Chapter 27.03

GENERAL DEFINITIONS

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27.03.010 Definitions; General Provisions.

For the purpose of this title, certain terms and words are hereby defined. Certain chapters contain definitions which are additional to those listed here. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building," and the word "shall" is mandatory. (Ord. 12571 §3; May 8, 1979).

27.03.020 Abutting.

Abutting shall mean adjacent or contiguous and shall include property separated by an alley. (Ord. 12571 §4; May 8, 1979).

27.03.030 Accessory Buildings and Uses.

An accessory building is a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises. (Ord. 12571 §5; May 8, 1979).

27.03.035 Administrative Offices.

Administrative offices shall mean offices that house the administrative support functions of an association, corporation or other similar organization including, but not limited to, finance, accounting, personnel, policy development, administration, and similar administrative activities that do not generally involve frequent or regular face-to-face interaction with the public. This definition of "administrative offices" is intended to prohibit all manufacturing, retail, wholesale, service, and other activities that involve the on-site production, distribution, delivery, or marketing of goods and services to the public. (Ord. 15164 §1; May 8, 1989).

27.03.037 Adult Care Center.

Adult care center shall mean a facility in which a program of structured and supervised social, manual, physical, and intellectual services or activities are provided to adults who are either ambulatory or wheelchair mobile. Such services or activities shall be provided for a minimum of three hours per day, but shall not provide for overnight stays by participating adults. (Ord. 16253 §1; October 26, 1992).

27.03.040 Agriculture.

Agriculture shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the non-commercial on-farm storage or processing of agricultural products; or for any other similar agricultural, horticultural, silvacultural, or aquacultural use. (Ord. 14698 §1; July 6, 1987: prior Ord. 12571 §6; May 8, 1979).

27.03.050 Alley.

Alley shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon. (Ord. 12571 §7; May 8, 1979).

27.03.055 Amateur Radio Antenna Installation.

Amateur radio antenna installation shall mean the installation of the tower, antenna, mast, rotor, and other necessary apparatus by an amateur radio operator at a particular location licensed by the Federal Communications Commission as an amateur radio station for amateur radio communications.

For the purposes of this section, the following definitions shall apply:

Amateur radio operator shall mean an individual who has passed a Federal Communications Commission authorized examination and holds a current F.C.C. amateur radio license.

Antenna shall mean the device which receives and/or transmits radio waves and is connected to a radio by means of some type of conducting media.

Antenna installation shall mean the complete system including tower, antenna(s), mast, and rotor.

Mast shall mean a pole or pipe-like device which separates an antenna from a tower.

Rotor shall mean a machine which turns the antenna about its axis.

Tower shall mean the supporting structure which holds the antenna above the ground. (Ord. 16673 §1; September 26, 1994).

27.03.060 Apartment.

See multiple dwelling unit. (Ord. 12571 §8; May 8, 1979).

27.03.070 Apartment Hotel.

Apartment hotel shall mean a multiple dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use. (Ord. 12571 §9; May 8, 1979).

27.03.080 Apartment House.

See Dwelling, multiple. (Ord. 12571 §10; May 8, 1979).

27.03.085 Average Lot Width.

Average lot width shall mean the width determined by dividing the total lot area by the depth of the lot from the right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way line are not parallel, an average depth dimension shall be used. (Ord. 12571 §10; May 8, 1979).

27.03.090 Basement.

Basement shall mean that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (Ord. 12571 §11; May 8, 1979).

27.03.100 Boarding House.

Boarding house shall mean a building other than a hotel or motel or group home where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons. (Ord. 12571 §12; May 8, 1979).

27.03.110 Broadcast Tower.

Broadcast tower shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves; provided, however, that personal wireless service facilities and non-commercial radio towers not exceeding fifty feet in height and amateur radio antenna installations shall not be considered broadcast towers. (Ord. 17589 §1; January 18, 2000: prior Ord. 16673 §2; September 26, 1994: Ord. 13004 §1; September 29, 1980: Ord. 12571 §13; May 8, 1979).

27.03.120 Building.

Building shall mean any structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property. (Ord. 12571 §14; May 8, 1979).

> Annot.: Backstop for tennis court is not a "fence" but a structure subject to the code height for a building. Shamberg v. City of Lincoln, 174 Neb. 146, 116 N.W.2d 18 (1962).
> This ordinance is penal in nature and will be strictly construed. Id.

