

CHAPTER 27.02

DEFINITIONS

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27.02.010 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. 19733 §1; June 25, 2012).

27.02.020 A.

Abutting. Abutting shall mean adjacent or contiguous and shall include property separated by an alley.

Academies. Academies shall mean education and instruction facilities including but not limited to dance or music academies gymnastic or martial arts schools. Academies shall not

include early childhood care facilities, public schools, or private schools that meet the State of Nebraska requirements for elementary or secondary education, or industrial trade schools.

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.

Adult Day Service Facility. Adult day service facility shall mean a facility where care and an array of social, medical, or other support services are provided for a period of less than twenty four consecutive hours to four or more persons who require or request such services due to age or functional impairment outside of the person's home or facility the person resides in. Adult day service does not include a group home.

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.

Agricultural Attraction. Agricultural attraction shall mean a premises used primarily for agriculture for the purpose of raising and harvesting crops for sale, but that also includes a limited amount of area devoted to the provision of entertainment for a period of no more than four months per year. Examples of agricultural attractions include, but are not limited to, pumpkin patch, apple orchard or corn maze where in addition to agricultural production there are areas for sale of other goods and entertainment. Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles.

Alley. Alley shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

Alternative to Imprisonment Facility. Alternative to imprisonment facility shall mean a facility in which more than three but less than sixteen persons who are unrelated by blood, marriage, or adoption reside under a supervised program of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs. Such facilities shall be licensed or approved by the State of Nebraska or other appropriate agency if so required.

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 definition:

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.

Animal Hospital. See Veterinary Facility

Apartment. See multiple dwelling unit.

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.

Apartment House. See Dwelling, multiple.

Assisted-living Facility. Assisted-living facility shall mean a facility where shelter, food, and care are provided for remuneration for a period of more than twenty-four consecutive hours to four or more persons residing at such facility who require or request such services due to age, illness, or physical disability.

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. 19733 §1; June 25, 2012).

27.02.030 B.

Basement. Basement shall mean that portion of a building between the lowest floor and the ceiling above which is fully below grade or partly below grade and partly above grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

Boarding. Boarding shall mean caring for, feeding, watering, or sheltering a pet animal belonging to another by any person or business for pay, trade, barter, commission, or remuneration of any sort.

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 noncommercial radio towers not exceeding fifty feet in height and amateur radio antenna installations shall not be considered broadcast towers.

Building. Building shall mean any structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property.

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. 20372 §2; August 29, 2016; prior Ord. 19733 §1; June 25, 2012).

27.02.040 C.

Campground. Campground shall mean a parcel of land intended for temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle.

Care. Care shall mean the exercise of concern or responsibility for the comfort, welfare, and habilitation of persons, including a minimum amount of supervision and assistance with or the provision of personal care, activities of daily living, health maintenance activities, or other supportive services.

For purposes of this definition:

Activities of daily living shall mean transfer, ambulation, exercise, toileting, eating, self administered medication, and similar activities;

Health maintenance activities shall mean noncomplex interventions which can safely be performed according to exact directions, which do not require alteration of the standard procedure, and for which the results and resident responses are predictable; and

Personal care shall mean bathing, hair care, nail care, shaving, dressing, oral care, and similar activities.

Center for the Developmentally Disabled. Center for the developmentally disabled shall mean a facility where shelter, food, and care, advice, counseling, diagnosis, treatment, or related services are provided for a period of more than twenty four consecutive hours to sixteen or more persons residing at such facility who have developmental disabilities.

Change of Use. Change of use shall mean the replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

Childhood Care Facility. See Early Childhood Care Facility.

Children's Home. Children's home shall mean a facility engaged in the service of exercising 24-hour daily care, supervision, custody, or control over sixteen or more children for compensation or hire in lieu of the care or supervision normally exercised by parents in their own home.

Church. See definition for Place of Religious Assembly.

Club. Club shall mean a building or facility owned or operated by persons associated for a social, educational, civic, cultural, labor, or professional 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 building of religious assembly, or social hall or the occasional accessory use of a private residence as a meeting place.

Commercial Feed Lot. See Confined Feeding Facility.

