

Chapter 26.07

DEFINITIONS

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26.07.010 Definitions; General.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is derivative, as the case may be. All words in the singular shall include the plural, and in the plural the singular. Each gender shall include the other. Each tense shall include the other tenses. (Ord. 11370 §1; May 19, 1975).

26.07.013 Access Road.

Access road shall mean a local street, road or access easement auxiliary to a major street for service to abutting property and adjacent areas and control of access. (Ord. 19233 §1; April 20, 2009).

26.07.015 Alley.

Alley shall mean a public way not designed for general travel or to allow through vehicular traffic, used as a secondary access to the rear or side of lots, which shall in no way be a street. (Ord. 11370 §1; May 19, 1975).

26.07.020 City.

City shall mean the City of Lincoln, Nebraska, and official acts of the Mayor and City Council. (Ord. 13157 §1; June 29, 1981; prior Ord. 11370 §1; May 19, 1975).

26.07.030 City Clerk.

City Clerk shall mean the City Clerk of the City of Lincoln. (Ord. 11370 §1; May 19, 1975).

26.07.040 Code.

Code shall mean the Lincoln Municipal Code. (Ord. 11370 §1; May 19, 1975).

26.07.050 Commission.

Commission shall mean the Lincoln City - Lancaster County Planning Commission. (Ord. 11370 §1; May 19, 1975).

26.07.070 Community Water System.

Community water system means any system, including various devices to collect, treat, store, and distribute the water, whether publicly or privately owned, serving two or more lots, supplying an adequate amount of potable water to the occupant of the lot or lots. (Ord. 14565 §1; December 15, 1986; prior Ord. 13157 §3; June 29, 1981; Ord. 11370 §1; May 19, 1975).

26.07.080 Comprehensive Plan.

The comprehensive plan shall mean the general plan for the improvement and development of the city adopted as required by the applicable charter provision or state statute. (Ord. 11370 §1; May 19, 1975).

26.07.085 Construction Activity.

Construction activity shall mean any land disturbance of one acre or more of total land area and less than one acre of total land area that is part of a common plan of development or sale. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the agricultural use of the land. (Ord. 18947 §1; June 25, 2007).

26.07.090 Corner Lot.

Corner lot means a lot which has frontage on two intersecting streets. (Ord. 11370 §1; May 19, 1975).

26.07.100 Council.

Council shall mean the City Council of the City of Lincoln. (Ord. 11370 §1; May 19, 1975).

26.07.110 Double Frontage Lot.

Double frontage lot means a lot which has frontage on two nonintersecting streets. (Ord. 11370 §1; May 19, 1975).

26.07.113 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. 18352 §1; May 10, 2004).

26.07.116 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. 18352 §3; May 10, 2004).

26.07.117 Floodplain.

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. (Ord. 18352 §4; May 10, 2004; prior Ord. 17904 §2; August 20, 2001; Ord. 14565 §2; December 15, 1986; Ord. 12270 §1; May 1, 1978; Ord. 11370 §1; May 19, 1975).

26.07.119 Floodprone Area.

Floodprone area shall mean those lands subject to a one percent or greater chance of flooding in any given year, as determined by hydrologic and hydraulic studies completed by the City or other government agency, or other acceptable source as approved by the City where this is the best available information. (Ord. 18352 §5; May 10, 2004).

26.07.121 Frontage.

Frontage means that portion of a parcel of property which abuts on a public street; provided, however, that the end of a temporary dead-end street shall not be considered frontage. (Ord. 14565 §3; December 15, 1986; Ord. 11370 §1; May 19, 1975).

26.07.122 Health Department.

Health Department shall mean the Lincoln-Lancaster County Health Department. (Ord. 11370 §1; May 19, 1975).

26.07.124 Individual Water Well System.

Individual water well system means a water system, including various devices to supply the water, other than a public or community water system, which supplies adequate potable water to no more than one lot. (Ord. 13157 §5; June 29, 1981; prior Ord. 11370 §1; May 19, 1975).

26.07.125 Lot.

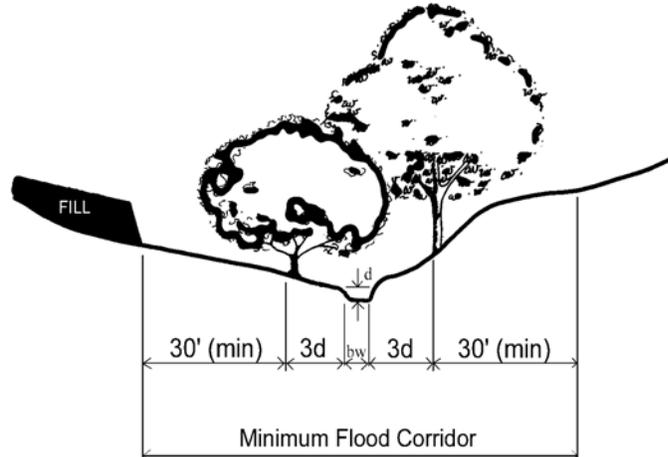
Lot means: (a) A portion of real property containing at least the area required, at the time it was created, by the zoning district in which it is or was located, abutting at least one public street or private roadway, or

(b) A parcel of real property with a separate and distinct number or other designation shown on a final plat approved by the city or by the Lancaster County Board recorded in the office of the Register of Deeds for Lancaster County, Nebraska. (Ord. 13157 §6; June 29, 1981; prior Ord. 11370 §1; May 19, 1975).

26.07.126 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. 18352 §6; May 10, 2004; prior Ord. 17617 §1; February 22, 2000).

26.07.127 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. 18352 §7; May 10, 2004).

