutory zoning jurisdiction of the Village of Clearwater.
167. **Planning Commission.** The appointed planning body designated by the Clearwater Village Board.
168. **Plat.** Map, drawing, or chart upon which the developer's plan of subdivision (Preliminary) is presented to the Village Board for approval and, after such approval, to the appropriate County Clerk for recording.
169. **Plot.** A parcel of ground.
170. **Poultry Farm.** (See Feedlot).
171. **Principal Building.** Building in which the primary use of the lot is intended.
172. **Principal Use.** The primary use and chief purpose of a lot or structure.

173. **Public Works Plan.** An improvement analysis, conducted and prepared by Village Engineer, delineating what necessary sewer, water, drainage, street, storm water, floodplain, well head and easement improvements will be needed for all phases of a subdivision.
174. **Public Way.** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.
175. **Quonset.** A building made of corrugated metal and having a semicircle cross section.
176. **Recreational Vehicle.** A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
177. **Recreational Vehicle (RV) Park.** Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles for accommodating temporarily occupied living quarters for recreation or vacation purposes.
178. **Recycling Center.** A facility that is not a junk yard and in which recoverable resources are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building. (Such as newspaper, glassware, metal, cans, etc.)
179. **Restaurant.** An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.
180. **Restaurant, Drive-in.** A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.
181. **Restaurant, Fast-food.** An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a device such as microwave oven orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
182. **Right-of-Way.** A strip of land, taken or dedicated for use as a public way which is occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.
183. **Road, Public.** (See also Right-of-way and Street.) All public property reserved or dedicated for street traffic.
184. **Road, Private.** (See also Right-of-way and Street) A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.
185. **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.
186. **School.** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high school.

187. **Screening.** The method by which a view of one site from another element or form adjacent or contiguous development. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition; walls, berms, or plantings.
188. **Self-Service Storage Facility.** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies.
189. **Service Station.** (See also Garage, Repair) Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.
190. **Setback.** The required minimum horizontal distance between the building line and the related front, side, or rear property line.
191. **Sewers, On-Site.** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
192. **Shed.** Free standing building not larger than ten feet by twelve feet (10' by 12') used for storage or workshop.
193. **Short-Term Lodging.** Any dwelling or portion thereof that is available for use for accommodations or lodging of guests for compensation, for periods of less than 30 consecutive days. (May also be referred to as Short-Term Housing).
194. **Sidewalk.** A walkway consisting of a paved or cemented area for pedestrians; usually beside a street or roadway but within the right-of-way.
195. **Sight Triangle.** An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the center line of the streets, 80 feet in each direction along the center line of the streets. At the intersection of major or arterial streets, the 80-foot distance shall be increased to 120 feet for each arterial leg of the intersection.

196. **Sign.** (Signage) Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, and advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business, but shall not include any display of governmental notice or flag.

a. *Abandoned Sign.* A sign that is not operated or maintained for a period of one hundred eighty (180) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign on which is advertised a business that is no longer doing business on the parcel where the sign is located. An abandoned sign includes a sign for a purpose for which the purpose has lapsed.



*Abandoned Sign*

b. *Animated Sign.* Any sign that uses movement or change of lighting to depict action or create a special effect or scene.



*Animated Sign*

c. *Announcement Sign.* A sign which displays information pertaining to any permitted principal use of a nonresidential nature.



*Announcement Sign*

d. *Architectural Canopy Sign.* An enclosed, illuminated or non-illuminated, structure which is attached to a building wall with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.



*Architectural Canopy Sign*

e. *Awning Sign.* Any sign that is a part of, or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. (A Marquee is not an Awning Sign.)



*Awning Sign*

f. *Banner Sign.* Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.



*Banner Sign*

g. *Billboard Sign.* 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.



*Billboard Sign*

h. *Building Sign.* Any sign supported by, painted on, or otherwise attached to any building or structure.



*Building Sign*

i. *Building Marker Sign.* Any sign indicating the name of a building and date and incidental information about its construction, in which sign is cut into a masonry surface or made of bronze or other permanent material and affixed to the building.



*Building Marker Sign*

j. *Canopy Sign.* (See Architectural Canopy Sign or Awning Sign.)

k. *Commemorative Sign.* A sign issued to honor a person, place, event, or item which has historical significance.