Commercial Solar Energy Conversion System. Commercial Solar Energy Conversion System shall mean a commercial grade solar energy conversion system (CSECS) intended to be used primarily to provide off-site power.

Commercial Wind Energy Conversion System/ Turbine (CWECS). Commercial Wind Energy Conversion System/Turbine shall mean a commercial grade wind energy conversion system (WECS) of over 100 Kilowatt (KW) plate rated capacity and intended to be used primarily to provide off-site power.

Confined Feeding Facility. Confined feeding facility shall mean a facility where the principal business is the feeding of livestock or poultry, also called a commercial feedlot.

Contractor Services. Contractor services shall mean a business which provides a service which is primarily performed off-site. Few customers visit the site. Common examples of contractor services include plumbing, heating, electrical, and air conditioning service, exterminator service, lawn and garden service, and construction services. Contractor services

shall not include garbage or recycling hauling services or tree service. Outdoor storage, machinery, trucks, and service vehicle fleets are common accessory uses. (Ord. 20372 §3; August 29, 2016; prior Ord. 20171 §1; March 16, 2015: Ord. 19733 §1; June 25, 2012).

27.02.050 D.

Data Center. Data center shall mean an office building used to house computer or telecommunication systems and associated components, such as computer servers, telecommunications and related storage systems.

Disability or Handicap. Disability or handicap shall mean, with respect to a person:

- (a) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (b) A record of having such an impairment; or
- (c) Being regarded as having such an impairment.

Disability shall not include current, illegal use of or addiction to a controlled substance as defined by state law.

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.

Domestic Employee. Domestic employee shall mean an employee such as a household servant, gardener, caretaker, or chauffeur whose work is usually necessary or desirable for the maintenance and enjoyment of his or her employer's dwelling.

Domestic Shelter. Domestic shelter shall mean a temporary shelter for individuals and their children affected by domestic violence. Such use may provide temporary boarding, lodging, counseling, and support services and shall comply with all applicable state licensure requirements.

Dormitory. Dormitory shall mean a type of congregate living facility, affiliated with a college or university, containing a number of private or semi-private rooms for students, usually with common facilities such as bathrooms, dining halls, and recreational areas. Individuals residing in a dormitory do not typically meet the definition of family and do not live as a single housekeeping unit. Individual dormitory rooms do not typically have full kitchens.

Dwelling. Dwelling shall mean any building or portion thereof which is designed and used for residential purposes.

Dwelling for Members of a Religious Order. Dwellings for members of a religious order shall mean a type of congregate living facility containing sleeping rooms, bathrooms, common rooms, dining areas, and a central kitchen maintained exclusively for four or more resident members and their guests or visitors. The order is affiliated with a religious assembly or religious institution.

Dwelling, Non-Related Persons. Dwellings for four to six persons not immediately related by blood, marriage, or adoption and living as a single housekeeping unit.

Dwelling, Single-family. Single-family dwelling shall mean a dwelling having accommodations for and occupied by one family.

Dwelling, Two-family. Two-family dwelling shall mean a dwelling having accommodations for and occupied by two families.

Dwelling, Multiple. Multiple dwelling shall mean a dwelling having accommodations for and occupied by more than two families. (Ord. 19733 §1; June 25, 2012).

27.02.060 E.

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.

Effective Date of This Title. Effective date of this title shall mean May 23, 1979.

Elderly or Retirement Housing. Elderly or retirement housing shall mean a residential development 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. Dwellings may be detached, attached, or multiple-family.

Enclosed Disassembly Salvage/Recycling Operation. Enclosed disassembly salvage/recycling operation shall mean a salvage or recycling operation where all wrecking, dismantling, and storage of material is inside a building or buildings.

Excavation. Excavation shall mean the removal of clay, soil, limestone, sandstone, sand, or gravel from the earth on a project site in excess of one acre by excavating, stripping, leveling, or any other process together with all other types of mining and quarrying operations for material that is removed from the earth. Excavation shall not include grading of land in accordance with an approved preliminary plat, building permit, or normal farming practices

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. 19733 §1; June 25, 2012).