27.03.130 Buildings, Height of.

Height of a building shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five foot horizontal distance at the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade. (Ord. 12571 §15; May 8, 1979).

27.03.140 Campsite.

Campsite shall mean a parcel of land intended for temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle. (Ord. 12571 §16; May 8, 1979).

27.03.150 Cellar.

Cellar shall mean that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (Ord. 12571 §17; May 8, 1979).

27.03.155 Early Childhood Care Facility.

Early childhood care facility shall mean a building for the provision of services in lieu of parental supervision for four or more children under thirteen years of age for compensation either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and shall include any employer-sponsored child care, child care home, child care center, before- and after-school child care program, or preschool or nursery school, but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than child care or preschool or nursery school, or a preschool program conducted in a school approved pursuant to Nebraska State Statutes. (Ord. 16854 §1; August 14; 1995).

27.03.160 Club.

Club shall mean a building or facility owned or operated by persons associated for a social, educational, or recreational purpose, not operated primarily for profit nor to render a service which is customarily carried on as a business, and which is generally restricted to members and their guests using the facility for the purpose for which they have associated; this shall not include a church building, or the occasional accessory use of a private residence as a meeting place. (Ord. 12571 §18; May 8, 1979).

27.03.170 District.

District shall mean a section or sections of either the City of Lincoln or the area within three miles thereof for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform. (Ord. 12571 §19; May 8, 1979).

27.03.175 Domiciliary Care Facility.

Domiciliary care facility shall mean an institution, facility, place, building, or structure in which there is provided for a period exceeding twenty-four consecutive hours:

(a) Accommodations and supervision to four or more persons sixty years of age or older who are unrelated by blood, marriage, or adoption and who are essentially capable of managing their own affairs, but who are in need of supervision, including supervision of nutrition, on a regular and continuing basis but not necessarily on a consecutive twenty-four hour basis; or

(b) Accommodations, board, and care, such as personal assistance in feeding, dressing, and other essential daily living activities, to four or more persons sixty years of age or older who are unrelated by blood, marriage, or adoption who by reason of illness, disease, injury, deformity, disability, or physical or mental infirmity are unable to sufficiently or properly care for themselves or manage their own affairs, but who do not require the daily services of a licensed, practical, or registered nurse.

Domiciliary care facilities may include accessory uses such as beauty parlors, pharmacies, gift shops, ice cream parlors, banks, or similar uses provided for the convenience of the residents. However, such accessory uses shall be located entirely within the facility and shall not have any separate entrance, but shall be accessible through an interior lobby, corridor, or passageway of the facility. No accessory use shall have any sign which is visible from the exterior of the facility. The

total floor area occupied by all such accessory uses shall not exceed five percent of the floor area of the facility or 2,000 square feet, whichever is less, and each use shall not exceed 300 square feet. (Ord. 16934 §1; February 12, 1996: prior Ord. 16687 §1; October 17, 1994: Ord. 14562 §1; December 8, 1986).

27.03.180 Dwelling.

Dwelling shall mean any building or portion thereof which is designed and used for residential purposes. (Ord. 12571 §20; May 8, 1979).

27.03.190 Dwelling, Single-family.

Single-family dwelling shall mean a dwelling having accommodations for and occupied by one family. (Ord. 12571 §21; May 8, 1979).

27.03.200 Dwelling, Two-family.

Two-family dwelling shall mean a dwelling having accommodations for and occupied by two families. (Ord. 12571 §22; May 8, 1979).

27.03.210 Dwelling, Multiple.

Multiple dwelling shall mean a dwelling having accommodations for and occupied by more than two families. (Ord. 12571 §23; May 8, 1979).

27.03.213 Domestic Shelter.

Domestic shelter shall mean a temporary shelter for individuals affected by domestic violence. Such use shall be operated by a public or nonprofit entity and may provide temporary boarding, lodging, counseling, and support services. (Ord. 14060 §1; February 25, 1985).

27.03.214 Elderly or Retirement Housing.

Elderly or retirement housing shall mean a housing project which incorporates specific features designed to alleviate access problems commonly experienced by the elderly, and in which each occupied dwelling unit is occupied by at least one person of sixty years of age or more, except as provided in Section 27.63.210. (Ord. 14644 §1; April 13, 1987).