26.07.130 On-site Wastewater Treatment System.

On-site wastewater treatment system shall mean any system of piping, treatment devices, or other appurtenances that convey, store, treat, or dispose of wastewater on the property where it originates, or on nearby property under the control of the user, where the system is not connected

to a wastewater works. All systems are limited to a maximum size of 1000 gallons per day to be considered an on-site wastewater treatment system. (Ord. 18352 §8; May10, 2004: prior Ord. 17959 §3; January 28, 2002).

26.07.135 Outlot.

A parcel of real property having access to at least one public street or private roadway, but not presently designated for building or occupancy, reserved for future building or occupancy after platting and subdivision, or reserved for open space and common facilities. (Ord. 18502 §1; February14, 2005: prior Ord. 18352 §9; May 10, 2004: Ord. 17959 §4; January 28, 2002: P.C.§ 26.07.127 - Ord. 13956 §1; September 17, 1984: Ord. 11370 §1; May 19, 1975).

26.07.137 Permit in Conformance with Chapter 28.01.

Permit in conformance with Chapter 28.01 shall mean a Construction Stormwater Permit which authorizes the permittee to proceed with the work described in the permittee's Notice of Intent (NOI) and is conditioned upon strict compliance with all ordinances, rules and regulations of the City. (Ord. 18947 §2; June 25, 2007).

26.07.138 Person.

Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, including their legal representatives, agents, or assigns. (Ord. 18947 §3; June 25, 2007).

26.07.140 Planning Director.

Planning Director shall mean the director of the Lincoln City-Lancaster County Planning Department. (Ord. 11370 §1; May 19, 1975).

26.07.145 Private Roadway.

Private roadway shall mean a designated area on an approved special permit, use permit, planned unit development, or subdivision, that is privately owned and that is used or intended to be used for the principal purpose of serving as vehicular access to abutting property. (Ord. 18502 §2; February 14, 2005: prior Ord. 13157 §7; June 29, 1981).

26.07.160 Public Works and Utilities.

Public Works and Utilities shall mean the Department of Public Works and Utilities of the City of Lincoln. (Ord. 16950 §2; March 11, 1996: prior Ord. 11370 §1; May 19, 1975).

26.07.164 Stop Work Order.

Stop work order shall mean an order by the City to cease any construction activity occurring at or within the development site, whether or not such activity was permitted by this chapter. Upon issuance of a stop work order, no further construction activity may be commenced at the site until the violation or compliance failure is corrected, with the exception of measures to correct the violation. (Ord. 18947 §4; June 25, 2007).

26.07.166 Storm Drainage System.

Storm drainage system shall mean any conveyance, system of conveyances, or other structure, including but not limited to any roads with drainage systems, public streets, private roadways, sidewalks, catch basins, curbs, gutters, ditches, inlets, piped storm drains, pumping

facilities, natural and man-made or altered drainage channels, reservoirs, or other stormwater storage facilities designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage. (Ord. 18947 §5; June 25, 2007).

26.07.167 Stormwater.

Stormwater shall mean stormwater runoff, snow melt runoff, and surface runoff and drainage. (Ord. 18947 §6; June 25, 2007).

26.07.168 Stormwater Pollution Prevention Plan (SWPPP).

Stormwater Pollution Prevention Plan (SWPPP) shall mean a plan for the prevention, minimization, and control of soil erosion and sedimentation resulting from any construction activity, and may include without being limited to, any Best Management Practices (BMPs) incorporated into the SWPPP, as set forth in Chapter 28.01 of the Lincoln Municipal Code. (Ord. 18947 §7; June 25, 2007).

26.07.170 Subdivision.

Subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel created is more than ten acres in area.

The conveyance of portions of vacated or abandoned right-of-way by a governmental entity to abutting property owners shall not be considered subdivision when the right-of-way so vacated or abandoned is to be used only in combination with such abutting property. The vacated or abandoned right-of-way may not thereafter be devoted to a separate use without complying with all otherwise applicable requirements for lots within the zoning district in which such former right-of-way is situated. (Ord. 15792 §1; December 10, 1990: prior Ord. 12871 §1; March 17, 1980: Ord. 11370 §1; May 19, 1975).

26.07.180 Temporary Turnaround.

Temporary turnaround shall mean a surfaced area for the turning of vehicles at the end of a temporary dead-end street. (Ord. 13157 §8; June 29, 1981).

26.07.190 Major Street.

Major street shall mean a street described in the comprehensive plan as an arterial. (Ord. 18502 §3; February 14, 2005: prior Ord. 13157 §9; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.07.200 Collector Street.

Collector street means a local street that is used or intended to be used to congregate traffic from several local streets and route such traffic to a major street. (Ord. 11370 §1; May 19, 1975).

26.07.210 Local Street.

A local street means any public street that is used or intended to be used for the principal purpose of serving as vehicular access to abutting property. (Ord. 13157 §10; June 29, 1981: prior Ord. 11370 §1; May 19, 1975).

26.07.220 Cul-de-sac.

Cul-de-sac means a local street which terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point. (Ord. 11370 §1; May 19, 1975).

26.07.230 Temporary Dead-end Street (Stub Street).

Temporary dead-end street shall mean a street which is terminated at the boundary line of the subdivision, but which will be required to be extended at a later date to provide access to abutting land. (Ord. 13157 §11; June 29, 1981: prior Ord. 11370 §1; May 19, 1975).

26.07.240 Wastewater Works.

Wastewater works shall mean facilities, whether public or community (private), for collecting, transporting, pumping, treating, discharging or disposing of treated effluent and disposing or utilizing biosolids generated by wastewater treatment facilities. (Ord. 18352 §10; May 10, 2004: prior Ord.17959 §5; January 28, 2002).