*Commemorative Sign*

- l. *Construction Sign.* A temporary sign directly connected with a construction project; may include the name, addresses, and/or telephone number of the company(s) involved with said construction project. Any construction signs shall be removed no more than 30 days after project completion.
- m. *Changeable Copy Sign.* A sign or portion thereof with characters, letters, or illustrations which can be changed or rearranged without permanently altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this ordinance.
- n. *Commercial Message Sign.* Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- o. *Community or Civic Sign.* A sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the motoring public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local chamber of commerce or other civic organization or non-profit entity.
- p. *Destination Sign.* A sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the simplest, direct, and concise manner possible. May also be referred to as a wayfinding sign.
- q. *Electronic Message Board Sign.* 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.
- r. *Flashing Sign.* 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.
- s. *Freestanding Sign.* Any sign supported by uprights or braces placed on or in the ground, which is not supported by any building.
- t. *Ground Sign.* A sign mounted directly to the ground which shall not impede vehicular sightlines.
- u. *Historical Marker Sign.* (See Commemorative Sign.)
- v. *Illuminated Sign.* A sign illuminated in any manner by an artificial light source.



*Construction Sign*



*Changeable Copy Sign*



*Commercial Message Sign*



*Community or Civic Sign*



*Destination Sign*



*Electronic Message Board Sign*



*Flashing Sign*



*Freestanding Sign*



*Illuminated Sign*



*Ground Sign*

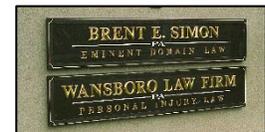
- w. *Incidental Sign.* A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- x. *Marquee Sign.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.
- y. *Nameplate Sign.* A sign not exceeding 2 square feet for each dwelling.
- z. *Non-Conforming Sign.* Any sign that does not conform to the requirements of this ordinance.
- aa. *Off-Premises Sign.* A sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.
- bb. *On-Premise Sign.* A sign, display, or device-advertising activities conducted on the property on which such sign is located.
- cc. *Pennant Sign.* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- dd. *Pole Sign.* A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.
- ee. *Portable Sign.* 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. Examples: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- ff. *Projecting Sign.* A projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.



*Incidental Sign*



*Marquee Sign*



*Nameplate Sign*



*Off-Premises Sign*



*On-Premises Sign*



*Pennant Sign*



*Pole Sign*



*Projecting Sign*



*Portable Sign*

gg. *Real Estate Sign*. A temporary sign advertising the sale, lease, or rent of the property on which said sign is located. The sign shall include the identification and contact information of the person and/or company handling said sale, lease, or rent.



*Real Estate Sign*

hh. *Roof Sign*. A sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.



*Roof Sign*

ii. *Roof (Integral) Sign*. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.



*Roof Integral Sign*

jj. *Subdivision Sign*. A sign which identifies the platted subdivision where the sign is located. Typically located near any entrances into said subdivision.



*Subdivision Sign*

kk. *Suspended Sign*. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.



*Suspended Sign*

ll. *Temporary Sign*. A sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display (no more than 90 days), including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.



*Temporary Sign*

mm. *Wall Sign*. Any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.



*Window Sign*

nn. *Window Sign*. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes/ glass and is visible from the exterior of the window.