27.03.215 Enclosed Commercial Recreational Facilities.

Enclosed commercial recreational facilities shall mean facilities which are enclosed in a building and used for physical fitness and athletic activities including but not limited to: Golf, racquetball, tennis, and other court games, fitness centers, bowling, skating, or swimming. (Ord. 13736 §1; December 12, 1983).

27.03.217 Enclosed Disassembly Operation.

Enclosed disassembly operation shall mean a salvage operation where all wrecking and dismantling of salvage material is inside a building or buildings. (Ord. 14185 §1; September 3, 1985).

27.03.218 Existing Urban Area.

Existing Urban Area shall mean those areas inside the corporate limits of the City of Lincoln as well as those areas outside the corporate limits having a zoning designation other than AG Agriculture or AGR Agricultural Residential, on the effective date of this ordinance. (Ord. 18358 §1; May 10, 2004).

27.03.220 Family.

One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

(1) A person residing with a family for the purpose of adoption;

(2) Not more than six persons under nineteen years of age, residing in a foster home licensed or approved by the State of Nebraska;

(3) Not more than four persons nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the state or its delegate;

(4) Any person who is living with a family at the direction of a court. (Ord. 12571 §24; May 8, 1979).

27.03.230 Feedlot, Commercial.

Commercial feedlot shall mean an area of more than 15,000 square feet where the principal business is the feeding of livestock or poultry. (Ord. 12571 §25; May 8, 1979).

27.03.235 Flood Design Criteria

Flood Design Criteria shall mean Chapter 10 of the City of Lincoln Drainage Criteria Manual, as adopted on February 22, 2000 by Resolution No. A-80038, as amended. (Ord. 18358 §2; May 10, 2004).

27.03.240 ~~Flood plain.~~ Floodplain.

~~Flood plain~~ Floodplain shall mean those lands which are subject to a one percent or greater chance of flooding in any given year, as shown on the Flood Insurance Rate Map issued by FEMA for Lancaster County, Nebraska and incorporated areas, as amended. Copies of said map shall be kept on file in the Department of Building and Safety. (See Chapters 27.52 and 27.53 for additional definitions.) (Ord. 18358 §3; May 10, 2004: prior Ord. 12571 §26; May 8, 1979).

27.03.250 Floor Area.

Floor area shall mean the total number of square feet of floor space within the outside of the exterior walls of a building, not including storage space in cellars or basements and not including space used for the parking of automobiles, not including elevator shaft or stair and escalator enclosures, and not including space used for mechanical equipment used in connection with utilities, such as heating, air conditioning and ventilation equipment, electric switching gear, water pumps, utility meters, and auxiliary electric generators. (Ord. 13364 §1; May 3, 1982: prior Ord. 12571 §27; May 8, 1979).

27.03.260 Frontage.

Frontage shall mean the length of the property on one side of a street between two street intersections (crossing or terminating) measured along the property line at the street, or if the street is dead-ended, the length of the property abutting on one side between an intersecting street and the dead end of the street. (Ord. 12571 §28; May 8, 1979).

27.03.270 Garage, Private.

Private garage shall mean an accessory building designed or used for the storage of not more than four motor vehicles owned and used by the occupants of the building to which it is accessory. (Ord. 12571 §729; May 8, 1979).

27.03.280 Garden Center.

Garden center shall mean a building or premises used primarily for the retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants; including books, appliances, and tools, but not including power tools or tractors. (Ord. 12571 §30; May 8, 1979).

27.03.290 Grade.

Grade shall mean:

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets;

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street and where no sidewalk exists, the sidewalk grade shall be established by the Department of Public Works and Utilities. (Ord. 12571 §31; May 8, 1979).

27.03.295 Greenhouse.

Greenhouse shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes, provided no retail sales shall be conducted on such premises. (Ord. 13724 §1; October 31, 1983).

27.03.300 Group Home.

Group home shall mean a facility in which more than two but less than sixteen persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care, for any of the purposes listed below. Such facility shall be licensed or approved by the State of Nebraska or other appropriate agency.

(a) Adaptation to living with, or rehabilitation from, the handicaps of physical disability;

(b) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder, or mental retardation;

(c) Rehabilitation from the effects of drug or alcohol abuse;

(d) Supervision while under a program of alternatives to imprisonment, including but not limited to pre-release, work-release, and probationary programs. (Ord. 12571 §32; May 8, 1979).