27.02.070 F.

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:

- (a) A person residing with a family for the purpose of adoption;
- (b) Not more than six persons under nineteen years of age, residing in a foster home licensed or approved by the State of Nebraska;
- (c) 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;
- (d) Any person who is living with a family at the direction of a court.

Farm Winery. Farm winery shall mean any enterprise which produces and sells wines produced from grapes, other fruit, or suitable agricultural products of which seventy-five percent (75%) is grown in the State of Nebraska, or which has received a waiver of the 75% requirement from the Nebraska Liquor Control Commission.

Feedlot, Commercial. See Confined Feeding Facility.

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.

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. (See Chapters 27.52 and 27.53 for additional definitions.)

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.

Food or Drink Establishment. Food or drink establishment shall mean an operation that stores, prepares, packages, serves, vends or otherwise provides food or drinks for immediate human consumption.

Fraternity or Sorority. Fraternity or sorority shall mean a type of congregate living facility containing sleeping rooms, bathrooms, common rooms, dining areas, and a central kitchen maintained exclusively for members and their guests or visitors. The facility is affiliated with a college or university.

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. 19733 §1; June 25, 2012).

27.02.080 G.

Garage, Private. Private garage shall mean an accessory building designed or used for storage by the occupants of the building to which it is accessory.

Garden Center. Garden center shall mean one or more buildings 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 tractors.

Grade shall mean:

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Greenhouse. Greenhouse shall mean a building 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.

Group Home. Group home shall mean a building or structure licensed or approved by the State or an appropriate agency, if required, used as any one of the following:

- (a) A facility in which more than three but less than sixteen disabled persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care;

- (b) A facility engaged in the service of exercising 24-hour daily care, supervision, custody, or control over more than three but less than sixteen children, for compensation or hire in lieu of the care or supervision normally exercised by parents in their own home. (Ord. 20373; August 29, 2016; prior Ord. 20372 §4; August 29, 2016; Ord. 19733 §1; June 25, 2012).

27.02.090 H.

Hazardous Materials. Hazardous materials shall mean substances defined by the Secretary of Transportation in (49 U.S.C. 5103) and those materials listed in the Hazardous Materials Table 49 CFR 172.101.

Health Care Facility, Non-Residential. Non-residential health care facility shall mean a building or structure that generally includes an office environment, outpatient services and little to no permanent residential component but which may allow for a stay in the facility by patients receiving care for more than 24 hours. These facilities shall be licensed or approved by the state or an appropriate agency, if required. A hospital is an example of a non-residential health care facility.

Health Care Facility, Residential. Residential health care facility shall mean a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Memory Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care, and may include independent living units.

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.

Home Occupation. Home occupation shall mean any occupation or activity carried on within a dwelling unit or accessory building by a person or persons 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.

Hospital. Hospital shall mean a facility where diagnosis, treatment, medical care, obstetrical care, nursing care, or related services are provided on an outpatient basis or on an inpatient basis for a period of more than twenty four consecutive hours to persons who have an illness, injury, or deformity or to aged or infirm persons requiring or receiving convalescent care. A hospital may include accessory 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 premises and the doctors and dentists involved therein must be on the staff of the hospital.

Hotel or Motel. Hotel or motel shall mean a facility offering transient lodging accommodations to the general public and which also may provide additional services, such as food establishments, meeting rooms, entertainment, or recreational opportunities.

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. 20372 §5; August 29, 2016: prior Ord. 19827 §1; February 25, 2013: Ord. 19733 §1; June 25, 2012).

27.02.100 I.

Intermediate Care Facility. Intermediate care facility shall mean a facility where shelter, food, and nursing care or related services are provided for a period of more than twenty four consecutive hours to persons residing at such facility who are ill, injured, or disabled and do not require hospital or skilled nursing facility care.

Intermediate Care Facility for the Developmentally Disabled. Intermediate care facility for the developmentally disabled shall mean a facility where shelter, food, and training or habilitation services, advice, counseling, diagnosis, treatment, care, nursing care, or related services are provided for a period of more than twenty four consecutive hours to four or more persons residing at such facility who have developmental disabilities or related conditions, including epilepsy and cerebral palsy.

