

ARTICLE III  
Terminology

**§ 170-7. Rules of construction.**

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

- A. Tense. Words used in the present tense include the future tense.
- B. Number. Words used in the singular include the plural, and words used in the plural include the singular.
- C. Shall and may. The word "shall" is mandatory; the word "may" is permissive.
- D. Gender. The masculine shall include the feminine and neuter.
- E. Headings. In the event that there is any conflict or inconsistency between the heading of an article, section or subsection of this chapter and the context thereof, said heading shall not be deemed to affect the scope, meaning or intent of such context.

**§ 170-8. General terminology.**

- A. The word "city" shall mean the City of Papillion, Nebraska.
- B. The words "City Council" shall mean the City Council of Papillion, Nebraska.
- C. The words "Planning Commission" shall mean the Planning Commission duly appointed by the city.

**§ 170-9. Definitions.**

- A. Text of definitions. Words or terms not herein defined shall have their ordinary meaning in relation to the context.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ALLEY — See "thoroughfare."

CHIEF BUILDING OFFICIAL — The City Chief Building Official.

BUILDING LINE — See "setback line."

CLERK — The City Clerk.

CLUSTER DEVELOPMENT — A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space or the preservation of historically or environmentally sensitive features.<sup>1</sup>

COLLECTOR STREET — See "thoroughfare."

COMMON OPEN SPACE — An area of land or water, or combination thereof, planned for passive or active recreation, but does not include area utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

COMMON SEWER SYSTEM — A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent to a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Control for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

COMMON WATER SYSTEM — A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.

COMPREHENSIVE PLAN (GENERAL DEVELOPMENT PLAN) — The plan or series of plans for the future development of the city recommended by the Planning Commission and adopted by the City Council.

CUL-DE-SAC — See "thoroughfare."

CULVERT — A transverse drain under a street or driveway.

DEAD-END STREET — See "thoroughfare."

DEVELOPER — Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another.

DISTRICT — A portion of the City of Papillion within which certain regulations and requirements apply under the provisions of this chapter.<sup>2</sup>

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

ENGINEER — Any person who is designated by the city to approve portions of proposed subdivisions as specified in these regulations as requiring an engineer's approval.

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**FRONTAGE** — The length of the property abutting on one side of a street measured along the dividing lines between the property and the street.

**GOVERNING BODY** — That body having jurisdiction of the zoning area.

**IMPROVEMENTS** — Street pavement or resurfacing, curbs, gutters, sidewalks, waterlines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.

**LOOP STREET** — See "thoroughfare."

**LOT** — A parcel of land of at least sufficient size to meet minimum zoning and subdivision requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public or private street and may consist of a single lot of record; a combination of complete lots of record and portions of lots of record; a parcel of land described by metes and bounds, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.

**LOT, CORNER** — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines and the foremost point of the lot meet at an interior angle of less than 135°.

**LOT DEPTH** — The distance between the midpoints of a straight line connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**LOT FRONTAGE** — The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this article.

**LOT, INTERIOR** — A lot other than a corner lot with only one frontage on a street.

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

**LOT, REVERSED-FRONTAGE** — A lot in which the frontage is at right angles or approximately right angles, interior angle less than 135°, to the general pattern in the area.

**RESERVE .25 IN EPS "DIAG1.EPS" LOT, THROUGH** — A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a "double-frontage lot."

**LOT WIDTH** — Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

**LOT, ZONING** — A parcel or tract of land used, developed or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

**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.

**OCCUPANCY** — See § 170-22G.

**OPEN SPACE** — An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts and/or any other recreational facilities that the governing body deems permissive. Streets, structures for habitation and the like shall not be included.

**OUTLOT** — A portion of a subdivision intended and reserved, as a unit, for public purposes or private common area that has restrictions for transfer of ownership and building development which are designated by the subdivider at the time of filing the initial plat. **[Amended 12-4-2001 by Ord. No. 1362]**

**PEDESTRIANWAYS** — Tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.

**PLANNED DEVELOPMENT** — Special development of certain tracts of land, planned and designed as a unit for one or more land uses under the regulations and procedures contained in Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska, and as approved by the City Council.

**PLANNING DEPARTMENT** — The department authorized and empowered by the governing body having jurisdiction to administer the requirements of these subdivision regulations. **[Amended 6-15-1999 by Ord. No. 1298]**

**PLAT** — A map, drawing or chart which delineates the subdivision of land as presented by the developer. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.

**PLAT, FINAL** — The final plan of the plat, subdivision or dedication of land prepared for filing or recording in accordance with these regulations.

**PLAT, PRELIMINARY** — A map, drawing or chart with supporting documents, which represents a subdivision proposal upon which a final plat is to be based. A preliminary plat is not intended as a document to be filed of record.

**PUBLIC HEARING** — A meeting held pursuant to a public notice published at least one time, 10 days prior to the meeting, in a newspaper of general circulation within the City of Papillion, which notice shall set forth date, time and place of meeting and the legal description of the real estate involved.

**PUBLIC WAY** — An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street,

viaduct, walk or other ways in which the general public or a public entity has a right or which are dedicated, whether improved or not.

REPLAT — A plat representing land which has previously been included in a recorded plat.

RIGHT-OF-WAY — A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment), such as grade separation, landscaped areas, viaducts and bridges.

SETBACK LINE — A line established by Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground except as provided in said codes.

SEWERS, CENTRAL OR GROUP — See "common sewer system."

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' jurisdiction and State of Nebraska environmental control.

SIDEWALK — That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See "walkway."

SUBDIVIDER — A person, group, corporation, partnership or other entity, or any agency thereof dividing or proposing to divide land so as to constitute a subdivision.

SUBDIVISION — The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll prior to February, 1980, into two or more parcels, sites or lots, any one of which is less than 10 acres for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than 10 acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

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.

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:

- (1) ALLEY — A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.

- (2) **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.
- (3) **COLLECTOR STREET** — A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
- (4) **LOCAL STREET** — A street which provides direct access to abutting land and local traffic movement, whether in business, industrial or residential land.
- (5) **CUL-DE-SAC** — A local street of relatively short length with one end open to traffic and the other end terminating in a vehicle turnaround.
- (6) **DEAD-END STREET** — A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- (7) **LOOP STREET** — A type of local street, each end of which terminates at an intersection with the same arterial or collector street or other local street and whose principal radius points of the 180° system of turns are not more than 1,000 feet from said arterial or collector street nor normally more than 600 feet from each other.
- (8) **MARGINAL ACCESS STREET** (also called "frontage 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.

**VICINITY MAP** — A drawing located on the preliminary plat which sets forth the geographic relationship of the proposed subdivision to the surrounding area. Features to be noted on the vicinity map include major streets, railroads and public areas.

**WALKWAY** — A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of the road or not.

**YARD** — A required open space, other than a court, on the same lot with a building, unoccupied or obstructed by a structure of any sort from the ground upward.<sup>3</sup>

**YARD, FRONT** — A yard extending across the front of a lot measured between the side yard lines and being the minimum horizontal distance that is between the street line and the main building or any projection thereof other than steps and unenclosed porches; on corner lots, the front yard shall only be provided on the street upon which the front of the building faces.

---

3. Editor's Note: Location and Measurements of Yards and Lots diagram located at end of chapter.

§ 170-9

PAPILLION CODE

§ 170-11

YARD, REAR — A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

YARD, SIDE — A yard extending from the principal building to the side lot line on both sides of the principal building between the line establishing the front and rear yards.

ZONING AREA — The area subject to the provisions of zoning and subdivision regulations as set on the Official Zoning Map of the City of Papillion, Nebraska.