27.03.310 Health Care Facilities.

Health care facilities shall mean a building or structure, licensed or approved by the state or an appropriate agency, if required, used as any of the following:

(a) Hospitals: A hospital may include offices of medical societies, offices of charitable public health associations and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be located on the hospital lot and the doctors and dentists involved therein must be on the staff of the hospital;

(b) Convalescent or nursing home;

(c) A facility in which sixteen or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability;

(d) A facility for out-patient physical, occupational, or vocational therapy or rehabilitation;

(e) Public health clinics and facilities;

(f) Ambulatory surgical care center which does not allow for overnight stay by patients. Ambulatory surgical center does not include an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry.

Except as provided in (a) above, health care facilities does not include doctors' or dentists' professional offices and private clinics. (Ord. 17326 § 1; April 20, 1998: prior Ord. 13768 §1; February 21, 1984: Ord. 12679 §1; September 4, 1979: Ord. 12571 §33; May 8, 1979).

27.03.315 Heritage Center.

Heritage center shall mean one or more buildings and open space within which an historically significant era or activity is displayed. The retail sale of crafts and other works and the provision of entertainment, but not a full-scale amusement park, may be included as part of a heritage center if they are complementary to the displayed era or activity. (Ord. 16413 §1; July 12, 1993).

27.03.320 Home Occupation.

Home occupation shall mean any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations can be found in Section 27.70.010. (Ord. 12571 §34; May 8, 1979).

27.03.330 Housing for the Elderly.

(Repealed by Ord. 14644 §2; April 13, 1987: prior Ord. 13339 §1; March 26, 1982: Ord. 12571 §35; May 8, 1979).

27.03.335 Housing for the Physically Handicapped.

Housing for the physically handicapped shall mean any dwelling in which each occupied dwelling unit is occupied by at least one person who has a physical handicap. A physical handicap is a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises. Such impairment shall be expected to be permanent or of long or indefinite duration. Such design features include but are not limited to ground level

construction, level entrances, wider doorways, adjustable counters, roll-in showers, lower electrical switches, higher outlets, and lever-type hardware. (Ord. 13546 §1; February 28, 1983).

27.03.340 Landscaping.

Landscaping shall mean that an area is devoted to and maintained for the growing of trees, shrubbery, lawns, and other plant materials; landscaping shall conform to all applicable standards adopted by the City of Lincoln. (Ord. 12571 §36; May 8, 1979).

27.03.350 Lodging House.

Lodging house shall mean a building where lodging is provided by prearrangement for definite periods for compensation for three or more persons in contradistinction to hotels open to transients and group homes. (Ord. 12571 §37; May 8, 1979).

27.03.360 Lot.

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this title, and fronting upon a street. A lot may front upon a private roadway, or have other frontage requirements if specifically provided in this title. (Ord. 12571 §38; May 8, 1979).

27.03.370 Lot, Corner.

Corner lot shall mean a lot abutting two or more streets at their intersection. (Ord. 12571 §39; May 8, 1979).

27.03.380 Lot, Depth of.

Depth of lot shall mean the average horizontal distance between the front and rear lot lines. (Ord. 12571 §40; May 8, 1979).

27.03.390 Lot, Double Frontage.

Double frontage lot shall mean a lot having a frontage on two nonintersecting streets as distinguished from a corner lot. (Ord. 12571 §41; May 8, 1979).

27.03.400 Lot of Record.

Lot of record shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Lancaster County on or before November 2, 1953, unless another date is specifically established in this title, provided that said lot has a frontage of not less than forty feet; or, an irregular tract lot as described by a deed recorded with the Register of Deeds for Lancaster County on or before November 2, 1953, unless another date is specifically established in this title, provided that such lot is numbered and described by the county surveyor and is not greater in area than one acre. (Ord. 12571 §42; May 8, 1979).

27.03.410 Lot, Platted.

Platted lot shall mean a lot which is part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Register of Deeds for Lancaster County. (Ord. 12571 §43; May 8, 1979).

27.03.415 Mail Order Catalog Sales.

Mail order catalog sales shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale. (Ord. 16144 §1; July 6, 1992).

27.03.418 Minimum Flood Corridor.

Minimum flood corridor shall mean the existing channel bottom width plus 60 feet plus six times the channel depth and the corridor will be centered on the channel, as shown in Figure 1 below, or aligned such that the corridor follows the natural flow of flood waters.