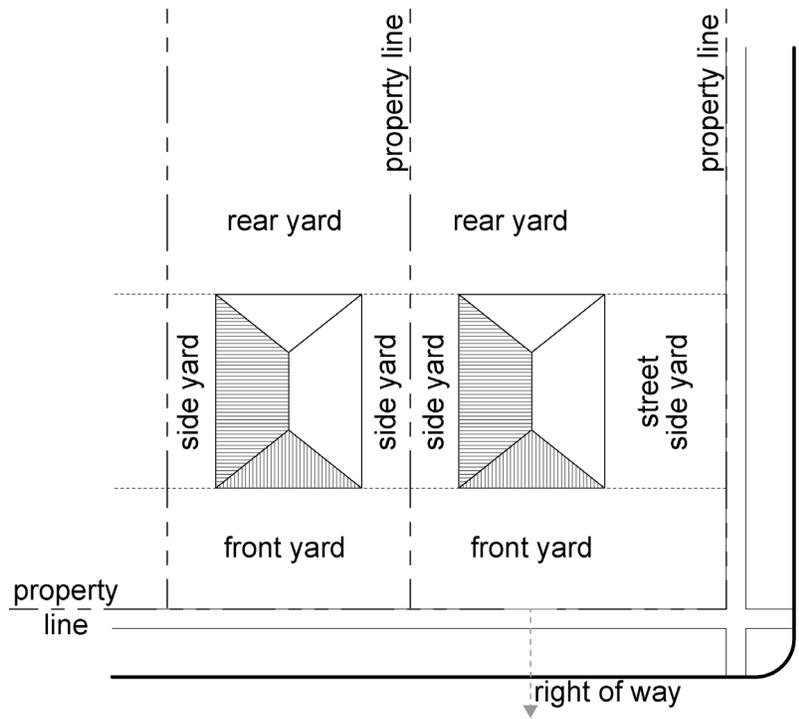
*Wall Sign*

197. **Sign Setback**. The horizontal distance from the property line to the nearest projection of the existing or proposed sign.

198. **Single Family, Attached.** A dwelling having a common wall with another dwelling. The common wall is on a lot line dividing two (2) residential lots. Each dwelling may be the property of two (2) different owners.
199. **Site Plan.** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
200. **Solid Waste Landfill.** A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial or burning of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles, or parts thereof, or other waste, and which is in conformance with the requirements of the Nebraska Department of Environmental Quality and Nebraska Department of Health and Human Service System.
201. **Solid Waste Transfer Station.** A collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of the Nebraska Department of Environmental Quality and Nebraska Department of Health and Human Service System.
202. **Storage Building.** A building or structure used, or intended to be used, for the sole purpose of storing goods and materials.
203. **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or it is used for business or dwelling purposes.
204. **Street.** That area of land platted and dedicated for public use, or lawfully used, as a public thoroughfare for vehicular travel; excluding from this definition access ways commonly designated as alleys.
205. **Street, Center Line.** A line midway between street lines.
206. **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.
207. **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.
208. **Structural Alteration.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders; any substantial change in the roof or in the exterior walls, excepting from this definition such alterations as may be required for the safety of the building.
209. **Subdivider.** The owners, developers or agents of persons or corporations affecting subdivision.
210. **Subdivision.** Subdivision shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development. The term includes re-subdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
211. **Surveyor.** Any person registered in Nebraska to practice surveying.
212. **Temporary Use.** A prospective use, intended for limited duration to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.

213. **Thoroughfare, Street or Road.** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
- a. *Alley.* A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.
  - b. *Arterial Street.* A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.
  - c. *Collector Street.* A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
  - d. *Cul-de-sac.* A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
  - e. *Dead-end Street.* A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
  - f. *Local Street.* A street which provides direct access to abutting land and local traffic movement, whether in business, industrial or residential land.
  - g. *Marginal Access Street.* A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street or Service Road).
214. **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.
215. **Variance.** A dispensation permitted by the Board of Adjustment relieving a property owner from dimensional requirements of the zoning regulations which would cause exceptional practical difficulties or exceptional and undue hardship.
216. **Vicinity Map.** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the Village of Clearwater, in order to better locate and orient the area in question.
217. **Yard.** A space on a lot that is open, unoccupied, and unobstructed by buildings or structures from the ground upward.
218. **Yard, Front.** A yard extending across the full width of the lot, the depth of which is the least distance between a front lot/property line and the front setback line.
219. **Yard, Rear.** A yard extending across the full width of the lot, of which is the least distance between the rear lot/property line and the rear setback line.
220. **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.

221. **Yard, Side.** A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.



222. **Zoning.** A police power measure in which the community is divided into districts or zones within which permitted and conditional uses are established as are regulations governing lot size, building bulk, placement, and other development standards.
223. **Zoning Administrator.** An appointed official whose primary responsibility is to enforce Zoning Regulations.
224. **Zoning District.** An area delineated on a Zoning Map for which uniform use regulations are specified.
225. **Zoning Map.** 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 Village Clerk as an official record of the Village.
226. **Zero Lot Line.** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**1-4.7. UNDEFINED WORDS**

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

**ARTICLE 5: VIOLATIONS AND PENALTIES**

**1-5.1. VIOLATIONS AND PENALTIES**

Any person who violates any provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine, determined by the Village, for each. Each and every day that such violation continues shall constitute a separate offense.

Whenever a violation exists as defined in these regulations, the Village may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. Whenever, in any action, it is established that a violation exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.