Indoors. Indoors shall mean an area enclosed by a floor, ceiling, and floor-to-ceiling walls on all sides that are continuous and solid except for closeable entry/exit doors and windows. (Ord. 19733 §1; June 25, 2012).

27.02.110 J. [Reserved]

(Ord. 19733 §1; June 25, 2012).

27.02.120 K.

Kennel. Kennel shall mean any building, yard, enclosure or place where pet animals as defined by Lincoln Municipal Code Section 6.02.420 owned by another person are temporarily boarded, indoors or outdoors, for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or veterinary facilities operated by veterinarians duly licensed under the laws of the State of Nebraska. (Ord. 19733 §1; June 25, 2012).

27.02.130 L.

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.

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.

Lot. Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this title, and generally fronting upon a street. A lot may front upon a private roadway, or have other frontage requirements if specifically provided in this title.

Lot, Corner. Corner lot shall mean a lot abutting two or more streets at their intersection.

Lot, Depth of. Depth of lot shall mean the average horizontal distance between the front and rear lot lines.

Lot, Double Frontage. Double frontage lot shall mean a lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

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.

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. 19733 §1; June 25, 2012).

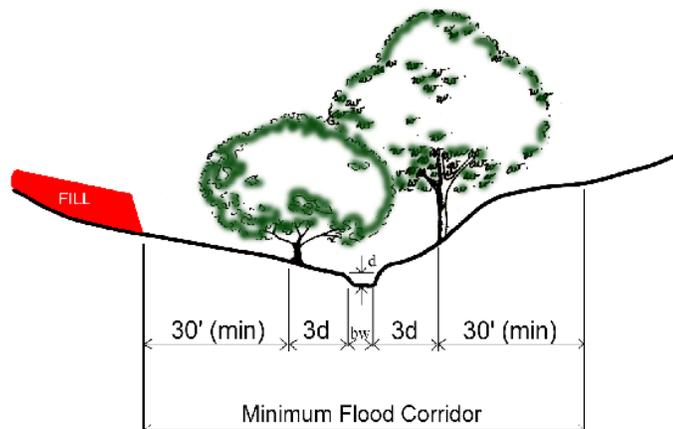
27.02.140 M.

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.

Market Garden. Market garden shall mean a relatively small scale farming operation (20 to 40 acres in size) where the production of a diversity of fruits, vegetables, herbs and flowers is grown for sales primarily for direct human consumption rather than as feed for animals or for major processing before consumption. Market gardens are distinguished from other types of farming by the inclusion of accessory uses not typically found on farms. These accessory uses may include restaurants, agricultural education and training centers, agricultural tourism, or sales of agricultural products not grown on site.

Mental Health Center. Mental health center shall mean a facility where shelter, food, and counseling, diagnosis, treatment, care, or related services are provided for a period of more than twenty four consecutive hours to persons residing at such facility who have a mental disease, disorder, or disability.

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.



Mini-warehouse. Mini-warehouse shall mean a storage facility containing individual compartments or lockers designed to serve multiple persons and small businesses. Storage bays shall not be interconnected by interior doors or other interior means providing access from one storage bay to another.

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.

Motor Fuel Sales Facility. Motor Fuel Sales Facility shall mean any building or premises used for the retail dispensing or sale of motor fuels as defined in Neb. Rev. Stat. § 66-712 R.R.S. 1943 as amended. Motor Fuel Sales Facilities are often commonly referred to as filling stations, gas stations, convenience stores or service stations.

Motorized Vehicle. Motorized vehicle shall mean automobiles including pick-up trucks, motorcycles, all terrain vehicles, recreational vehicles, snow mobiles, watercraft, farm machinery or other motorized vehicles not elsewhere defined. Motorized wheel chairs for human mobility and toys, shall not be considered a motorized vehicle. Trucks as defined in Section 27.02.210 are also not considered a motorized vehicle.

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. 20372 §6; August 29, 2016; prior Ord. 19733 §1; June 25, 2012).

27.02.150 N.

Neighborhood Support Services. Neighborhood support services shall mean those human, social, educational, counseling, health, and other support services provided primarily for the support of persons residing in adjacent residential areas, which occur frequently and so require facilities in relative proximity to places of residence and do not include residential or overnight accommodations.