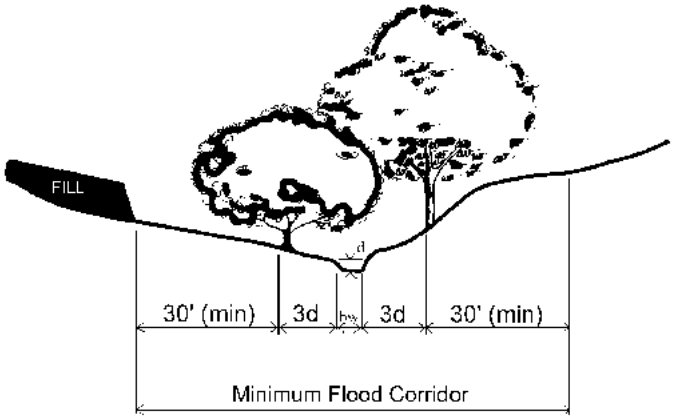

Figure 1 - Minimum Flood Corridor

(Ord. 18358 §4; May 10, 2004).

27.03.420 Mini-warehouse.

Mini-warehouse shall mean a storage facility designed to serve families and small businesses only and complying with the following requirements:

(a) All storage facilities shall be located within a building;

(b) The dimensions of any storage bay shall not exceed twenty-two feet in the narrowest dimension or thirty-six feet in the widest dimension;

(c) Storage bays shall not be interconnected by interior doors or other interior means providing access from one storage bay to another;

(d) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto. (Ord. 12571 §44; May 8, 1979).

27.03.430 Mobile Home.

Mobile home shall mean any single family or two-family permanent living quarters, designed and built to be towed on its own chassis. Each dwelling unit shall be at least eight feet in width and thirty-two feet in length, but two-family mobile homes may have less length than the required minimum if the required width is exceeded by an amount sufficient to provide an area of at least 512 square feet. (Ord. 13437 §1; August 30, 1982: prior Ord. 12571 §45; May 8, 1979).

27.03.440 Multiple Dwelling Unit.

Multiple dwelling unit shall mean a room or rooms in a multiple dwelling intended or designed for use as a residence by a single family, including kitchen facilities. (Ord. 12571 §46; May 8, 1979).

27.03.445 New Growth Areas.

New growth areas shall mean those areas outside the corporate limits of the City of Lincoln and zoned AG Agriculture and AGR Agricultural Residential on the effective date of this ordinance. (Ord. 18358 §5; May 10, 2004).

27.03.450 Nonconforming Use.

Nonconforming use shall mean the use of any dwelling, building, structure, lot, land, or premises, or part thereof, which was existing and lawful immediately prior to the effective date of this title and which does not conform with the provisions of this title and any amendments thereto. (Ord. 12571 §47; May 8, 1979).

27.03.460 Nonstandard Use.

Nonstandard use shall mean the category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this title or which become nonstandard through a change in the zoning ordinance or district boundaries that fail to comply with any of the following: minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this title. (Ord. 12571 §48; May 8, 1979).

27.03.470 Office Building.

Office building shall mean a building designed for or used as the office of professional, commercial, industrial, religious, institutional, public, or semipublic persons or organizations, provided no goods, wares, or merchandise shall be prepared or sold on any premises except that a portion of an office building may be occupied and used as a drugstore, barbershop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk and having no sign or display visible from the outside of the building indicating the existence of such use. Broadcast stations, offices, and studios shall be considered to be office buildings; broadcast towers as defined in this title shall not be so considered.

Office buildings shall also include the use of an office or clinic by a practitioner, or group of practitioners, in the field of medicine, including other medical uses such as medical testing laboratories that perform routine clinical diagnostic tests on human or animal specimens, dentistry, or podiatry; provided, however, that patients upon whom surgical procedures have been performed or who have otherwise received care or treatment at such office or clinic shall not be permitted to stay on the premises for recovery or observation for more than 24 hours. Medical testing laboratories shall exclude any laboratory which is required by federal law to hold a certificate of registration for their activity in compliance with CFR 42 Part 73, Selected Agents and Toxins. (Ord. 18301 §1; February 9, 2004: prior Ord. 17326 §2; April 20, 1998: Ord. 12571 §49; May 8, 1979).

27.03.473 Owner.

For purposes of making application for a special permit or a use permit under this title, the term "owner" shall include an owner of record, a trustee under a deed of trust or similar trust document, or a long-term lessee. A person, other than an owner, may be authorized to apply on behalf of an owner. (Ord. 16766 §1; April 1, 1995).