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.

Nonconforming Use. Nonconforming use shall mean the use of any dwelling, building, structure, lot, land, sign 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.

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.

Nursing Care Facility. Nursing care facility shall mean a facility where medical care, nursing care, rehabilitation, or related services and associated treatment are provided for a period of more than twenty four consecutive hours to persons residing at such facility who are ill, injured, or disabled. (Ord. 19733 §1; June 25, 2012).

27.02.160 O.

Office. Office shall mean a room or group of rooms within a building used for conducting the affairs of professional, commercial, industrial, religious, institutional, public, or semipublic persons or organizations, provided no goods, wares, or merchandise shall be prepared or sold on the premises except that a portion of a building used for offices 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. Offices and studios within a broadcast station shall be considered to be an office use; broadcast towers as defined in this title shall not be so considered.

Office use shall also include an office or clinic used by a health care practitioner, or group of practitioners, including other accessory or ancillary 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 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.

Outdoor Dining. Outdoor dining shall mean an open area for dining when associated with a food or drink establishment in which tables and seats are uncovered or covered by a permanent roof or individual umbrellas or canopies (no tents or other types of temporary structures) and may be surrounded by a fence.

Outlot. Outlot shall mean a parcel of real property with a separate and distinct outlot designation shown on a final plat recorded in the office of the Register of Deeds for Lancaster County, Nebraska, and which is reserved for future building or occupancy after replatting and subdivision or reserved for agricultural uses, open space or common facilities.

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. 20372 §7; August 29, 2016: prior Ord. 19898 §1; July 29, 2013: Ord. 19733 §1; June 25, 2012).

27.02.170 P.

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.

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.

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.

Personal Services. Personal Services shall mean establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Such services may include but are not limited to: beauty shops, barbershops, shoe repair, funeral services, nail salons, health clubs, domestic services, dry cleaning drop off stations including cleaning and pressing and diaper services.

Place of Religious Assembly. Any use of a building or premises by a religious organization, as defined in the Nebraska Administrative Code, for religious worship, religious services, and/or religious training (Title 350, Chapter 40 – Property Tax Exemption Regulations, or as may be amended from time to time by the State of Nebraska).

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.

Private College. Private college shall mean privately owned education and instruction facilities for post-secondary education.

Private School. Private school shall mean privately owned education and instruction facilities that meet the State of Nebraska requirements for elementary or secondary education. Private school shall not mean academies, early childhood care facilities, private colleges, or vocational schools. (Ord. 20372 §8; August 29, 2016; prior Ord. 19733 §1; June 25, 2012).

27.02.180 Q. [Reserved]
(Ord. 19733 §1; June 25, 2012).

27.02.190 R.

Recreational Facilities, Outdoor. Outdoor Recreational facilities shall mean facilities primarily for participation in recreational activities such as but not limited to tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, skate boarding, swimming, golf and outdoor shooting or archery ranges. 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.

Recreational Facilities, Enclosed Commercial. Enclosed commercial recreational facilities shall mean facilities which are enclosed in a building and used for recreation including but not limited to: golf, racquetball, tennis, and other court games, fitness centers, bowling, skating, skate boarding, rock climbing, video gaming, indoor shooting or archery ranges, paint ball, laser tag or swimming.

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 a motorized 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.

Retail Sales. Retail sales shall mean selling of merchandise directly to the consumer usually from a fixed location or by mail.

Retail Sales, Outdoor. Outdoor retail sales shall mean generally the sale of large goods or large number of goods that requires the outdoor display and marketing of such goods.

Recyclables. See definition in Chapter 5.41.

Recycling Center. See definition in Chapter 5.41.

Recycling Processing Center. See definition in Chapter 5.41. (Ord. 19733 §1; June 25, 2012).

27.02.200 S.

Salvage Material. See definition in Chapter 5.41.

Salvage Operation and Salvage Material. See definition in Chapter 5.41.

Salvage Yard. Salvage yard shall mean any salvage operation, recycling center, or recycling processing center where any wrecking, dismantling, or holding of salvage material or recycling of recyclables as defined in Chapter 5.41 is wholly or partially outside a building for more than 30 days.