27.03.480 Parking Lot.

Parking lot shall mean an area consisting of six or more parking spaces for the storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale. (Ord. 12571 §50; May 8, 1979).

27.03.490 Parking Space.

Parking space 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 of an automobile. (Ord. 12571 §51; May 8, 1979).

27.03.493 Permanent Residence.

Permanent residence shall mean the place where a person actually lives and which such person regularly intends to occupy over a substantial period of time. If a person has more than one such place where he or she lives, the permanent residence shall be the place occupied the majority of the time by such person. (Ord. 16399 §1; June 28, 1993).

27.03.495 Premises.

Premises shall mean a tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous. (Ord. 12571 §51; May 8, 1979).

27.03.500 Recreational Facilities.

Recreational facilities shall mean facilities primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests, nor shall it include arenas or stadia used primarily for spectators to watch athletic events. (Ord. 12571 §52; May 8, 1979).

27.03.510 Recreational Vehicle.

Recreational vehicle shall mean a vehicular unit not exceeding forty feet in overall length, eight feet in width, or twelve feet in overall height, primarily designed as temporary living quarters for recreational camping or travel use having either its own motive power or designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel. This definition shall include a boat mounted on a trailer, together not exceeding forty feet in body length, eight feet in width, or twelve feet in overall height. (Ord. 12571 §53; May 8, 1979).

27.03.520 Recycling Center.

Recycling center shall mean a salvage operation that accepts salvage material limited to paper; aluminum foil; containers made of glass, plastic, metal, aluminum, and paper; and similar household wastes; no hazardous material as defined by state and federal law is accepted; there is no wrecking or dismantling of salvage material and no salvage material is held outside a building. (Ord. 14185 §2; September 3, 1985).

27.03.530 Salvage Operation, Scrap Processing Operation, and Salvage Material.

Salvage operation, scrap processing operation, salvage material shall mean salvage operation, scrap processing operation, and salvage material, respectively, as defined in Chapter 5.41 of this code. (Ord. 16822 §1; July 10, 1995: prior Ord. 14185 §3; September 3, 1985).

27.03.535 Salvage Yard.

Salvage yard shall mean any salvage operation where any wrecking, dismantling, or holding of salvage material is wholly or partially outside a building. (Ord. 14185 §4; September 3, 1985).

27.03.540 Service Station.

Service station shall mean any building or premise which provides for any of the following or a combination thereof: (a) the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles; (b) the retail sale and installation of mufflers, shocks and transmissions; and (c) certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. A service station may include the retail sale of non-automobile goods; provided, however, no more than 3,000 square feet of floor area shall be devoted to the sale of such goods. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve feet from the nearest property line. (Ord. 14774 §1; October 19, 1987: prior Ord. 14411 §1; June 23, 1986: Ord. 12571 §56; May 8, 1979).

27.03.545 Sexually Oriented Live Entertainment Establishment.

Sexually oriented live entertainment establishment shall mean any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:

(1) Persons who appear showing specified anatomical areas.

(2) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specific anatomical areas or the conduct or simulation of specified sexual activities.

Sexually oriented live entertainment establishment shall not include any theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances. (Ord. 17731 §2; September 25, 2000).

27.03.550 Sign.

Sign shall mean any structure, fixture, graphics, illustration, statue, or other device visible from off the premises designed or intended to advertise, to identify, to attract attention to, or to convey information regarding any goods, product, service, business, location, institution, activity, person, solicitation, issue, or campaign, with the exception of merchandise window displays, flags

of any nation, state, or political subdivision, and sculpture. For purposes of removal, sign shall also include any sign structure.

For additional specific definitions pertaining to signs, see Chapter 27.69. (Ord. 14805 §1; December 14, 1987: prior Ord. 12571 §57; May 8, 1979).

27.03.560 Solar Screen.

Solar screen shall mean a device attached to a building to provide shading for glazed areas thereof. (Ord. 12571 §58; May 8, 1979).

27.03.564 Specified Anatomical Areas.

Specified Anatomical Areas shall mean:

(a) Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device covering that, when worn, simulates male genitals in a discernibly turgid state. (Ord. 17731 §3; September 25, 2000).

27.03.566 Specified Sexual Activities.

Specified Sexual Activities shall mean any of the following:

(a) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

(b) Sex acts normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

(c) Masturbation, actual or simulated.