Satellite College. Satellite college shall mean a post-secondary educational institution whose main campus is located on another premises or in another city. Uses consist primarily of classrooms and offices. Student housing is not considered customary or accessory.

School. School shall mean an institution where instruction is given and shall include the following institutions: Academies, Private College, Private School, Satellite College, Vocational Schools.

Service and Repair Facility. Service and/or Repair Facility shall mean a facility that performs routine maintenance or repair work. Such facilities would include but not be limited to repair and maintenance of home and office equipment, electrical appliances, radios, televisions, lawn and garden equipment repair, appliance, bicycle, electrical, furnace shops, and rental equipment. Service and repair facility does not include the service or repair of motorized vehicles.

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:

- (a) Persons who appear showing specified anatomical areas.
- (b) 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.

Sign. (See definition of Sign in 27.69.020).

Small Batch Concrete Dispensing Unit. Small batch concrete dispensing unit shall mean a machine or device with a mixing chamber with a capacity no greater than one-fourth of a cubic yard and mixing materials are totally enclosed.

Social Hall. Social hall shall mean a building or premises available for rent on a daily basis to be used for social, educational, or civic gatherings, including, but not limited to, charitable fund raising events, wedding receptions, family reunions, educational seminars, neighborhood meetings, or similar events.

Solar Screen. Solar screen shall mean a device attached to a building to provide shading for glazed areas thereof.

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.

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.

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 the ground elevation at any point, such basement, cellar, or unused underfloor space shall be considered as a story.

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.

Street Centerline. Street centerline shall mean a line midway between street lines except under conditions specified in Section 27.72.170.

Street Line. Street line shall mean a dividing line between a lot, tract, or parcel of land and a contiguous street.

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.

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. 20108 §1; November 17, 2014; prior Ord. 19970 §6; December 16, 2013; Ord. 19733 §1; June 25, 2012).

27.02.210 T.

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.

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.

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 and each unit is on its own lot. 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.

Tree Service. Tree service shall mean a building or premises used primarily in support of a business engaged in tree and stump removal, tree and shrub trimming, stump grinding, pin oak injection, insect and disease control, tree nutrients, processing wood chips and firewood, and land clearing. The premises may be used for the processing and storage of tree related products and byproducts produced only by the business located on the premises and the parking of trucks, grinders and related equipment, but no retail sales of products shall be allowed on the premises.

Truck. Truck shall mean large commercial vehicles which require a Class A or B drivers license such as concrete trucks, freight trucks and trucks with semitrailers.

Truck Stop. Truck stop shall mean a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles, including fuel sales and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and food or drink establishments. (Ord. 19733 §1; June 25, 2012).

27.02.220 U.

Urban Garden. Urban garden shall mean a plot of ground where plants are cultivated by multiple people; including accessory items for cultivation, including but not limited to sheds, trellises, fences and utilities, but excluding greenhouses. (Ord. 20372 §9; August 29, 2016; prior Ord. 19733 §1; June 25, 2012).

27.02.230 V.

Veterinary Facility. Veterinary facility shall mean any establishment or business maintained and operated by a veterinarian or veterinarians for examination, prophylaxis, surgery, diagnosis and treatment of diseases or injuries of animals including indoor or outdoor boarding of animals under treatment or benefit of the client; provided, said veterinarian or veterinarians are duly licensed under the laws of the State of Nebraska.

Vocational Schools. Vocational schools shall mean facilities for training and instruction in business and vocational skills. (Ord. 19733 §1; June 25, 2012).

27.02.240 W.

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.

Wind Energy Conversion System (WECS). Wind energy conversion system shall mean any device, such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy. (Ord. 19733 §1; June 25, 2012).

27.02.250 X. [Reserved]

(Ord. 19733 §1; June 25, 2012).

27.02.260 Y.

Yard Line. The yard line is a line on the lot running parallel to and the required horizontal distance from the nearest lot line.

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.

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.

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.

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. 19733 §1; June 25, 2012).

27.02.270 Z. [Reserved]

(Ord. 19733 §1; June 25, 2012).