(d) Human genitals in a state of sexual stimulations, arousal, or tumescence.

(e) Excretory functions as part of or in connection with any of the activities set forth in (a), (b), (c) or (d) above. (Ord. 17731 §4; September 25, 2000).

27.03.570 Story.

Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of the building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter, or is more than twelve feet above grade at any point, such basement, cellar, or unused underfloor space shall be considered as a story. (Ord. 12571 §59; May 8, 1979).

27.03.580 Street.

Street shall mean all property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes, and property that has been commonly used or dedicated to be used for street purposes prior to November 2, 1953. (Ord. 12571 §60; May 8, 1979).

27.03.590 Street Centerline.

Street centerline shall mean a line midway between street lines except under conditions specified in Section 27.71.190. (Ord. 12947 §1; June 30, 1980: prior Ord. 12571 §61; May 8, 1979).

27.03.600 Street Line.

Street line shall mean a dividing line between a lot, tract, or parcel of land and a contiguous street. (Ord. 12571 §62; May 8, 1979).

27.03.610 Structure.

Structure shall mean anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. Poles used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as buildings or structures under this title. (Ord. 12571 §63; May 8, 1979).

> *ANNOT.: Backstop for tennis court is not a "fence" but a structure subject to the code height for a building. Shamberg v. City of Lincoln, 174 Neb. 146, 116 N.W.2d 18 (1962).*
>
> *This ordinance is penal in nature and will be strictly construed. Id.*

27.03.620 Structural alteration.

Structural alteration shall mean any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. (Ord. 12571 §64; May 8, 1979).

27.03.625 Temporary Shelter for the Homeless.

Temporary shelter for the homeless shall mean a structure used as a day facility or temporary dwelling for transient or homeless individuals, but not including orphanages or foster homes, operated by a nonprofit religious, educational, or philanthropic institution. (Ord. 16070 §1; March 9, 1992: prior Ord. 13853 §1; May 21, 1984).

27.03.630 Townhouse.

Townhouse shall mean one of a group or row of not less than three nor more than twelve 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. The townhouse need not face upon a street if otherwise specifically provided in this title. 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. (Ord. 12571 §65; May 8, 1979).

27.03.635 Technology Transfer Industries or Applications.

Technology transfer industries or applications shall mean those industries or applications which involve research and development activities including laboratories, offices, and other support facilities which are required for basic and applied research and technology and for the distribution of products developed or manufactured on or off-site. They may also include prototype manufacturing of products developed on the site and off-site and some research and development-related light manufacturing or application processes consisting of the production, fabrication,

processing, or assembly of goods or products not necessarily by the developing entity and not necessarily at the developing laboratory. (Ord. 16902 §1; December 4, 1995: prior Ord. 16326 §1; March 15, 1993).

27.03.636 Warehouse.

Warehouse shall mean any commercial use of a building, or a portion of a building, that devotes at least 50% of the floor area for storing goods or materials or for distributing goods or materials to local or long distance carriers for transportation or delivery purposes. Floor area devoted to storing goods or materials or distributing goods or materials may be combined to calculate the required floor area. Such use of buildings, portions of buildings, or accessory uses to such buildings shall not be deemed a warehouse when direct retail sales to the public is the primary use. (Ord. 17418 §1; October 5, 1998).

27.03.640 Yard Line.

The yard line is a line on the lot running parallel to and the required horizontal distance from the nearest lot line. (Ord. 12571 §66; May 8, 1979).

27.03.650 Yard, Required.

Required yard shall mean 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, unenclosed balconies, or open porches, or as otherwise provided in this title. (Ord. 12571 §67; May 8, 1979).

27.03.660 Yard, Required Front.

The required front yard shall extend across the front of a lot between the side lot lines. There shall be a required front yard on each street side of a corner lot. (Ord. 12571 §68; May 8, 1979).

27.03.670 Yard, Required Rear.

The required rear yard shall extend across the rear of a lot between the side lot lines. On corner lots, the required rear yard may be to the rear of either street, provided that the minimum required rear yard shall be calculated on the longest average lot dimension. On interior lots, the required rear yard shall in all cases be at the opposite end of the lot from the front yard. (Ord. 12571 §69; May 8, 1979).

27.03.680 Yard, Required Side.

The required side yard shall extend between the front yard line and the rear yard line. There shall be only one required side yard on a corner lot. (Ord. 12571 §70; May 8, 1979).